

AL O.	C.P. NO.		REPORTS		REMARKS	CAL. NO.	C.P. NO.		REPORTS		REMARKS
			TO	FROM					TO	FROM	
		MINUTES				47					
1	N 870476 -	477	PPR		Approved Sched 4/1/87	48					
2	C 870226	HAX			" "	49					
3	C 860867	GFK			" "	50					
4	N 870669	ZRM			" "	51					
5	N 870385	ZRY			" "	52					
6	N 870197 NOTICE	ZRY(A)			" "	52					
6	C 860355	BEY			Withdrawn	53					
7	C 870462 -	466	PPX		Hearing Closed	54					
8	C 860401	PPK			" "	55					
9	C 870467 -	473	PPK		" "	56					
10	C 870370	HAK			" "	57					
11	N 870083	HGK			" "	58					
12	C 870084	HUK			" "	59					
13	C 870085	HDK			" "	60					
14	C 841069	MMK			" "	61					
15	C 860685	ZMK			" "	62					
16	C 860686	ZSK			" "	63					
17	C 860687	ZSK			" "	64					
18	C 860688	ZSK			" "	65					
19	C 860689	ZSK			" "	66					
20	C 860690	ZSK			" "	67					
21	C 860691	ZSK			" "	68					
22	C 860691	ZSK(A)			" "	69				Present	
23	C 860692	ZSK			" "	70				Chair. Deutsch	
24	C 860693	ZSK			" "	71				Comm. Gagliardo	
25	NOTICE C 870474 -	475	PPQ		Withdrawn	72				" Scannell	
26	C 831956	ZSM			Cont. to 4/1/87	73				" Scheinberg	
27	C 870478	HAM			Hearing Closed	74					
28	C 860778	HAM			" "	75				Adjourned at 4:03 p.m.	
29	N 850487	ZRY			" "	76					
30	N 850487(A)	ZRY			" "	77					
31	N 870197	ZRY			Cont to 4/1/87	78					
32	N 850445	ZAR			Auth. Approved	79					
33	N 870666	HKR			Laid Over	80					
34	N 870667	HKR			" "	81					
35	N 870668	HKR			" "	82					
36	C 870101	HAX	✓		Fav. Rept. Adopted	83					
37	C 870402	PPX	✓		" " "	84					
38	C 870266	PPK	✓		" " "	85					
39	C 870395 -	400	PPK	✓	" " "	86					
40	C 851927	ZSM	✓		" " "	87					
41	C 860650	ZSM	✓		" " "	88					
42	C 860657	PLM	✓		" " "	89					
43	C 850337	ZSM	✓		" " "	90					
44	N 870443	ZRY			Laid Over	91					
45						92					
46						93					

**COMPREHENSIVE
CITY PLANNING CALENDAR**

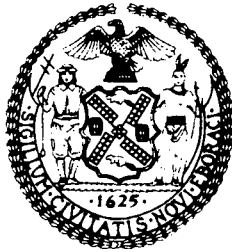
of

The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, March 18, 1987

**MEETING AT 10:00 A.M.
in the
CITY HALL**



Edward I. Koch, Mayor

City of New York

[No. 5]

Prepared by Lory R. Alcala, Calendar Officer

CITY PLANNING COMMISSION

**GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS**

1. A quorum shall consist of four members.
2. Final action by the Commission shall be by the affirmative vote of not less than four members.
3. Except by unanimous consent, matters upon which public hearings are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE—Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

CALENDARS: Any member of a Community Planning Board, any civic association or non-profit organization may write the Calendar Officer of the Commission to be placed on the mailing list to receive the Comprehensive City Planning Calendar which consists of the City Planning Commission Public Meeting Calendar, Supplemental Calendar and Special Meeting Calendar, and Community Board Public Hearing Notices. Calendars are also available to the public in the Calendar Information Office, 2 Lafayette Street, Room 1614, New York, N.Y. 10007. Any other individual or organization wishing to be placed on the calendar mailing list (\$60.00 for a two year subscription pro-rated) may do so by contacting the Calendar Information Office, 566-8510.

B

CITY PLANNING COMMISSION

2 Lafayette Street, New York, N.Y. 10007

SYLVIA DEUTSCH, *Chairperson*

SALVATORE C. GAGLIARDO

DANIEL T. SCANNELL,

DENISE M. SCHEINBERG, *Commissioners*

LORY R. ALCALA, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a.m. in City Hall, Manhattan, unless otherwise ordered.

ORDER OF BUSINESS AND INDEX

WEDNESDAY, March 18, 1987

Calendar No. 5

I. Roll Call; approval of minutes	1
I. Scheduling April 1, 1987	1
II. Public Hearings	
III. Reports	

**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 1614, 2 Lafayette Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for April 1, 1987, in City Hall, Room 16, Manhattan, at 10:00 a.m.

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearings" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials and Community Board Chairpersons will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in opposition and those speaking in support of the proposal.

Length of Testimony: In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written Comments: If you intend to submit a written statement and/or other documents please submit 10 sets of each.

Anyone wishing to present facts or to inform the Commission of their views on an item in this calendar, but who cannot or do not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

**CITY PLANNING COMMISSION
Calendar Information Office—Room 1614
2 Lafayette Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office—Room 1614, 2 Lafayette Street.)

Subject _____

Date of Hearing _____ Calendar No.: _____

Borough _____ Identification No.: _____

CB No.: _____

Position:

Opposed _____

In Favor _____

Comments: _____

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

WEDNESDAY, March 18, 1987

APPROVAL OF MINUTES OF Special Meeting of February 23, 1987

**I. PUBLIC HEARINGS ON THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, APRIL 1, 1987
STARTING AT 10 A.M. IN CITY HALL, MANHATTAN**

BOROUGH OF STATEN ISLAND

No. 1

CD 1,3

N 870476-477 PPR

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of eight (8) City-owned properties.**

<u>ULURP #</u>	<u>C.B.</u>	<u>Block</u>	<u>Lot</u>	<u>Location</u>
870476PPR	1	23	40	21 Brooke Street
"	"	1261	54	E/S South Avenue, 48 Ft. S/O Brabant Street
"	"	1456	20	N/W/C Leonard and Glascoe Avenues
"	"	216	75	Interior lot 73 Feet E/O Caroline Street and 100 Feet S/O Cary Ave.
870477PPR	3	4409	52	S/S/O Pinewood Avenue, 40 Ft. E/O Andrews Avenue
"	"	4440	31	S/E/C Richmond Hill Rd. and West Cedarview Avenue
"	"	4617	23	S/E/C Gibson and Schley Avenues
"	"	6705	74	S/S Hanover Avenue, 255 Ft. W/O Hylan Blvd.

A list and description of the properties can be seen at the City Planning Commission, 2 Lafayette Street—Room 1614, New York, N.Y. 10007.

Resolution for adoption scheduling April 1, 1987 for a public hearing.

BOROUGH OF THE BRONX

No. 2

CD 7

C 870226 HAX

IN THE MATTER OF the designation and disposition of city-owned property, pursuant to the Urban Development Action Area Act and Section 197-c of the New York City Charter.

Approval of three separate matters is requested:

- 1) The designation of 2805 Creston Avenue (block 3118, lot 132, as an Urban Development Action Area.
- 2) Approval of an Urban Development Action Area Project for such property; and
- 3) Disposition of such property to a developer to be selected by the Department of Housing Preservation and Development.

Resolution for adoption scheduling April 1, 1987 for a public hearing.

BOROUGH OF BROOKLYN

No. 3

CD 2

C 860867 GFK

IN THE MATTER OF an application submitted by Consolidated Edison Company of New York, Inc. pursuant to Section 197-c of the New York City Charter for the **grant of a 10-year revocable consent to construct, maintain and use** a 3 feet - 6 inches high by 205 feet - 3 inches long steel guard rail, on the 10 feet - 2 inches wide sidewalk at 245 Plymouth Street; with 22 posts, spaced 9 feet 9 inches apart, extending 1 foot - 2 inches south from the building line to protect the Con Edison-substation's air louvers from passing trucks while leaving 9 feet pedestrian clearance along the guard rail's entire length. **The proposed Plymouth Street guard rail is to be located 45 feet - 3 inches west from the corner Gold Street property line, to a point 30 feet - 6 inches east of the west side property line, on Block 29 Lot 9.**

(On January 28, 1987, Cal. No. 7, the Commission scheduled February 18, 1987 for a public hearing. On February 18, 1987, Cal. No. 14, the hearing was

closed. On February 24, 1987 the Calendar Office was advised that this item had been submitted to us in error and the calendar process was to start again.)

Resolution for adoption scheduling April 1, 1987 for a public hearing.

BOROUGH OF MANHATTAN

No. 4

N 870669 ZRM

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 81-71 to extend the sunset date for the Theatre Subdistrict from May 13, 1987 to November 13, 1987 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.

81-71

General Provisions

The regulations of Sections 81-72 to 81-74, inclusive, relating to Special Regulations for the Theatre Subdistrict are applicable only in the Theatre Subdistrict, whose boundaries are shown in Map No. 2 (Special Midtown District and Subdivisions). They supplement or modify the regulations of this Chapter applying generally to the *Special Midtown District* of which the Subdistrict is a part.

In order to preserve and protect the character of the Theatre Subdistrict as a cultural and theatrical showcase as well as to help insure a secure basis for the useful cluster of shops, restaurants and related amusement activities, special incentives and controls are provided for the preservation and rehabilitation of existing theatres and the addition of new theatres, and special restrictions are placed on ground floor uses and signage within the Subdistrict.

The Mayor of the City of New York shall appoint a Theatre Advisory Council (the "Council") and name a chairperson. Other members of the "Council" shall include representatives of the performing arts, the theatrical industry and related professions. The "Council" shall advise the City Planning Commission concerning applications for special permits or certifications pursuant to Section 81-74.

Applications shall be referred by the Commission to the "Council" of an advisory report prior to certification for ULURP (Uniform Land Use Review Procedure) review. Such advisory report shall assist the Commission in evaluating each special permit application and in making each of the required findings therein concerning demolition pursuant to Section 81-742 or the *floor area* bonus pursuant to Section 81-744 or 81-745. In all special permits or certifications involving the preservation or rehabilitation of existing theatres or the construction of new theatres, the "Council" shall advise the Commission on the adequacy of the assurances required by Section 81-743 for continuance of legitimate theatre use.

The regulations of Section 81-72 through 81-74 relating to a Special Theatre Sub-district will expire on [May 13, 1987] **November 13, 1987**. At that time or prior thereto, the City Planning Commission will submit to and the Board of Estimate will act upon further zoning action or actions based upon a comprehensive review undertaken by the City Planning Commission with the full participation and advice of the Theatre Advisory Council authorized herein. Such review will include additional planning proposals to strengthen the long-term viability of the legitimate theatres through alternative accommodations, such as but not limited to, the designation of the special character of the Theatre District, actions of the Landmarks Preservation Commission, consideration of air rights and implementation of special criteria for the theatre demolition permit.

Resolution for adoption scheduling April 1, 1987 for a public hearing.

CITYWIDE

No. 5

Citywide

**N 870385 ZRY
N 870197 ZRY (A)**

(Amendments to the Zoning Resolution pertaining to the establishment of new zoning districts; establishment of the Quality Housing Program; elimination of the special permit for Housing Quality Developments and modification of street wall and height regulations in certain contextual districts)

Note: The Quality Housing text amendments, N870385ZRY, were referred to all community and borough boards on November 10, 1986. These proposed amendments were based on the assumption that N870197ZRY, the R8B contextual zoning amendments, would be approved by the Board of Estimate prior to the Planning Commission's public hearing on Quality

Housing. Because additional time for public comment on N870197ZRY was provided, both proposed amendments are before the Planning Commission at the same time. To clarify the interrelationship of these two proposals, the Commission is hereby calendaring a combined text amendment, incorporating both N870197(A)ZRY and N870385ZRY.

The proposed R8B contextual zoning amendments, N870197ZRY, were referred to all community and borough boards on November 12, 1986. These amendments were the subject of a public hearing held by the Planning Commission on March 4 and 18, 1987.

The R8B amendments as modified, N870197(A)ZRY, have been integrated into Sections 23-51, 23-633, 24-351, 24-523, 34-223 and 33-433, set forth in the Quality Housing amendments, N870385ZRY.

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: the establishment of new zoning districts (R6A, R6B, R7A, R7B, R7X, R8X, C1-6A, C1-7A, C2-6A, C4-2A, C4-3A, C4-4A, C4-5A, C4-5X, C5-1A, C6-3A, C6-4A); the establishment of the Quality Housing Program; the elimination of the special permit for Housing Quality Developments; and the modification of street wall and height and setback regulations in certain contextual districts, 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 or 28-02.

Article 1

General Provisions

Chapter 1 Title, Establishment of Controls, and Interpretation of Regulations

* * *

11-12

Establishment of Districts

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

Residence Districts

* * *

R6A General Residence District

R6B General Residence District

* * *

R7A General Residence District

R7B General Residence District

R7X General Residence District

* * *

R8X General Residence District

* * *

Commercial Districts

* * *

C1-6A Local Retail District

* * *

C1-7A Local Retail District

* * *

C2-6A Local Service District

* * *

C4-2A General Commercial District

* * *

C4-3A General Commercial District

* * *

C4-4A General Commercial District

* * *

C4-5A General Commercial District

* * *

C4-5X General Commercial District

* * *

C5-1A Restricted Central Commercial District

* * *

C6-3A General Central Commercial District

* * *

C6-4A General Central Commercial District

* * *

12-10 DEFINITIONS

* * *

Lot Coverage, Quality Housing

“Quality Housing lot coverage” is that portion of the *zoning lot* which, when viewed directly from above, would be covered by a *residential building*, or any portion thereof, *developed* or *enlarged* pursuant to the *Quality Housing Program*. Obstructions permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in *Quality Housing lot coverage*.

* * *

Manhattan Core

The “Manhattan Core” is the Borough of Manhattan south of 96th Street excluding Community District 3.

* * *

Physical Culture or Health Establishments

* * *

[Non-commercial physical culture or health facilities in a Housing Quality development under Section 74-95 (Housing Quality Development), may qualify as a *community facility use* provided that such health related facilities are located in a C2, C4, C5 or C6 District and provided further that the Commission makes the findings as set forth in Section 73-36 (Physical Culture of Health Establishments) of the Zoning Resolution in lieu of the special permit procedure pursuant thereto.]

* * *

Sky exposure or front sky exposure plane

A “sky exposure plane” or a “front sky exposure plane” is an imaginary inclined plane:

- (a) Beginning above the *street line* (or where so indicated, above the *front yard line*) at a height set forth in the district regulations; and
- (b) Rising over a *zoning lot* at a ratio of vertical distance to horizontal distance set forth in the district regulations.

Sky exposure plane, rear

A "rear sky exposure plane" is an imaginary inclined plane:

- (a) Beginning above a line at a distance of 100 feet from and parallel to the *street line* and at a height set forth in the district regulations, and
- (b) Rising over a *zoning lot* at a ratio of vertical distance to horizontal distance set forth in the district regulations.

Article II

Residential District Regulations

* * *

Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts

23-00 APPLICABILITY AND GENERAL PURPOSES

23-01

Applicability of This Chapter

* * *

[All districts in Column A shall comply with the regulations for districts indicated in Column B except as set forth in the Section indicated in Column C.

Column A	Column B	Column C
R8A	R8	23-142, 23-143, 13-145, 23-22
R8B		23-223, 23-25, 23-533, 23-632 23-633, 23-71
R9A	R9	23-142, 23-143, 23-145, 23-22 23-223, 23-533, 23-632, 23-633 23,71
R9X	R9	23-142, 23-143, 23-145, 23,22 23-223, 23-25, 23-533, 23-632 23-71
R10A	R10	23-145, 23-15, 23,22, 23-223, 23-533, 23-632, 23-633, 23-71]

* * *

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

* * *

23-011

District designations

Whenever a section lists a district with a letter suffix the provisions applicable to the letter suffix district are different from the provisions applicable to the district without such suffix as set forth in that section.

23-012

Quality Housing Program

In R6A, R6B, R7A, R7X, R8A, R8B, R8X, R9A, R9X and R10A Districts any *development* or *enlargement* shall comply with the applicable district *bulk* regulations as set forth in this Chapter and any *residential development, enlargement, extension* or conversion shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program).

In other R6, R7, R8, R9 or R10 Districts the *bulk* regulations applicable to Quality Housing *developments* may, as an alternative, be applied if the *zoning lot* is *developed* pursuant to all of the requirements of the Quality Housing Program. Such *development* may be subsequently *enlarged* only pursuant to the Quality Housing Program. However, these *bulk* regulations shall not apply in these districts to:

- (a) *enlargement of buildings* unless such *buildings* have been *developed* pursuant to the Quality Housing Program;
- (b) *extensions* or conversions;
- (c) *developments* on a *zoning lot* containing existing *buildings*;
- (d) *developments* on *zoning lots* resulting from the subdivision of a *zoning lot* containing existing *buildings*, if such *development* or subdivision results in a *non-compliance* or an increase in the degree of an existing *non-compliance* pursuant to the non-Quality Housing *bulk* regulations applicable in such districts.

The Quality Housing Program shall not apply in Special Purpose Districts except the *Special Limited Commercial District* and the *Special Transit Land Use District* or to Article VII, Chapter 8 (Large Scale Residential Developments).

23-02

General Purposes of Residential Bulk Regulations

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of density as well as of the physical volume of buildings is established. [In order to open up residential areas to light and air and encourage better standards of open

space, moderately higher levels of density and of building volume are permitted when greater amounts of open space are provided.]

* * *

23-13

Balconies

23-131

In R1 through R10 Districts

R1, R2, R3, R4, R5, R6, R7, R8, R9, R10

In the districts indicated, balconies which;

- (a) are unenclosed except for a parapet not exceeding three feet, eight inches in height or a railing not less than 50 percent open and not exceeding four feet, six inches in height;
- (b) are located at or higher than the floor level of the third *story* of a *building* or at least 20 feet above *curb level* and except that in the case of a *residential building* not more than 32 feet in height, such balconies may be located at or above the floor level of the second *story* provided that such balcony is located not lower than seven feet above *curb level*, or seven feet above adjacent natural grade, whichever is higher;
- (c) have an aggregate length, at the level of any *story*, not exceeding 50 percent of the length at that level of the plane surface of the *building* wall from which they project; and
- (d) have an aggregate area of projection at the level of any *story*, not exceeding, in square feet, 1.8 times the length in feet at that level of such plane surface,

may, by a distance not exceeding nine feet, penetrate any *sky exposure plane* or project into or over any required open area set forth in the following sections:

- [a] (i) *Open space*, as defined in Section 12-10 (DEFINITIONS);
- [b] (ii) *Plazas*, as defined in Section 12-10 (DEFINITIONS);
- [c] (iii) *Rear yards*, as defined in Section 12-10 (DEFINITIONS);
- [d] (iv) *Initial setback distances*, or *sky exposure planes*, as set forth in Section 23-63 (Maximum Height of Frontal Wall and Required Front Setbacks);

- [e] (v) Alternate front setbacks or *sky exposure planes*, as set forth in Section 23-64 (Alternate Front Setbacks);
- [f] (vi) Open areas not occupied by towers, as set forth in Section 23-65 (Tower Regulations);
- [g] (vii) Required side and rear setbacks, as set forth in Section 23-66 (Required Side and Rear Setbacks);
- [h] (viii) Required distances between *buildings*, as set forth in Section 23-71 (Minimum Distance between Buildings on a Single Zoning Lot);
- [i] (ix) *Pedestrian mall*.

However, for *residential buildings developed*, or *enlarged* where permitted, pursuant to the Quality Housing Program the provisions of Section 23-132 (Balconies in R6A through R10A Districts) shall apply.

23-132

Balconies in R6A through R10A Districts

R6A, R7A, R8A, R9A, R10A, R6B, R7B, R8B, R7X, R8X, R9X

- (a) In the districts indicated, balconies may be provided as set forth in Section 23-131 paragraphs (a) through (d) except that projections shall conform to the provisions of paragraph (b) below. In addition, balconies may be enclosed by the *building* walls provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet not exceeding three feet, eight inches in height or a railing not less than 50 percent open and not exceeding four feet, six inches in height, and such balcony is counted *Quality Housing lot coverage*. The area of such balcony shall be excluded from the definition of *floor area*.
- (b) In no event shall balconies:
 - (i) project by a distance greater than seven feet as measured from the plane surface of the *building* wall from which it projects;
 - (ii) penetrate the *front* or *rear sky exposure planes*;
 - (iii) project into the minimum required distance between *buildings* on the same *zoning lot*;
 - (iv) cover more than 10 percent of the area designated as outdoor recreation space pursuant to Section 28-30 (RECREATION SPACE AND PLANTING AREAS).

Minimum Required Open Space Ratio, Maximum Quality Housing Lot Coverage and Maximum Floor Area Ratio in R1 through R9 Districts and R6A through R10A Districts

**R1,R2,R3,R4,R5,R6,R7,R8,R9,R6A,R7A,R8A,
R9A,R6B,R7B,R8B,R7X,R8X,R9X,R10A**

In the districts indicated, except as otherwise provided in Section 23-19 (Special Provisions for Zoning Lots Divided by District Boundaries), for any *building* on a *zoning lot*, the minimum required *open space ratio* shall not be less than set forth in this Section; the maximum *Quality Housing lot coverage* shall not exceed the *Quality Housing lot coverage* as set forth in this Section; and the maximum *floor area ratio* shall not exceed the *floor area ratio* set forth in this Section. Any given *lot area* or area of *open space* shall be counted only once in determining the *floor area ratio* or the *open space ratio*.

Any *building*, in addition to complying with the provisions of this Section, shall be subject to the provisions set forth in Section 23-22 (Required Lot Area Per Dwelling Unit or Per Room) as well as all other applicable *bulk* regulations as set forth in this Chapter.

* * *

23-142

In R6, R7, R8 or R9 Districts

R6,R7,R8,R9

Except as otherwise provided in Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts), Section 23-145 [In R8A, R8B, R9A, R9X or R10A Districts] (For residential buildings developed or enlarged pursuant to the Quality Housing Program) and Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn), in the districts indicated the minimum required *open space ratio* and the maximum *floor area ratio* for any *building* on a *zoning lot* shall be as set forth in the following table for *buildings* with the *height factor* indicated in the table.¹

Table unchanged

* * *

23-143

For high buildings in R6, R7, R8 or R9 Districts

R6,R7,R8,R9

Except as otherwise provided in Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts), [and Section 23-145 (In R8A, R8B,

R9A, R9X or R10A Districts)] in the districts indicated, for *buildings with height factors* greater than 21, the minimum required *open space ratio* shall be as set forth in the following table:

Table unchanged

* * *

23-144

For non-profit-residence for the elderly in R3, R4, R5, R6 and R7 Districts

R3,R4,R5,R6,R7

In the districts indicated, the minimum required *open space ratio* and the maximum *floor area ratio* for *non-profit residences for the elderly* shall be as set forth in the following table:

Table unchanged

* * *

However, in R6 and R7 Districts the minimum required *open space ratio* shall not apply to *non-profit residences for the elderly developed, or enlarged* where permitted, pursuant to the Quality Housing Program. Such *developments or enlargements* shall be subject to the requirements of R6A or R7A Districts, respectively, as set forth in Section 23-147 (For non-profit residences for the elderly in R6A, R6B, R7A, R7B and R7X Districts).

[23-145

In R8A, R8B, R9A, R9X or R10A Districts

R8A,R9A,R8B,R9X

In the districts indicated, the *height factor* and *open space ratio* regulations shall not apply.

The maximum permitted *floor area ratio* and the maximum permitted *lot coverage* on a *zoning lot* shall be as set forth in the following table:

Table Unchanged

* * *

For the purposes of this Section any obstructions on a *zoning lot* pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not count as *lot coverage*.]

23-145

For residential buildings developed or enlarged pursuant to the Quality Housing Program

R6,R7,R8,R9,R10

In the districts indicated, the maximum *Quality Housing lot coverage* and the maximum *floor area ratio* for any *residential building* on a *zoning lot developed or enlarged* pursuant to the Quality Housing Program shall be as set forth in the table below and the maximums for *developments, or enlargements* where permitted, located within 100 feet of a *wide street* in R6, R7 and R8 Districts without a letter suffix outside the *Manhattan Core*, shall be as designated by the same district with an asterisk.

<i>Corner Lot</i>	Maximum <i>Quality Housing Lot Coverage</i> (in percent)		Maximum <i>Floor Area Ratio</i>	District
	<i>Interior Lot</i>	<i>Lot</i>		
80	60		2.43	R6
80	65		3.00	R6*,R6A,R7B
80	60		2.00	R6B
80	65		3.44	R7
80	65		4.00	R7*,R7A
80	70		5.00	R7X
80	70		6.02	R8,R8A,R8X
80	70		7.20	R8*
80	70		4.00	R8B
80	70		7.52	R9,R9A
80	70		9.00	R9X
100	70		10.00	R10,R10A

Note: This Section shall not apply to *enlargements of buildings* which were not *developed* pursuant to the Quality Housing Program in R6, R7, R8, R9 and R10 Districts without a letter suffix.

* * *

23-147

For non-profit residences for the elderly in R6A, R6B, R7A, R7B and R7X Districts

R6A,R7A,R6B,R7B,R7X

In the districts indicated, the maximum *Quality Housing lot coverage* and the maximum *floor area ratio* for *non-profit residences for the elderly* shall be as set forth in the following table:

Maximum Quality Housing Lot Coverage (in percent)		Maximum Floor Area	
Corner Lot	Interior Lot	Ratio	District
80	60	3.90	R6A
80	60	2.00	R6B
80	65	5.01	R7A
80	65	3.90	R7B
80	70	5.01	R7X

* * *

23-15

Maximum Floor Area Ratio in R10 Districts

R10

In the district indicated, the *floor area ratio* for any building on a zoning lot shall not exceed 10.0 except as provided in the following sections:

Section 23-16 (Floor Area Bonus for a Plaza)

Section 23-17 (Floor Area Bonus for a Plaza-Connected Open Area)

Section 23-18 (Floor Area Bonus for Arcades)

Section 23-19 (Special Provisions for Zoning Lots Divided by District Boundaries)

Section 82-08 (Modification of Bulk and Height and Setback Requirements)

Notwithstanding any other provision of this Resolution, the maximum *floor area ratio* shall not exceed 12.0.

Any building, in addition to complying with the provisions of this Section, shall be subject to the provisions set forth in Section 23-22 (Required Lot Area Per Dwelling Unit or Per Room), as well as to all other applicable *bulk* regulations as set forth in this Chapter.

All *developments* or *enlargements* located within the boundaries of Community Board 7 in the Borough of Manhattan shall be subject to the requirements of Section 23-151 (R10 Infill) and no *floor area* bonus shall be granted for such *developments* or *enlargements*, except as otherwise set forth in Section 23-151.

The provisions of Sections 23-16 (Floor Area Bonus for a Plaza), 23-17 (Floor Area Bonus for a Plaza-Connected Open Area) and 23-18 (Floor Area Bonus for Arcades) shall not apply to *developments* or *enlargements*, pursuant to the Quality Housing Program.

* * *

23-19

Special Provisions for Zoning Lots Divided by District Boundaries

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In the districts indicated, whenever a *zoning lot* is divided by a boundary between districts or is subject to other regulations resulting in [with] different minimum required *open space ratios*; [or] different maximum *floor areas ratios*; **different Quality Housing lot coverages**; or *open space ratios and Quality Housing lot coverages*, on portions of the *zoning lot* the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

23-22

Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

* * *

(c) In R3, R6, R7, **R8**, R9, and R10 Districts, the *lot area* required is expressed in terms of *rooms*, and as indicated, the total *lot area* or a *zoning lot* shall not be less than as set forth in this Section, except as provided in the following sections:

* * *

However, for residential buildings developed, or enlarged where permitted, pursuant to the Quality Housing Program, the *lot area* requirement shall be as set forth in (d) below.

(d) In [the] **R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X** and R10A Districts the *lot area* requirement is expressed in terms of *dwelling units* or *rooming units* and the *lot area per dwelling unit* or *rooming unit* shall not be less than as set forth in this Section, except as provided in the following sections:

* * *

Any given *lot area* shall be counted only once in meeting the *lot area* requirements.

23-223

In R6, R7, R8, R9 or R10 Districts

* * *

- [3] In the districts indicated, the required *lot area per dwelling unit* shall not be less than as set forth in the following table:

REQUIRED LOT AREA

(in square feet)

Per <i>Dwelling</i> <i>Unit</i>	Per <i>Rooming</i> <i>Unit</i>	District
110	44	R8A
130	104	R8B
98	78	R9A
83	66	R9X
75	60	R10A]

R6,R7,R8,R9,R10

- (3) In the districts indicated, and for *residential buildings developed*, or *enlarged* where permitted, pursuant to the Quality Housing Program, the *lot area per dwelling unit* or *rooming unit* shall not be less than as set forth in the table below and the *lot area per dwelling unit* or *rooming unit* for *developments*, or *enlargements* where permitted, located within 100 feet of a *wide street* in R6, R7 and R8 Districts without a letter suffix outside the *Manhattan Core*, shall be as designated by the same district with an asterisk.

REQUIRED AREA

(in square feet)

Per <i>Dwelling</i> <i>Unit</i>	Per <i>Rooming</i> <i>Unit</i>	District
290	206	R6
357	250	R6B
235	167	R6*,R6A,R7B
206	138	R7
177	125	R7*,R7A,R8B
142	100	R7X
127	88	R8,R8A,R8X
106	80	R8*
102	78	R9,R9A
92	66	R9X
82	60	R10,R10A

NOTE: This section shall not apply to *enlargements of buildings* which were not *developed* pursuant to the Quality Housing Program in R6, R7, R8, R9 or R10 Districts without a letter suffix.

* * *

23-225

Lot area requirements for non-profit residences for the elderly
R3,R4,R5,R6,R7

(a) In the districts indicated, the required *lot area per room* for *non-profit residences for the elderly* shall be not less than as set forth in the following table:

Table Unchanged

* * *

Non-profit residences for the elderly developed, or enlarged where permitted, pursuant to the Quality Housing Program shall be subject to (b) below.

R6,R7

(b) In the districts indicated, the required *lot area per dwelling unit or rooming unit* for *non-profit residences for the elderly developed, or enlarged* where permitted, pursuant to the Quality Housing Program shall not be less than as set forth in the following table:

REQUIRED LOT AREA

(in square feet)

Per <i>Dwelling</i> <i>Unit</i>	Per <i>Rooming</i> <i>Unit</i>	District
183	146	R6,R6A,R7B
338	270	R6B
143	114	R7,R7A,R7X

NOTE: This Section shall not apply to *enlargements of residences* which were not *developed* pursuant to the Quality Housing Program in R6 and R7 Districts without a letter suffix.

* * *

23-25

Special Provisions for Buildings Used Partly for Non-Residential Uses

R1,R2,R3,R6,R7,R8,R9,R10

In the districts indicated, if a *building* is used partly for *residences* and partly for *non-residential uses* (other than *community facility uses*, the provisions for which are set forth in Article II, Chapter 4), for each 100 square feet of *floor area* used for such *non-residential uses*, at least the amount *lot area* set forth in the following table shall be provided. Such *lot area* shall be in addition to that required for the *residential uses* under the provisions of Section 23-22 (Required Lot Area per Dwelling Unit or Per Room).

REQUIRED LOT AREA PER 100 SQUARE FEET OF FLOOR AREA

Square Feet	Districts
200	R1,R2,R3
45	R6
50	R6B
30	R6A,R7,R7B
25	R7A, R8B
20	R7X,R8
17	R8A,R8X
15	R9,R9A
11	R9X
10	R10,R10A

* * *

23-28

Special Provisions for Zoning Lots Divided by District Boundaries

R1,R2,R3,R4,R5,R6,R7,R9,R10

In all districts, as indicated, whenever, a *zoning lot* is divided by a boundary between districts or is subject to other regulations resulting in [with] different requirements for *lot area per dwelling unit* or *per room* or for *lot area* for permitted *non-residential uses on portions of the zoning lot*, the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

23-44

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all *Residence Districts*, the following shall not be considered obstructions when located within a required *yard* or *rear yard equivalent*:

* * *

Steps, and ramps for access by the handicapped

* * *

In R6B and R7B Districts, and in R6 and R7 Districts without a letter suffix on *narrow streets* except within 100 feet of a *wide street*, unenclosed balconies subject to the applicable provisions of Section 23-13 (Balconies) may project over a required *front yard* for a distance not exceeding 50 percent of the depth of the *front yard* or seven feet whichever is less.

(b)

* * *

23-45

Minimum Required Front Yards

R1,R2,R3,R4,R5,R6,R7,R6B,R7B

In the districts indicated, *front yards* shall be provided as set forth in the following table, except that for a *corner lot* in an R1-2 District, one *front yard* may have a depth of 15 feet, and for a *corner lot* in an R3, or R4 or R5 District one *front yard* may have a depth of 10 feet.

FRONT YARD

Feet	District
20	R1
15	R2,R3
18	R4,R5
5	R6B,R7B

In R6 and R7 Districts without a letter suffix, *front yards* with a minimum depth of five feet shall be provided for *residential buildings developed, or enlarged* where permitted, pursuant to the Quality Housing Program on *narrow streets* except within 100 feet of a *wide street*.

* * *

23-462

Side yards for all other residential buildings

R3, R4, R5, R6, R7, R8, R9, R10

* * *

R6, R7, R8, R9, R10

(b) In the districts indicated, no *side yards* are required. However, if any open area extending along a *side lot line* is provided at any level, it shall be at least eight feet wide.

* * *

23-464

Side yards for buildings used for permitted non-residential uses

* * *

R6,R7,R8,R9,R10

(b) In the districts indicated, no *side yards* are required. However, if any open area extending along a *side lot line* is provided at any level, it shall be at least eight feet wide.

* * *

23-51

Special Provisions Applying along District Boundaries

R6,R7,R8,R9,R10

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4, or R5 Districts coincides with *side lot line* of a *zoning lot*, a *side yard* at least eight feet wide shall be provided along such boundary within the districts indicated. In addition, portions of *buildings developed or enlarged* in R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A and R10A Districts, or portions of *residential buildings developed, or enlarged* where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, shall comply with the requirements for R6B Districts in Sections 23-45 (Minimum Required Front Yards) and 23-633 (Street wall and height and setback regulations in certain districts) when such portions are located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District.

* * *

23-53

Special Provisions for Through Lots

34-

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts as indicated, the regulations of this Section shall apply to all *through lots*. [except that] In the case of a *zoning lot* occupying an entire *block*, no *rear yard* or *rear yard equivalent* shall be required except as otherwise provided in Section 23-533 (Required rear yard equivalents).

* * *

23-533

Required rear yard equivalents

R4,R5,R6,R7,R8,R9,R10

In the districts indicated, on any *through lot* 110 feet or more in maximum depth from *street to street*, one of the following *rear yard equivalents* shall be provided:

- (a) An open area with a minimum depth of 60 feet, linking adjoining *rear yards*, or if no such *rear yards* exist, then an open area, with a minimum depth of 60 feet, midway (or within five feet of being midway) between the two *street lines* upon which such *through lot* fronts. ***Buildings developed or enlarged in R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X and R10A Districts or residential buildings developed, or enlarged where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, shall provide a rear yard equivalent only as set forth in this paragraph.***

* * *

- [(d) In R8A, R8B, R9A, R9X and R10A Districts the provisions of paragraphs (b) and (c) above shall not apply.]

* * *

23-55

Special Provisions for Zoning Lots Divided by District Boundaries

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated whenever a *zoning lot* is divided by a boundary between districts or is subject to other regulations resulting in [with] different *yard regulations on portions of the zoning lot* the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

23-62

Permitted Obstructions

In all *Residence Districts*, the following shall not be considered obstructions and may thus penetrate a maximum height limit or [a] ***front or rear sky exposure planes*** set forth in Section 23-63 (Maximum Height of Front Wall and Required Front Setbacks), or Section 23-69 (Limited Height Districts):

* * *

23-63

Maximum Height of Front Wall and Required Front Setbacks

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

* * *

[In the Borough of Manhattan, in R7-2 Districts, the City Planning Commission may authorize modifications of front height and setback regulations for new *residential developments* not exceeding 7 stories in height provided the Commission finds that such *development* preserves neighborhood scale and does not alter the essential character of the surrounding area and adversely affect access to light and air.]

23-632

Front setbacks in districts where front yards are not required

* * *

(b) In R8A, R8B, R9A, RX and R10A Districts the maximum height of a *street wall* or any other portion of a *building or other structure* shall be as set forth in Section 23-633 (Street wall and height and setback regulations in certain districts).]

R6A, R7A, R8A, R9A, R10A, R6B, R7B, R8B, R7X, R8X, R9X

(b) In the districts indicated, and for any *development, or enlargement* where permitted, pursuant to the *Quality Housing Program* in other R6, R7, R8, R9 or R10 Districts, the provisions of this Section shall be inapplicable. In lieu thereof, the provisions of Section 23-633 (Street wall and height and setback regulations in certain districts) shall apply.

23-633

Street wall and height and setback regulations in certain districts

R6A, R7A, R8A, R9A, R10A, R6B, R7B, R8B, R7X, R8X, R9X

In the districts indicated, *street wall*, and height and setback regulations are set forth in this section. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply.

1. Location of Street Wall

R8A, R9A, R9X, R10A

(a) In the districts indicated, the *street wall* of any *development or enlargement* for the first two *stories* or 23 feet, whichever is greater, shall be located on the *street line* and extend the entire [width] **length of the *street line*** of the *zoning lot*, except as provided in paragraph [(b)](f) and [(3)] **sub-section 3 (Modification of Street Wall Requirements)** below.

However, at the intersection of two *street lines* the *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] **anywhere within an area bounded by the two *street lines* and lines parallel to and five feet from each *street line*.** [Recesses are permitted only for entrances and windows.]

Except as provided in [(3)] **sub-section 3** below, for any *development* or *enlargement* fronting on a *wide street* the *street walls* above the level of the second *story* or 23 feet, whichever is greater, shall comply with one of the following options. Under all options, at the intersection of two *street lines*, the mandatory *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] **anywhere within an area bounded by the two *street lines* and lines parallel to and five feet from each *street line*.**

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire [width] **length of the *street line*** of the *zoning lot* [fronting on] **along a *wide street*.**

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each *story*.

Option 3

A minimum of 75% of the aggregate area of the mandatory *street walls* at each *story* shall be within five feet of the *street line* provided that the mandatory *street walls* shall abut the *street line* at least once every 25 feet.

These location provisions shall apply to all *development* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with a *wide street*.

R8A, R9A, R9X, R10A

(b) In the districts indicated, on a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, the *street wall* of any *development* or *enlargement* shall be located no further from the *street line* than the front wall of [the nearest] **any adjacent existing *building*** on [an adjacent] **the same or another *zoning lot*** fronting on the same *street line*. If the mandatory *street wall* is located within five feet of the *street line* it shall comply with one of the following options.

Option 1

A maximum of 50% of the aggregate length of the mandatory *street wall* at each *story* may be recessed from the *street line* to a depth not exceeding ten feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street wall* at each *story*:

Option 2

A minimum of 75% of the aggregate area of the *street wall* at each *story* shall be within five feet of the *street line*.

No *street wall* facing a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street* is required if the resulting open area is maintained as follows:

1. Its elevation shall be within 2 feet of the abutting sidewalk.
2. No wall or fence above a height of 30 inches above curb level shall consist of elements more than 1½ inches thick and less than 5 inches apart.
3. Its entire area shall be covered by decorative unit pavers, shrubbery, grass, or landscaped elements not more than 30 inches high, and
4. If such resulting area is 1,500 to 2,000 square feet, it shall contain at least three 4" caliper trees, and there shall be one additional 4" caliper tree for each additional 1,000 square feet or fraction thereof; or
5. If such resulting area is less than 1,500 square feet and contains fewer than three 4" caliper trees, it shall contain shrubbery for at least 25 per cent of its area.

R8B

- (c) [In the district indicated the *street wall* of any *development* or *enlargement* on a *wide street* shall be located no further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line*; and on a *narrow street* the *street wall* of any *development* or *enlargement* shall be neither closer to nor further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line* and shall extend the entire width of the *zoning lot* except as provided in (3) below. Recesses and projections are permitted provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 per cent of the length of the mandatory *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not project more than two feet from the mandatory *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 23-84 (Outer Court Regulations).]

In the district indicated the *street wall* of any *development* or *enlargement* shall be located in accordance with the provisions of paragraphs (i) through (iv) below, except as provided in sub-section 3 (Modification of Streetwall Requirements). A *narrow street* having a *street line* measuring less than 230 feet between intersecting *street lines* shall be considered a *wide street* in applying the provisions of paragraphs (i) through (iv) below.

- (i) On a *wide street* the *street wall* shall be located within 8 feet of the *street line*. However, if the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line* is further than 8 feet from the *street line*, the *street wall* may be set back further than 8 feet but not more than either of such adjacent front walls. This requirement shall apply to all *developments* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with a *wide street*.
- (ii) On a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, but within 100 feet of such intersection, the *street wall* shall be neither closer to nor further from the *street line* than the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line*, but need not be more than 15 feet from the *street line*. Where a *zoning lot* is located at the intersection of a *wide street* and a *narrow street* no *street wall* is required along such 50 foot portion of the *narrow street* frontage, provided any resulting open area is maintained as specified for open areas in Section 23-633 sub-section 1 paragraph (b) above. However, if a *street wall* is provided within the optional *street wall* portion of the *narrow street* frontage of such *zoning lot* it shall be subject to the location requirements of paragraph (i) above.
- (iii) On a *narrow street* beyond a distance of 100 feet from its intersection with a *wide street* the *street wall* shall be neither closer to nor further from the *street line* than the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line*, but need not be more than 15 feet from the *street line*.
- (iv) The mandatory *street wall* pursuant to paragraphs (i), (ii), and (iii) above shall extend the entire length of the *street line* of the *zoning lot* from *side lot line* to *side lot line* or intersecting *street wall*, except as provided in paragraph (ii) above, sub-section 3 (Modification of Street Wall Requirements). Recesses and projections are permitted, except within 20 feet of a *street* corner, provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 per cent of the *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not extend more than two feet from the *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 24-63 (Outer Court Regulations).

R6B,R7B,R6A,R7A,R7X,R8X

- (d) In the districts indicated, and for *residential buildings developed*, or *enlarged* where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, all *street walls* of any *development* or *enlargement* shall be located no further from the *street line* than the maximum permitted *street wall* distance until the height of such *street wall* equals the height above the *street line* of the *front sky exposure plane* as set forth in the table below. These *street wall* requirements shall be applicable to only one *street* on *through lots* which extend less than 110 feet in maximum depth from *street* to *street*, but shall apply to both *streets* on deeper *through lots*.

These *street wall* requirements shall be inapplicable along a *wide street* within 15 feet of its intersection with a *narrow street* or to any *street wall* located beyond 100 feet from a *street line*.

R6B,R7B

- (e) In the districts indicated, on a *narrow street* except within a distance of 100 feet from its intersection with a *wide street*, if the front wall of an adjacent existing *building* on the same or an abutting *zoning lot* fronting on the same *street* is between five and 15 feet from the *street line*, then the front wall of the *development* or *enlargement* shall be neither closer to nor further from the *street line* than the front wall of an adjacent existing *building*.

[R8A, R8B, R9A, R9X, R10A]

- (f) [(d) In the districts indicated a] A vertical *enlargement* in excess of one *story* or 15 feet to an existing *building* is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing *street wall* except as provided in [(3)] **sub-section 3** below.

2. Height of Street Wall

[R8A, R8B, R9A, R9X, R10A]

[In the districts indicated the mandatory minimum height above *curb level* of a *street wall*, without a setback, shall be as set forth in Column A, or the height of the *building*, whichever is less; the maximum permitted height of a *street wall* without a setback at the *street line* shall be as set forth in Column B; and above such specified maximum height the *building* or *other structure* shall not penetrate the *sky exposure plan* as set forth in Column B in the table below:]

Column A		Column B			
<i>Sky Exposure Plane**</i>					
Mandatory minimum height of street wall (in feet)	Maximum permitted height of street wall without setback at the street line (in feet)	Slope over zoning lot (expressed as a ratio of vertical to horizontal distance)			
<i>Wide street*</i>	<i>Narrow street*</i>	Vertical	Horizontal		
60	23	1.5	to	1	R8A
55	23***	1.0	to	1	R8B**
60	23***	1.5	to	1	R9A
110	23***	2.0	to	1	R9X
125	23***	2.5	to	1	R10A

*The mandatory minimum height of a *street wall* on *wide streets* shall apply to all *developments* or *enlargements* on *zoning lots* on *narrow streets* within 50 feet of the intersection with a *wide street*.

**The *sky exposure plane* shall begin at the maximum permitted height of the *street wall* at the *street line* except that in an R8B district a setback of 20 feet from the *street wall* is required at a height of 60 feet.

***No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(d) above.]

R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A

(a) In the districts indicated, and for *residential buildings developed* or *enlarged* where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, no *street wall* shall penetrate the *front sky exposure plane* set forth in the table below.

R8A, R8B, R9A, R9X, R10A

(b) In the districts indicated, the minimum height above *curb level* of a mandatory *street wall* without setback, shall be as specified in the table below, unless the height of the *building* is less than such minimum. If such *street wall* along a *narrow street* rises above such minimum height no setbacks shall be permitted below a height of 55 feet except as provided in 1(f) above. The minimum height of a mandatory *street wall* on *wide streets* shall apply to all *developments* or *enlargements* on *zoning lots* on *narrow streets* within 50 feet of the intersection of a *wide street*.

R7X, R8X

(c) In the districts indicated, and for *residential buildings developed* or *enlarged* where permitted, pursuant to the Quality Housing Program on *wide streets* in R8 Districts outside the *Manhattan Core*, one of three sets of *sky exposure planes* as set forth in the table below may apply. Alternates 2 and 3 require a

minimum setback of 10 feet from the *street wall* from a height of between 65 and 70 feet above *curb level* to the height above the *street line* of the *front sky exposure plane*. The Alternate 3 *sky exposure planes* may apply only if the width of the *street wall* of the *building* above the mandatory front setback level on the *wide street* is less than 50% of the width of the *wide street* frontage of the *zoning lot*. The Alternate 2 *sky exposure planes* may apply if such percentage is between 51% and 90%.

3. Modifications of Streetwall Requirements

R6A,R7A,R8A,R9A,R10A,R6B,R7B,R8B,R7X,R8X,R9X

- (a) In the districts indicated, on a *zoning lot* where there is an existing *building* to remain, and when there is to be a new *development* or *enlargement*, that includes new *street walls*, the requirements governing height and location of *street walls* shall not apply within a volume defined by the rear wall of the existing *building* [(W²)], the *front lot line* [(W¹)], the prolongations of the side walls [(L)], and [a height of 150 feet above *curb level*. If, after April 9, 1984, any exterior demolition or destruction occurs within the volume defined the requirements governing *street wall* height and location shall apply.]

the roof of the existing *building*. If after (the effective date of this amendment), any exterior demolition or destruction occurs within this volume or to the boundaries of this volume, or if any *development* or *enlargement* occurs above this volume the requirements governing *street wall* height and location shall apply.

150' Above
Curb Level

Above 150'
Curb Level

ILLUSTRATION OF STREET WALL REQUIREMENTS
FOR CONTEXTUAL ZONES

L Sidewall and prolongation of existing building

W¹ Front lot line

W²Rear wall of existing building]

* * *

[R8B]

4. Front and Rear Sky Exposure Planes

[In the district indicated, no *building or other structure* shall penetrate a *rear sky exposure plane* beginning at a distance of 100 feet from the *street line*, at a height of 30 feet above *curb level* with a slope of 1 foot vertical to 1 foot horizontal.]

No portion of a *building or other structure* shall penetrate the *front or rear sky exposure planes* set forth in the table below.

Both the *front and rear sky exposure planes* shall rise in opposite directions over the *zoning lot* at a ratio of vertical distance to horizontal distance as set forth in the table below and shall terminate at a line where they intersect. When a *street line* intersects any other *street line*, the *front sky exposure planes* of both *street* frontages shall terminate at a line where the *front sky exposure planes* intersect and the *rear sky exposure planes* shall terminate at a line where the *rear sky exposure planes* intersect. In plan, the line of intersection of these planes shall bisect the interior angle formed at the line of intersection of these *street lines* as shown in the diagram below.

* * *

TABLE: STREET WALL AND HEIGHT AND SETBACK REGULATIONS

District	Maximum Street Wall Setback Distance from Street Line (in feet)		Minimum Required Height of a Street Wall within Setback Distance (in feet)		Slope Over Zoning Lot (Expressed as a Ratio of Vertical to Horizontal Distance)			
	on a Wide Street	On a Narrow Street	on a Wide Street	on a Narrow Street	Front Sky Exposure Plane		Rear Sky Exposure Plane	
					Height Above the Street Line (in feet)	Vertical Distance to Horizontal Distance	Height Above the 100-Foot Line (in feet)	Vertical Distance to Horizontal Distance
	Line (in feet)	Line (in feet)	Line (in feet)	Line (in feet)	Line (in feet)	to	Line (in feet)	to
R6B (1)	20	20	-	-	30	1.0 to 1.0	0	1.0 to 1.0
R6 (Narrow Street) (1)(2)	-	15	-	-	35	1.0 to 1.0	10	1.0 to 1.0
R6 (Wide Street - (3) Inside Core) (4)	8	15	-	-	55	1.0 to 1.0	10	1.0 to 1.0
R6A, R6 (Wide Street (3) - Outside Core) (4)	8	15	-	-	60	1.0 to 1.0	15	1.0 to 1.0
R7B (1)	8	15	-	-	55	1.0 to 1.0	30	1.0 to 1.0
R7 (Narrow Street) (1)(2)	-	15	-	-	55	1.0 to 1.0	30	1.0 to 1.0
R7 (Wide (3) Street - Inside Core) (4)	8	15	-	-	60	1.0 to 1.0	30	1.0 to 1.0
R7A, R7 (Wide Street (3) - Outside Core) (4)	8	15	-	-	65	1.0 to 1.0	30	1.0 to 1.0
R7X - Alt - 1	8	15	-	-	85	1.0 to 1.0	45	1.0 to 1.0
- Alt - 2	8	15	-	-	115	1.0 to 1.0	80	1.0 to 1.0
Alt - 3	8	15	-	-	135	1.0 to 1.0	105	1.0 to 1.0
R8B (1)	(5)	(5)	55	23	60	1.0 to 1.0	30	1.0 to 1.0
R8 (Narrow Street) (2)	-	15	-	-	80	1.0 to 1.0	70	1.0 to 1.0
R8 (Wide Street - (3) Inside Core) (4)	8	15	-	-	85	1.5 to 1.0	80	1.0 to 1.0
R8A	0	(6)	60	23	85	1.5 to 1.0	80	1.0 to 1.0

TABLE: STREET WALL, AND HEIGHT AND SETBACK REGULATIONS (continued)

District (8)	Maximum Street Wall Setback Distance from Street Line (in feet)		Minimum Required Height of a Street Wall within Setback Distance (in feet)		Slope Over Zoning Lot (Expressed as a Ratio of Vertical to Horizontal Distance)			
	on a Wide Street	On a Narrow Street	on a Wide Street	on a Narrow Street	Front Sky Exposure Plane		Rear Sky Exposure Plane	
					Height Above the Street Line (in feet)	Vertical Distance to Horizontal Distance	Height Above the 100-Foot Line (in feet)	Vertical Distance to Horizontal Distance
RBX - Alt - 1								
RB (Wide Street - (3) Outside Core) (4)	8	15	-	-	85	1.5 to 1.0	80	1.0 to 1.0
RAA - Alt - 2	8	15	-	-	135	1.0 to 1.0	105	1.0 to 1.0
RBX - Alt - 3	8	15	-	-	170	1.0 to 1.0	145	1.0 to 1.0
R9 (Narrow Street) (2)	-	15	-	-	93	1.5 to 1.0	100	1.0 to 1.0
R9 (Wide Street) (3)	8	15	-	-	102	1.5 to 1.0	100	1.0 to 1.0
R9A	0	(6)	60	23	102	1.5 to 1.0	100	1.0 to 1.0
R9X	0	(6)	105	23	120	2.0 to 1.0	120	1.0 to 1.0
R10 (Narrow Street) (2)	-	15	-	-	150	2.5 to 1.0	120	1.0 to 1.0
R10 (Wide Street) (3)	8	15	-	-	150	2.5 to 1.0	140	1.0 to 1.0
R10A	0	(6)	125	23	150	2.5 to 1.0	140	1.0 to 1.0

(1) A front yard with a minimum depth of 5 feet is required.

(2) Refers to that portion of a district on a narrow street except within a distance of 100 feet from its intersection with a wide street.

(3) Refers to that portion of a district which is within 100 feet of a wide street.

(4) Core refers to Manhattan Core.

(5) Varies, see Section 23-633 1(c).

(6) Varies, see Section 23-633 1(b).

(7) A setback of 20 feet from the mandatory street wall is required at a height of 60 feet.

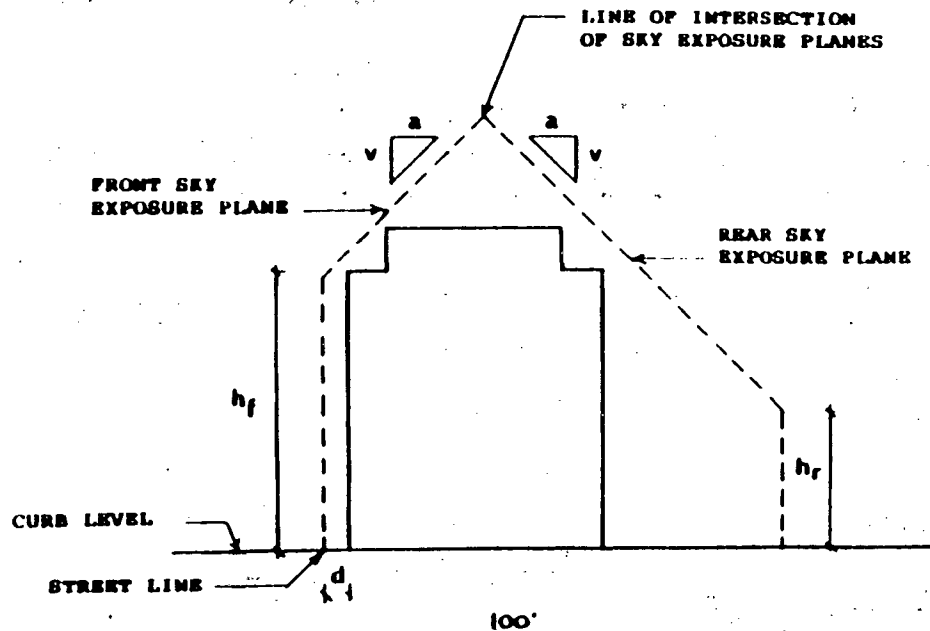


ILLUSTRATION OF SKY EXPOSURE PLANES

SECTION 23-633

h_f is the height at which the front sky exposure plane begins at the street line

h_r is the height at which rear sky exposure plane begins at the 100-foot line

d is the maximum street wall set back distance

v is the vertical distance

a is the horizontal distance

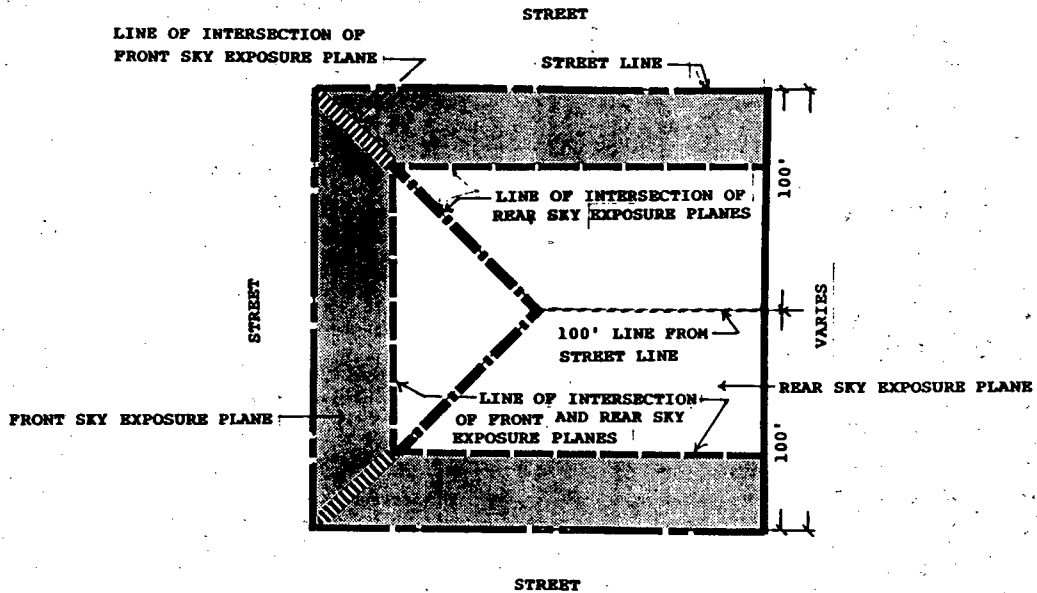


ILLUSTRATION OF SECTION 23-633

23-634

Provisions for lots more than 100 feet in depth

R6A,R6B,R7A,R7B,R8A,R8B,R8X,R9A,R9X,R10A

In the districts indicated, and for residential buildings developed, or enlarged where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts no building subject to the provisions of Section 23-633 (Street wall and height and setback regulations in certain districts) shall be permitted beyond 100 feet from a street line, except for permitted obstructions in rear yards.

* * *

23-663

Required rear setbacks for tall buildings in other districts

R6, R7, R8, R9, R10

* * *

This Section shall not apply to residential buildings developed, or enlarged where permitted, pursuant to the Quality Housing Program.

* * *

23-68

Special Provisions for Zoning Lots Divided by District Boundaries

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, whenever a zoning lot is divided by a boundary between districts, or is subject to other regulations resulting in [with] different height and setback regulations, or whenever a zoning lot is divided by a boundary between a district to which the provisions of Section 23-65 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

23-692

Additional Regulations for Narrow Buildings or Enlargements

In R7-2, R7X, R8, R9, R10 Districts, or in C1 or C2 Commercial Districts with equivalent residential floor area ratios, and in C4-6A, C4-7A and C6-2A Districts, if the width of a street wall of a new building or the enlarged portion of an existing building is 45 feet or less, the alternate front setback and tower regulations of Section 23-64 (Alternate Front Setbacks), 23-65 (Tower Regulations), 33-44 (Alternate Front Setbacks) and 33-45 (Tower Regulations) shall be inapplicable.

* * *

23-70 MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE LOT

23-71

Minimum Distance between Buildings on a Single Zoning Lot

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts as indicated, the minimum distance between a *residential building* and any other *building* on the same *zoning lot* shall be as provided in this Section except that these provisions do not apply:

* * *

(e) [In R8A, R9A, R9X and R10A Districts, except that on any *zoning lot* if a *development* or *enlargement* results in two or more *buildings* detached from one another at any level, such *buildings* shall at no point be less than eight feet apart.]

to *residential buildings developed, or enlarged* where permitted, pursuant to the Quality Housing Program and to all *buildings* in R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X or R10A Districts provided that on any *zoning lot* if a *development* or *enlargement* results in two or more *buildings* detached from one another at any level, such *buildings* shall at no point be less than eight feet apart.

* * *

Chapter 4 Bulk Regulations for Community Facility Buildings in Residence Districts

24-00 APPLICABILITY, GENERAL PURPOSES, AND DEFINITIONS

24-01

Applicability of this Chapter

* * *

[All districts indicated in Column A shall comply with the regulations for districts indicated in Column B except as set forth in the sections indicated in Column C.

Column A	Column B	Column C
R8A	R8	24-11, 24-382, 24, 52, 24-523
R8B	R8	24-11, 24-21, 24, 382 24-52, 24-523
R9A	R9	24-11, 24-21, 24-22, 24, 382
R9X		24-52, 24-523

R10A

R10 24-11, 24-22, 24-382, 24-52,
24-523]

When two or more *buildings* on a single *zoning lot* are used in any combination for *community facility uses* and *residential* or other permitted *uses*, the regulations set forth in Sections 24-11 to 24-173, inclusive, relating to Floor Area and Lot Coverage Regulations and in Sections 24-21 to 24-23, inclusive, relating to Lot Area Requirements for Buildings used Partly for Residential Uses, shall apply as if such *building* were a single *building* used partly for *community facility use*. However, for *buildings* in which the *residential* portion is *developed* or *enlarged* pursuant to the Quality Housing Program the regulations relating to *floor area* or *Quality Housing lot coverage* in Article II, Chapter 3 shall apply to the *residential* portion, and no portion of such *building* shall violate the height and setback regulations set forth in Section 24-523.

Buildings with *residential* units *developed* pursuant to the Quality Housing Program may be *enlarged* only pursuant to the Quality Housing Program. *Buildings* which are not *developed* pursuant to the Quality Housing Program may not be *enlarged* pursuant to the Quality Housing Program.

* * *

24-011

District designations

Whenever a section lists a district with a letter suffix the provisions applicable to the letter suffix district are different from the provisions applicable to the district without such suffix as set forth in that section.

* * *

24-02

General Purposes of Community Facility Bulk Regulations

The following bulk regulations are adopted in order to protect residential areas against congestion and to encourage the development of desirable and stable residential neighborhoods. In order to achieve these purposes, a direct control of the physical volume of buildings and their degree of lot coverage is established. [In order to open up residential areas to light and air and to encourage better standards of open space, moderately greater building volume is permitted in appropriate districts when larger open areas are provided.]

* * *

24-10 FLOOR AREA AND LOT COVERAGE REGULATIONS

24-11

Maximum Floor Area Ratio and Percent of Lot Coverage

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

* * *

[Maximum Floor Area Ratio and Maximum Lot Coverage Table.]

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE

Floor Area Ratio	Lot coverage (percent of lot area)		
	Corner Lot	Interior Lot or Through Lot	
1.00	60	55	R1
1.00	60	55	R2
1.00	60	55	R3
2.00	60	55	R4
2.00	60	55	R5
4.80	70	65	R6
3.00	80	60	R6A
2.00	80	60	R6B
4.80	70	65	R7-1
6.50	70	65	R7-2
4.00	80	65	R7A
3.00	80	65	R7B
5.00	80	70	R7X
6.50	75	65	R8
6.50	80	70	R8A
4.00	80	70	R8B
6.00	80	70	R8X
10.00	75	65	
7.50	80	70	
9.00	80	70	
10.00	75	65	
10.00	100	70	

* In R8B Districts within the boundaries of Community Board 8 in the Borough of Manhattan, the maximum floor area ratio on a zoning lot containing community facility uses exclusively shall not exceed 5.10.

24-111

Maximum floor area ratio for certain community facility uses

* * *

R3,R4,R5,R6,R7,R8,R9,R10A

* * *

(b) In the districts indicated for any *zoning lot* containing nursing homes, health related facilities or domiciliary care facilities for adults each of which have secured certifications by the appropriate governmental agency, sanitariums or philanthropic or non-profit institutions with sleeping accommodations as listed in Use Group 3, the allowable *floor area ratio* shall not exceed the maximum *floor area ratio* as set forth in the table below, except where the permissible *floor area ratio* is modified pursuant to Section 74-902 (Bulk modifications for certain community facility uses).

The provisions of Section 24-111(b) are not applicable in R8 Districts in Community Board 8 in the Borough in Manhattan.

<u>Maximum Floor Area Ratio Permitted</u>	<u>District</u>
0.50	R3
0.75	R4
1.27	R5
2.00	R6B
2.43	R6
3.00	R6A,R7B
3.44	R7
4.00	R7A,R8B
6.02	R8
6.02	R8A
6.00	R8X
7.52	R9
7.50	R9A
9.00	R9X
10.00	R10A

24-174

Location of open space for residential portion

R1,R2,R3,R4,R5,R6,R7,R8,R9

(a) In the districts indicated, the *open space* required for the *residential* portion of the *building* under the provisions of Article II, Chapter 3 may be at a level higher than 23 feet above *curb level*. Such *open space* may be provided at ground floor level or upon the roof of the *community facility* portion of such *building*, provided that the level of any *open space* may not be higher than two and one-half feet below the sill level of any *legally required window* opening on

such roof area, in the *residential* portion of such *building*. *Open space* located on the roof of a separate *community facility building* may not be at a level higher than 23 feet above *curb level*.

R6A,R7A,R8A,R9A,R10A,R6B,R7B,R8B,R7X,R8X,R9X.

(b) In the districts indicated, and for *buildings* in which the *residential* portion is *developed*, or *enlarged* where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts the provisions of Section 28-30 (RECREATION SPACE AND PLANTING AREAS) shall apply.

24-175

Balconies in R3 through R10 districts

R3,R4,R5,R6,R7,R8,R9,R10

In the districts indicated, the regulations set forth in this Section shall apply to the *residential* portion of a *building* used partly for *residential use* and partly for *community facility use* or to any portion of a *building* used for living or sleeping accommodations.

Balconies which:

- (a) Are unenclosed except for a parapet not exceeding three feet, eight inches in height or a railing not less than 50 percent open and not exceeding four feet, six inches in height, and
- (b) Are located at or higher than the floor level of the fourth *story* of a *building*, and
- (c) Have an aggregate length, at the level of any *story*, not exceeding 50 percent of the length at that level of the plane surface of the *building* wall from which they project, and
- (d) Have an aggregate area of projection at the level of any *story*, not exceeding, in square feet, 1.8 times the length in feet at that level of such plane surface, may, by a distance not exceeding nine feet, penetrate any *sky exposure plane* or project into or over any required open area set forth in the following Sections:
 - (i) [a] *Open Space*, as defined in Section 12-10 (Definitions);
 - (ii) [b] *Plazas*, as defined in Section 12-10 (Definitions);
 - (iii) [c] *Rear yards*, as defined in Section 12-10 (Definitions);
 - (iv) [d] *Initial setback distances* or *sky exposure planes*, as set forth in Section 24-52 (Maximum Height of Front Wall and Required Front Setbacks);
 - (v) [e] *Alternate front setbacks* or *sky exposure planes*, as set forth in Section 24-53 (Alternate Front Setbacks);

- (vi) [f] Open area not occupied by towers, as set forth in Section 24-54 (Tower Regulations);
- (vii) [g] Required side and rear setbacks, as set forth in Section 24-55 (Required Side and Rear Setbacks);
- (viii) [h] *Pedestrian mall.*

However, for *buildings* in which the *residential* portion is *developed*, or *enlarged* where permitted, pursuant to the Quality Housing Program, the regulations for balconies shall be as set forth in Section 24-176 (Balconies in R6A through R10A Districts).

24-176

Balconies in R6A through R10A Districts

R6A,R7A,R8A,R9A,R10A,R6B,R7B,R8B,R7X,R8X,R9X

- (a) In the districts indicated, balconies may be provided as set forth in Section 24-175 paragraphs (a) through (d) except that projections shall conform to the provisions of paragraph (b) below. In addition, balconies may be enclosed by the *building* walls provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet not exceeding three feet, eight inches in height or a railing not less than 50 percent open and not exceeding four feet, six inches in height, and such balcony is counted as *Quality Housing lot coverage*. The area of such balcony shall be excluded from the definition of *floor area*.
- (b) In no event shall balconies:
 - (i) project by a distance greater than seven feet as measured from the plane surface of the *building* wall;
 - (ii) penetrate the *front* or *rear sky exposure plane*;
 - (iii) project into the minimum required distance between *buildings* on the same *zoning lot*;
 - (iv) cover more than 10 percent of the area designated as outdoor recreation space pursuant to Section 28-30 (RECREATION SPACE AND PLANTING AREAS).

* * *

24-18

Special Provisions for Zoning Lots Divided by District Boundaries

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, whenever a *zoning lot* is divided by a boundary between districts or is subject to other regulations resulting in [with] different maximum *floor area ratios*; different minimum *open space ratios*; [or] different maximum percents of *lot coverage*; or *open space ratios* and *Quality Housing lot coverages*, on portions of the *zoning lot*, the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

24-21

Required Lot Area

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, if a *building* is used partly for *residence* and partly for *community facility use*, the provisions of this Section shall apply.

In R1, R2, R3, R6, R7, R8, R9 and R10 Districts, for each 100 square feet of *floor area* used for such *community facility use*, at least the amount of *lot area* set forth in the following table shall be provided. Such *lot area* shall be in addition to that required for the *residential uses*, which shall be set forth in Section 23-22.

Any given *lot area* shall be counted only once in meeting the *lot area* requirements.

REQUIRED LOT AREA
PER 100 SQUARE FEET
OF FLOOR AREA USED
FOR COMMUNITY
FACILITY USE

in Square Feet

District

100

R1, R2, R3

50

R6B

33

R6A, R7B

25

R7A, [R8A], R8B

20

R6, R7-1, R7X

15

R7-2, R8, R8A, R8X

13

R9A

11

R9X

10

R9, R10, R10A

* * *

24-23

Special Provisions for Zoning Lots Divided by District Boundaries

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, whenever a *zoning lot* is divided by a boundary between districts or is subject to other regulations resulting in [with] different *lot*

area requirements on portions of the zoning lot, the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

24-34

Minimum Required Front Yards

R1,R2,R3,R4,R5,R6,R7,R6B,R7B

In the districts indicated, front yards shall be provided as set forth in the following table, except that for a corner lot in an R1-2 District, one front yard may have a depth of 15 feet.

Front Yard (in feet)	District
20	R1
15	R2, R3, R4
10	R5
5	R6B, R7B

In other R6 and R7 Districts, front yards with a minimum depth of five feet shall be provided for buildings in which the residential portion is developed, or enlarged where permitted, pursuant to the Quality Housing Program on narrow streets except within 100 feet from the intersection with a wide street.

24-35

Minimum Required Side Yards

* * *

R6,R7,R8,R9,R10

(b) In the districts indicated, no side yards are required. However, if any open area extending along a side lot line is provided at any level it shall be at least eight feet wide.

24-351

Special provisions applying along district boundaries

R6,R7,R8,R9,R10

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4, or R5 District coincides with a side lot line of a zoning lot, a side yard at least eight feet wide shall be provided along such boundary within the districts indicated. In addition, the requirements for R6B Districts in Sections 23-45 (Minimum Required Front Yards) and 23-633 (Street wall and height and setback regulations in certain districts) shall apply to any portion of a building

located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District if the *building* that contains such portion is:

- (a) within an R6A, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X or R10A District; or
- (b) within R6, R7, R8, R9 and R10 Districts without a letter suffix and any portion of the *zoning lot* is *developed* pursuant to the Quality Housing Program.

* * *

24-38

Special Provisions for Through Lots

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, the regulations of this Section shall apply to all *through lots*. [except that] In the case of a *zoning lot* occupying an entire *block*, no *rear yard* or *rear yard equivalent* shall be required except as otherwise provided in Section 24-382 (Required rear yard equivalents).

* * *

24-382

Required rear yard equivalents

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, on any *through lot* 110 feet or more in maximum depth from *street* to *street*, one of the following *rear yard equivalents* shall be provided:

- (a) An open area with a minimum depth of 60 feet, linking adjoining *rear yards*, or if no such *rear yards* exist, then an open area, with a minimum depth of 60 feet, midway (or within five feet of being midway) between the two *street lines* upon which such *through lot* fronts. However, *developments* or *enlargements* in R6A, R6B, R7A, R7X, R8A, R8B, R8X, R9A, R9X and R10A Districts or *buildings* the *residential* portion of which is *developed*, or *enlarged* where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, shall provide a *rear yard equivalent* only as set forth in this paragraph.

* * *

[(d) In R8A, R9A, R9X and R10A Districts the provisions of paragraphs (b) and (c) above shall not apply.]

* * *

24-40 SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, whenever a zoning lot is divided by a boundary between districts or is subject to other regulations resulting in [with] different yard regulations on portions on the zoning lot, the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

24-51

Permitted Obstructions

In all Residence Districts, the following shall not be considered obstructions and may thus penetrate a maximum height limit or [a] front or rear sky exposure planes set forth in Section 24-52 (Maximum Height of Front Wall and Required Setbacks), Section 24-53 (Alternate Front Setbacks), or Section 24-59 (Limited Height Districts):

* * *

24-52

Maximum Height of Front Wall and Required Front Setbacks

* * *

[(b) In R8A, R9A, R9X and R10A Districts the maximum height of a street wall or of any other portion of a building or other structure shall be as set forth in Section 24-523 (Street wall and height and setback regulations in certain districts).]

24-522

Front setbacks in districts where front yards are not required

(a) existing text to remain

* * *

R6A,R7A,R8A,R9A,R10A,R6B,R7B,R8B,R7X,R8X,R9X

(b) In the districts indicated, and for any development, or enlargement where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, the provisions of this section shall be inapplicable. In lieu thereof, the provisions of Section 24-523 (Street wall and height and setback regulations in certain districts) shall apply.

24-523

Street wall and height and setback regulations in certain districts -

R6A, R7A, R8A, R9A, R10A, R6B, R7B, R8B, R7X, R8X, R9X

In the districts indicated, *street wall*, and height and setback regulations are set forth in this section. The provisions of Sections 24-53 (Alternate Front Setbacks) and 24-54 (Tower Regulations) shall not apply.

1. Location of Street Wall

R8A, R9A, R9X, R10A

(a) In the districts indicated, the *street wall* of any *development* or *enlargement* for the first two *stories* or 23 feet, whichever is greater, shall be located on the *street line* and extend the entire [width] **length of the *street line*** of the *zoning lot*, except as provided in paragraph [(b)](f) and [(3)] **sub-section 3 (Modification of Street Wall Requirements)** below.

However, at the intersection of two *street lines* the *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] **anywhere within an area bounded by the two *street lines* and lines parallel to and five feet from each *street line*.** [Recesses are permitted only for entrances and windows.]

Except as provided in [(3)] **sub-section 3** below, for any *development* or *enlargement* fronting on a *wide street* the *street walls* above the level of the second *story* or 23 feet, whichever is greater, shall comply with one of the following options. Under all options, at the intersection of two *street lines*, the mandatory *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] **anywhere within an area bounded by the two *street lines* and lines parallel to and five feet from each *street line*.**

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire [width] **length of the *street line*** of the *zoning lot* [fronting on] **along a *wide street*.**

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each *story*.

Option 3

A minimum of 75% of the aggregate area of the mandatory *street walls* at each *story* shall be within five feet of the *street line* provided that the mandatory *street walls* shall abut the *street line* at least once every 25 feet.

These location provisions shall apply to all *development* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with a *wide street*.

R8A, R9A, R9X, R10A

(b) In the districts indicated, on a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, the *street wall* of any *development* or *enlargement* shall be located no further from the *street line* than the front wall of [the nearest] **any adjacent existing building** on [an adjacent] **the same or another zoning lot** fronting on the same *street line*. If the mandatory *street wall* is located within five feet of the *street line* it shall comply with one of the following options.

Option 1

A maximum of 50% of the aggregate length of the mandatory *street wall* at each *story* may be recessed from the *street line* to a depth not exceeding ten feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street wall* at each *story*.

Option 2

A minimum of 75% of the aggregate area of the *street wall* at each *story* shall be within five feet of the *street line*.

No *street wall* facing a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street* is required if the resulting open area is maintained as follows:

1. Its elevation shall be within 2 feet of the abutting sidewalk.
2. No wall or fence above a height of 30 inches above *curb level* shall consist of elements more than 1½ inches thick and less than 5 inches apart.
3. Its entire area shall be covered by decorative unit pavers, shrubbery, grass, or landscaped elements not more than 30 inches high, and
4. If such resulting area is 1,500 to 2,000 square feet, it shall contain at least three 4" caliper trees, and there shall be one additional 4" caliper tree for each additional 1,000 square feet or fraction thereof; or
5. If such resulting area is less than 1,500 square feet and contains fewer than three 4" caliper trees, it shall contain shrubbery for at least 25 per cent of its area.

R8B

- (c) [In the district indicated the *street wall* of any *development* or *enlargement* on a *wide street* shall be located no further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line*; and on a *narrow street* the *street wall* of any *development* or *enlargement* shall be neither closer to nor further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line* and shall extend the entire width of the *zoning lot* except as provided in (3) below. Recesses and projections are permitted provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 per cent of the length of the mandatory *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not project more than two feet from the mandatory *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 23-84 (Outer Court Regulations).]

In the district indicated the *street wall* of any *development* or *enlargement* shall be located in accordance with the provisions of paragraphs (i) through (iv) below, except as provided in sub-section 3 (Modification of Streetwall Requirements). A *narrow street* having a *street line* measuring less than 230 feet between intersecting *street lines* shall be considered a *wide street* in applying the provisions of paragraphs (i) through (iv) below.

- (i) On a *wide street* the *street wall* shall be located within 8 feet of the *street line*. However, if the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line* is further than 8 feet from the *street line*, the *street wall* may be set back further than 8 feet but not more than either of such adjacent front walls. This requirement shall apply to all *developments* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with a *wide street*.
- (ii) On a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, but within 100 feet of such intersection, the *street wall* shall be neither closer to nor further from the *street line* than the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line*, but need not be more than 15 feet from the *street line*.

Where a *zoning lot* is located at the intersection of a *wide street* and a *narrow street* no *street wall* is required along such 50 foot portion of the *narrow street* frontage, provided any resulting open area is maintained as specified for open areas in Section 24-523 sub-section 1 paragraph (b) above.

However, if a *street wall* is provided within the optional *street wall* portion of the *narrow street* frontage of such *zoning lot* it shall be subject to the location requirements of paragraph (i) above.

- (iii) On a *narrow street* beyond a distance of 100 feet from its intersection with a *wide street* the *street wall* shall be neither closer to nor further from the *street line* than the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line*, but need not be more than 15 feet from the *street line*.
- (iv) The mandatory *street wall* pursuant to paragraphs (i), (ii), and (iii) above shall extend the entire length of the *street line* of the *zoning lot* from *side lot line* to *side lot line* or intersecting *street wall*, except as provided in paragraph (ii) above, sub-section 3 (Modification of Street Wall Requirements). Recesses and projections are permitted, except within 20 feet of a *street* corner, provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 percent of the *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not extend more than two feet from the *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 24-63 (Outer Court Regulations).

R6B,R7B,R8X,R6A,R7A,R7X

(d) In the districts indicated, and for any *development*, or *enlargement* where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, all *street walls* of any *development* or *enlargement* shall be located no further from the *street line* than the maximum permitted *street wall* setback distance until the height of such *street walls* equals the height above the *street line* of the *front sky exposure plane* as set forth in the table below. These *street wall* requirements shall be applicable to only one *street* on *through lots* which extend less than 110 feet in maximum depth from *street* to *street*, but shall apply to both *streets* on deeper *through lots*. These *street wall* requirements shall be inapplicable along a *wide street* within 15 feet of its intersection with a *narrow street*, or to any *street wall* located beyond 100 feet from a *street line*.

R6B,R7B

(e) In the districts indicated, on a *narrow street* except within a distance of 100 feet from its intersection with a *wide street*, if the front wall of an adjacent existing *building* on the same or an abutting *zoning lot* fronting on the same *street* is between five and 15 feet from the *street line*, then the front wall of the *development* or *enlargement* shall be neither closer to nor further from the *street line* than the front wall of an adjacent existing *building*.

[R8A, R8B, R9A, R9X, R10A]

(f) [(d) In the districts indicated a] A vertical *enlargement* in excess of one *story* or 15 feet to an existing *building* is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing *street wall* except as provided in [(3)] **sub-section 3** below.

2. Height of Street Wall

[R8A, R8B, R9A, R9X, R10A]

[In the districts indicated the mandatory minimum height above *curb level* of a *street wall*, without a setback, shall be as set forth in Column A, or the height of the *building*, whichever is less; the maximum permitted height of a *street wall* without a setback at the *street line* shall be as set forth in Column B; and above such specified maximum height the *building or other structure* shall not penetrate the *sky exposure plane* as set forth in Column B in the table below:]

Column A		Column B			
Sky Exposure Plane**					
Mandatory minimum height of street wall (in feet)		Maximum permitted height of street wall without setback at the street line (in feet)	Slope over zoning lot (expressed as a ratio of vertical to horizontal distance)		
Wide street*		Narrow street*		Vertical	Horizontal
60	23	85	1.5	to	1 R8A
55	23***	60	1.0	to	1 R8B**
60	23***	100	1.5	to	1 R9A
110	23***	110	2.0	to	1 R9X
125	23***	150	2.5	to	1 R10A

*The mandatory minimum height of a *street wall* on *wide streets* shall apply to all *developments or enlargements* on *zoning lots* on *narrow streets* within 50 feet of the intersection with a *wide street*.

**The *sky exposure plane* shall begin at the maximum permitted height of the *street wall* at the *street line* except that in an R8B district a setback of 20 feet from the *street wall* is required at a height of 60 feet.

***No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(d) above.]

R6A,R6B,R7A,R7B,R7X,R8A,R8B,R8X,R9A,R9X,R10A

(a) In the districts indicated, and for any *development, or enlargement* where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, no *street wall* shall penetrate the *front sky exposure plane* set forth in the table below.

R8A,R8B,R9A,R9X,R10A

- (b) In the districts indicated, the minimum height above *curb level* of a mandatory *street wall* without setback, shall be as specified in the table below, unless the height of the *building* is less than such minimum. If such *street wall* along a *narrow street* rises above such minimum height no setbacks shall be permitted below a height of 55 feet except as provided in 1(f) above. The minimum height of a mandatory *street wall* on *wide streets* shall apply to all *developments* or *enlargements* on *zoning lots* on *narrow streets* within 50 feet of the intersection with a *wide street*.

R7X,R8X

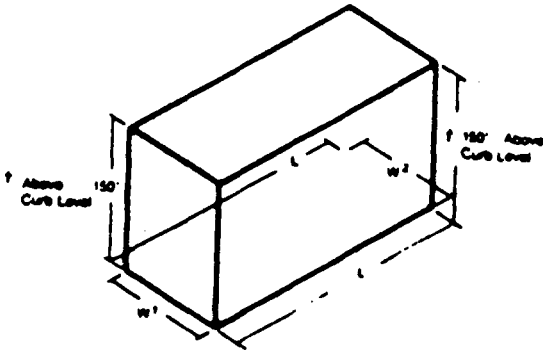
- (c) In the districts indicated, and for any *development*, or *enlargement* where permitted, pursuant to the Quality Housing Program on *wide streets* in R8 Districts outside the *Manhattan Core* one of three sets of *sky exposure planes* as set forth in the table below may apply. Alternatives 2 and 3 require a minimum setback of 10 feet from the *street wall* from a height of between 65 and 70 feet above *curb level* to the height above the *street line* of the *front sky exposure plane*. The Alternate 3 *sky exposure planes* may apply only if the width of the *street wall* of the *building* above the mandatory front setback level on the *wide street* is less than 50% of the width of the *wide street* frontage of the *zoning lot*. The Alternate 2 *sky exposure planes* may apply if such percentage is between 51% and 90%.

3. Modifications of Street Wall Requirements

R6A,R7A,R8A,R9A,R10A,R6B,R7B,R8B,R7X,R8X,R9X

- (a) In the districts indicated, on a *zoning lot* where there is an existing *building* to remain, and when there is to be a new *development* or *enlargement*, that includes new *street walls*, the requirements governing height and location of *street walls* shall not apply within a volume defined by the rear wall of the existing *building* [(W²)], the *front lot line* [(W¹)], the prolongations of the side walls [(L)], and [a height of 150 feet above *curb level*. If, after April 9, 1984, any exterior demolition or destruction occurs within the volume defined, the requirements governing *street wall* height and location shall apply.]

the roof of the existing *building*. If, after (the effective date of this amendment), any exterior demolition or destruction occurs within this volume or to the boundaries of this volume, or if any *development* or *enlargement* occurs above this volume the requirements governing *street wall* height and location shall apply.



L Sidewall and prolongation of existing building

W¹ Front lot line

W² Rear wall of existing building]

* * *

[R8B]

4. Front and Rear Sky Exposure Planes

[In the district indicated, no building or other structure shall penetrate a rear sky exposure plane beginning at a distance of 100 feet from the street line, at a height of 30 feet above curb level with a slope of 1 foot vertical to 1 foot horizontal].

No portion of a building or other structure shall penetrate the front or rear sky exposure planes set forth in the table below.

Both the front and rear sky exposure planes shall rise in opposite directions over the zoning lot at a ratio of vertical distance to horizontal distance as set forth in the table below and shall terminate at a line where they intersect. When a street line intersects any other street line, the front sky exposure planes of both street frontages shall terminate at a line where the front sky exposure planes intersect

and the *rear sky exposure planes* shall terminate at a line where the *rear sky exposure planes* intersect. In plan, the line of intersection of these planes shall bisect the interior angle formed at the line of intersection of these *street lines* as shown in the diagram below.

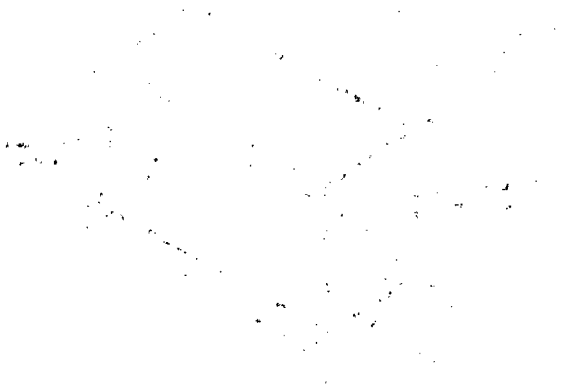


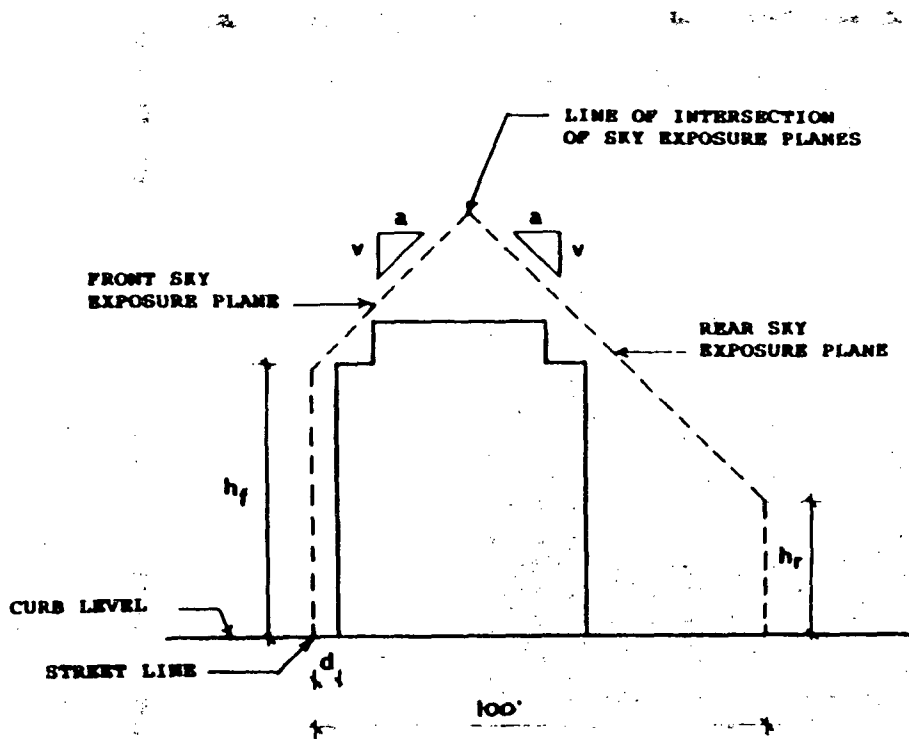
TABLE: STREET WALL AND HEIGHT AND SETBACK REGULATIONS

District	Maximum Street Wall Setback Distance from Street Line (in feet)		Minimum Required Height of a Street Wall within Setback Distance (in feet)		Slope Over Zoning Lot (Expressed as a Ratio of Vertical to Horizontal Distance)			
	on a Wide Street	On a Narrow Street	on a Wide Street	on a Narrow Street	Front Sky Exposure Plane		Rear Sky Exposure Plane	
					Height Above the Street Line (in feet)	Vertical Distance to Horizontal Distance	Height Above the 100-Foot Line (in feet)	Vertical Distance to Horizontal Distance
R6B (1)	20	20	-	-	30	1.0 to 1.0	0	1.0 to 1.0
R6 (Narrow Street) (1)(2)	-	15	-	-	35	1.0 to 1.0	10	1.0 to 1.0
R6 (Wide Street - (3) Inside Core) (4)	8	15	-	-	55	1.0 to 1.0	10	1.0 to 1.0
R6A, R6 (Wide Street (3) - Outside Core) (4)	8	15	-	-	60	1.0 to 1.0	15	1.0 to 1.0
R7B (1)	8	15	-	-	55	1.0 to 1.0	30	1.0 to 1.0
R7 (Narrow Street) (1)(2)	-	15	-	-	55	1.0 to 1.0	30	1.0 to 1.0
R7 (Wide (3) Street - Inside Core) (4)	8	15	-	-	60	1.0 to 1.0	30	1.0 to 1.0
R7A, R7 (Wide Street (3) - Outside Core) (4)	8	15	-	-	65	1.0 to 1.0	30	1.0 to 1.0
R7X - Alc - 1	8	15	-	-	85	1.0 to 1.0	45	1.0 to 1.0
- Alc - 2	8	15	-	-	115	1.0 to 1.0	80	1.0 to 1.0
- Alc - 3	8	15	-	-	135	1.0 to 1.0	105	1.0 to 1.0
R8B (7)	(5)	(5)	55	23	60	1.0 to 1.0	30	1.0 to 1.0
R8 (Narrow Street) (2)	-	15	-	-	80	1.0 to 1.0	70	1.0 to 1.0
RB (Wide Street - (3) Inside Core) (4)	8	15	-	-	85	1.5 to 1.0	80	1.0 to 1.0
R8A	0	(6)	60	23	85	1.5 to 1.0	80	1.0 to 1.0

TABLE: STREET WALL AND HEIGHT AND SETBACK REGULATIONS (continued)

District (8)	Maximum Street Wall Setback Distance from Street Line (in feet)		Minimum Required Height of a Street Wall within Setback Distance (in feet)		Slope Over Zoning Lot (Expressed as a Ratio of Vertical to Horizontal Distance)			
	on a Wide Street	On a Narrow Street	on a Wide Street	on a Narrow Street	Front Sky Exposure Plane		Rear Sky Exposure Plane	
					Height Above the Street Line (in feet)	Vertical Distance to Horizontal Distance	Height Above the 100-Foot Line (in feet)	Vertical Distance to Horizontal Distance
	Street	Street	Street	Street				
RBX - Alt - 1								
R8 (Wide Street - (3) Outside Core) (4)	8	15	-	-	85	1.5 to 1.0	80	1.0 to 1.0
RBX - Alt - 2	8	15	-	-	135	1.0 to 1.0	125	1.0 to 1.0
RBX - Alt - 3	8	15	-	-	170	1.0 to 1.0	145	1.0 to 1.0
R9 (Narrow Street) (2)	-	15	-	-	93	1.5 to 1.0	100	1.0 to 1.0
R9 (Wide Street) (3)	8	15	-	-	102	1.5 to 1.0	100	1.0 to 1.0
R9A	0	(6)	60	23	102	1.5 to 1.0	100	1.0 to 1.0
R9X	0	(6)	105	23	120	2.0 to 1.0	120	1.0 to 1.0
R10 (Narrow Street) (2)	-	15	-	-	150	2.5 to 1.0	120	1.0 to 1.0
R10 (Wide Street) (3)	8	15	-	-	150	2.5 to 1.0	140	1.0 to 1.0
R10A	0	(6)	125	23	150	2.5 to 1.0	140	1.0 to 1.0

- (1) A #front yard# with a minimum depth of 5 feet is required.
- (2) Refers to that portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#.
- (3) Refers to that portion of a district which is within 100 feet of a #wide street#.
- (4) Core refers to #Manhattan Core#.
- (5) Varies, see Section 24-~~23~~ 1(c).
- (6) Varies, see Section 24-~~23~~ 1(b).
- (7) A setback of 20 feet from the mandatory #street wall# is required at a height of 60 feet.



h_f is the height at which the front sky exposure plane begins at the street line

h_r is the height at which rear sky exposure plane begins at the 100-foot line

d is the maximum street wall set back distance

v is the vertical distance

a is the horizontal distance

ILLUSTRATION OF SKY EXPOSURE PLANES

SECTION 24-523

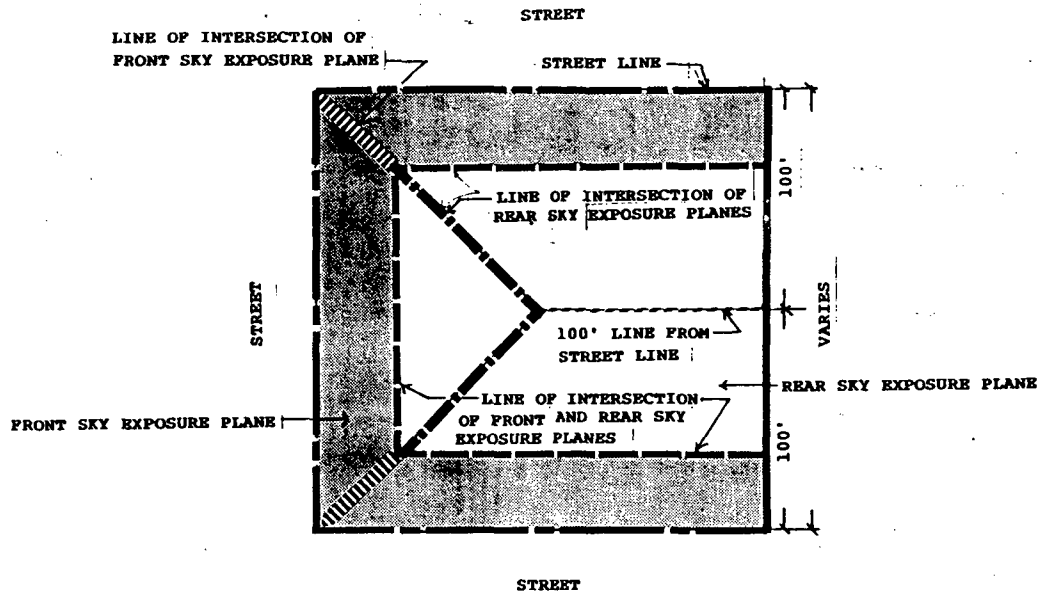


ILLUSTRATION OF SECTION 24-523

24-524

Provisions for lots more than 100 feet in depth

R6A,R6B,R7A,R7B,R7X,R8A,R8B,R8X,R9A,R9X,R10A

In the districts indicated, and for any *development*, or *enlargement* where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts no *building* subject to the provisions of Section 24-523 (Street wall and height and setback regulations in certain districts) shall be permitted beyond 100 feet from a *street line*, except for permitted obstructions in *rear yards*.

* * *

24-58

Special Provisions for Zoning Lots Divided by District Boundaries

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, whenever a *zoning lot* is divided by a boundary between districts, or is subject to other regulations resulting in [with] different height and setback regulations, or whenever a *zoning lot* is divided by a boundary between a district to which the provisions of Section 24-54 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

24-591

Additional regulations for narrow buildings or enlargements

R7-2,R8,R9,R10,R7X

If the width of the *street wall* of a new *building* or the enlarged portion of an existing *building* is 45 feet or less, the provisions of Section 23-692 (Additional regulations for narrow buildings or enlargements) shall apply to such new or enlarged *building*.

* * *

Chapter 5 Accessory Off-Street Parking and Loading Regulations
Off Street Parking Regulations

25-00 GENERAL PURPOSES AND DEFINITIONS

* * *

25-024

District designations

Whenever a section lists a district with a letter suffix the provisions applicable to the letter suffix district are different from the provisions applicable to the district without the suffix as set forth in that section.

* * *

25-025

Applicability of regulations to Quality Housing

On any zoning lot containing residential uses developed, enlarged or converted pursuant to the Quality Housing Program, all accessory off-street parking spaces shall be within a completely enclosed building or other structure except as otherwise provided in Section 28-50 (PARKING FOR QUALITY HOUSING).

* * *

25-16

Maximum Spaces for Other than Single-Family Detached Residences

R3,R4,R5,R6,R7,R8,R9,R10

In the districts indicated, the provisions of this section shall apply to all dwelling units or rooming units in residential buildings other than Quality Housing buildings and single-family detached residences, except as provided in Section 25-17 (Modification of Maximum Spaces for Other than Single-Family Detached Residences).

* * *

25-23

Requirements Where Group Parking Facilities Are Provided

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, for all new residences developed under single ownership or control where group parking facilities are provided, accessory off-street parking spaces shall be provided for at least that percentage of the total number of dwelling units set forth in the following table. Such spaces shall be kept available to the residents of the building or development, in accordance with the provisions of Section 25-41 (Purpose of Spaces, and Rental to Non-Residents).

PARKING SPACES REQUIRED WHERE GROUP PARKING FACILITIES ARE PROVIDED.

Percent of total dwelling units

100	R1	R2	R3	R4		
85				R5		
70					R6	
60						R7-1
50*	R6A	R6B	R7A	R7B	R7X	R7-2 R8B**

40

R8 R9 R10

* In R6 and R7 Districts for *residences developed or enlarged* pursuant to the Quality Housing Program, *accessory* off-street parking spaces shall be provided for at least 50 percent of the total number of *dwelling units*.

** In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts.

* * *

25-24

Modification of Requirements for Small Zoning Lots

R6,R7,R8,R9,R10

In the districts indicated, for small *zoning lots*, the requirements set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified in accordance with the provisions of this Section. The provisions of this Section shall not apply to R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X and R10A Districts or to *residences developed or enlarged* pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts.

* * *

25-25

Modification of Requirements for Public, [or] Publicly-Assisted and Government Assisted Housing or for Non-profit Residences for the Elderly

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, *accessory* off-street parking spaces shall be provided for at least that percentage of the total number of *dwelling units* in each category as set forth in the following table, for:

- (a) All *dwelling units* in publicly-assisted housing *developments* approved by the City Planning Commission and the Board of Estimate which limit maximum tenant income and receive cash and/or interest subsidies under Federal mortgage programs;
- (b) All *dwelling units* in low rent public housing *developments* owned by or constructed for the New York City Housing Authority or other public authority and receiving cash subsidies, or *dwelling units* in new housing *developments* approved by the City Planning Commission and the Board of Estimate that are reserved for low-income tenants for a period of not less than 40 years at rentals equivalent to rentals in low rent public housing *developments* receiving cash subsidies;

- (c) All *dwelling units* in publicly-assisted housing *developments* approved by the City Planning Commission and the Board of Estimate which limit maximum tenant income and receive rent subsidy contracts under Federal rent subsidy programs, other than such *developments* owned by or constructed for the New York City Housing Authority which have received "plan" and "project" approval prior to June 30, 1975; and *non-profit residences for the elderly* or *dwelling units* for the elderly;
- (d) *Non-profit residences for the elderly* or *dwelling units* in a publicly-assisted or public housing *development* that are reserved for elderly tenants for a period of not less than 40 years and that comply with the appropriate space requirements for related *accessory* social and welfare facilities set forth in the definition of a *non-profit residence for the elderly* in Section 12-10 (DEFINITIONS).
- (e) All government assisted *dwelling units* or *rooming units* in *developments* which receive New York City or New York State assistance to reduce total development cost by \$10,000 or 10 percent, whichever is less, and limit maximum tenant income to the income limits established by the United States Department of Housing and Urban Development for New York City mortgagors assisted under Section 235 of the National Housing Act, as amended.

PARKING SPACES REQUIRED FOR PUBLIC, [OR] PUBLICLY-ASSISTED AND GOVERNMENT ASSISTED HOUSING DEVELOPMENTS OR NON-PROFIT RESIDENCES FOR THE ELDERLY

Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing Developments	Non-Profit Residences for the Elderly or dwelling units for the Elderly	Government Assisted Housing	District
		or Dwelling Units for Low Income Tenants			
80	65	50	1	80	R1, R2
80	65	50	35	80	R3, R4
70	56	42.5	31.5	70	R5
55	45	35	22.5	55	R6**
39	32	25	16	35	R6A, R6B, R7B
45	38	30	20	45	R7-1**
30	23	15	12.5	25	R7-2, R7A, R7X, R8B*

30	21	12	10	25	R8, R8A, R8B, R9X, R10, R10A
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* In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts.

** For assisted housing projects developed, or enlarged where permitted, pursuant to the Quality Housing Program in R6 and R7-1 Districts, the applicable district parking requirements shall be as follows:

<u>District</u>	<u>Applicable District Parking Requirement</u>
R6	R6A
R7-1	R7A

25-26

Waiver of Requirements for Small Number of Spaces

* * *

25-261

For new developments or enlargements

R6,R7,R8,R9,R10

In the districts indicated, for all new *developments* or *enlargements*, the maximum number of *accessory* off-street parking spaces for which requirements are waived is as set forth in the following table:

Maximum Number of Spaces Waived

5	R6 R7-1 R7-B
15	R7A R7X R7-2 R8 R9 R10

25-262

For conversions

R6,R7-1,R7A,R7-B,R7X

In the districts indicated², the conversions in *buildings*, or portions thereof, which result in the creation of additional *dwelling units* or *rooming units*, the maximum number of *accessory* off-street parking spaces for which requirements are waived is 20 spaces, provided that the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

* * *

25-28

Special Provisions for Zoning Lots Divided by District Boundaries

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, whenever a zoning lot is divided by a boundary between districts or is subject to other regulations having different requirements for accessory off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

25-30 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES

25-31

General Provisions

* * *

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Parking spaces required in relation to specified unit of measurement

Type of use

FOR COMMUNITY FACILITY USES

Hospitals and related facilities¹

1 per 5 beds	R1 R2 R3 R4 R5
1 per 8 beds	R6 R7B R7-1
1 per 10 beds	R7A R7X R7-2 R8 R9 R10

Medical offices or group medical centers

Square feet of floor area:	
None required	R7A R7X R7-2 R8 R9 R10
1 per 400	R1 R2 R3
1 per 500	R4 R5
1 per 800	R6 R7B R7-1

Churches	None required	R7A R7X R7-2 R8 R9 R10
	1 per 10 fixed seats	R1 R2 R3
	1 per 15 fixed seats	R4 R5
	1 per 20 fixed seats	R6 R7B R7-1
Clubs, community centers, or settlement houses; philanthropic or non-profit institutions without sleeping accommodations; golf course club houses;	Rated Capacity: None required	 R7A R7X R7-2 R8 R9 R10
	1 per 10 persons	R1 R2 R3 R4 R5
	1 per 20 persons	R6 R7B R7-1

health centers; non-commercial recreation centers; or welfare centers, provided that in R5, R6 and R7-1 districts, no accessory off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities.

Square feet of *floor area*

Libraries, museums, or non-commercial art galleries ¹	None required	R7A R7X R7-2 R8 R9 R10
	1 per 1,000	R1 R2 R3 R4 R5
	1 per 2,000	R6 R7-1 R7B
College dormitories, fraternity or houses	None required	R7A R7X R7-2 R8 R9 R10
	1 per 6 beds	R1 R2 R3 R4 R5

	1 per 12 beds	R6 R7B R7-1
Colleges, universities, or seminaries	Square feet of <i>floor area</i> :	
(a) Classrooms, laboratories, student	None required	R7A R7X R7-2 R8 R9 R10
	1 per 2,000	R6 R7B R7-1
(b) Theatres, auditoriums, gymnasiums, or stadiums	Rated capacity: None required	R7A R7X R7-2 R8 R9 R10
	1 per 8 persons	R1 R21 R3 R4 R5
	1 per 16 persons	R6 R7-1R7B
Agricultural uses, including greenhouses, nurseries, or truck gardens	Square feet of <i>lot area</i> used for selling purposes: None required	R7A R7X R7-2 R8 R9 R10
	1 per 1,000	R1 R2 R3 R4 R5
	1 per 2,500	R6 R7-1 R7B
Outdoor skating rinks	Square feet of <i>lot area</i> : None required	R7A R7X R7-2 R8 R9 R10
	1 per 800	R1 R2 R3 R4 R5
	1 per 2,000	R6 R7-1 R7B
Outdoor tennis courts	Number of Courts: None required	R7A R7X R7-2 R8 R9 R10
	1 per 2 courts	R1 R2 R3 R4 R5
	1 per 5 courts	R6 R7-1 R7B

Philanthropic or non-profit institutions with sleeping accommodations; all types of nursing homes, health related facilities, domiciliary care facilities or sanitariums	None required	R7A R7X R7-2 R8 R9 R10
	1 per 10 beds	R1 R2 R3 R4 R5
	1 per 20 beds	R6 R7-1 R7B
Schools	Square feet of <i>floor area</i> : None required	R3 R4 R5 R6 R7 R8 R9 R10
	1 per 1,500	R1 R2
		* * *
Post Offices	Square feet of <i>floor area</i> : None required	R7A R7X R7-2 R8 R9 R10
	1 per 800	R1 R2 R3
	1 per 1,200	R4 R5
	1 per 1,500	R6 R7-1 R7B

FOR USES PERMITTED BY SPECIAL PERMIT

Camps, overnight or day, with a minimum of either 10,000 square of *lot area* or 10 employees

1 per 2,000 square feet of <i>lot area</i> or 1 per 3 employees, whichever will require a lesser number of spaces	R1 R2 R3 R4 R5 R6 R7 R8 R9 R10
---	--------------------------------------

	Square feet of <i>floor area</i> :									
Fire or police stations	None required					R7A R7X R7-2 R8 R9 R10				
	1 per 500		R1 R2 R3 R4 R5							
	1 per 800							R6 R7-1 R7B		

	Square feet of <i>floor area</i> :									
Riding academies or stables	None required					R7A R7X R7-2 R8 R9 R10				
	1 per 500		R1 R2 R3 R4 R5							
	1 per 800							R6 R7-1 R7B		

* * *

25-33

Waiver of Requirements for Spaces below Minimum Number

R1,R2,R3,R4,R5,R6,R7,R8,R9,R10

In all districts, as indicated, except for the *uses* listed in Section 25-331 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 25-31 (General Provisions) or Section 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to permitted non-*residential uses*, if the total number of *accessory* off-street parking spaces required for all such *uses* on the *zoning lot* is less than the number of spaces set forth in the following table:

Number of Spaces										
10	R1 R2 R3 R4 R5									
25	R6 R7-1 R7B									
40						R7A R7X R7-2 R8 R9 R10				

* * *

25-52

Off-Site Spaces for Residences

* * *

25-521

Maximum distance from zoning lot

R3,R4,R5,R6,R7,R8,R9,R10

In districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the zoning lot occupied by residences to which they are accessory.

Maximum

Distance
from Zoning
Lot

(a) 600 feet	R3	R4	R5	R6	R7-1	R7B													
(b) 1,000 feet																			R7A R7X R7-2 R8 R9 R10

* * *

Chapter 6 Special Urban Design Guidelines—Streetscape

* * *

26-02

Applicability of this Chapter

The regulations of this Chapter shall apply to all *developments* constructed after the effective date of this Chapter within R9 and R10 districts. However, this Chapter shall not apply within any Special Purpose District, nor shall it apply to any *development* [for which the Commission has granted a special permit pursuant to Section 74-95 (Housing Quality Developments),] **pursuant to the Quality Housing Program**, except as otherwise set forth herein.

* * *

Chapter 7 Special Urban Design Guidelines—Residential Plazas

* * *

27-01

Applicability of this Chapter

The provisions of this Chapter shall apply to all *developments* constructed after the effective date of this Chapter containing a *plaza* which qualifies for a *floor area* bonus under the provisions of Sections 23-16 and 24-14 (Floor Area Bonus for Plaza). However, this Chapter shall not apply within a Special Purpose District except where permitted within such Special Purpose District, nor shall it apply to any *development* **pursuant to the Quality Housing Program**, [for which the Commission has granted a special permit pursuant to Section 74-95 (Housing Quality Developments)] except as otherwise set forth therein.

* * *

Chapter 8 The Quality Housing Program

28-00 GENERAL PURPOSES

The Quality Housing Program is established to foster the provision of multi-family housing which:

- (a) is compatible with existing neighborhood scale and character;
- (b) provides adequately sized, naturally lit and ventilated housing;
- (c) provides on-site recreation space that meets the needs of its occupants; and
- (d) is designed to promote the security and safety of the residents.

28-01

Applicability of this Chapter

The Quality Housing Program is a specific set of standards and requirements for *buildings* containing *residences*. In R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X and R10A Districts and in the equivalent *Commercial Districts* listed in Sections 34-111 and 34-112 these standards and requirements are mandatory for the *development, enlargement, extension* of, or conversion to, any *residential use* other than *single* or *two-family residences*.

In other R6, R7, R8, R9 and R10 Districts and in the equivalent *Commercial Districts* listed in Sections 34-111 and 34-112, *residential developments*, or *residential enlargements* where permitted, electing to use the optional Quality Housing *bulk* regulations in Article II, Chapter 3 shall comply with all of the Quality Housing Program standards and requirements set forth in this Chapter. The Quality Housing Program is not applicable to *enlargements of buildings* (unless such *buildings* were *developed* pursuant to the Quality Housing Program), *extensions*, or conversions in these other districts.

The provisions of Article VII, Chapter 8 (Large Scale Residential Developments) are not applicable to *residential developments* pursuant to the Quality Housing Program.

28-02

Definitions

Net square feet of a dwelling unit or rooming unit

The "net square feet of a dwelling unit or rooming unit" is all the *floor area* within the perimeter walls of such unit.

Total Net Residential Floor Area

The "total net residential floor area" is the sum of the *net square feet of a dwelling unit or rooming unit* of all such units in a *development, enlargement, extension* or conversion.

Vertical Circulation Core

A "vertical circulation core" is an elevator core (consisting of one or more elevators) or a central stairwell in a *non-elevator building*.

28-03

Quality Housing Program Elements

The Quality Housing program consists of four components: neighborhood impact; *building* interior; recreation space and planting; and safety and security.

The neighborhood impact component controls the effect of the Quality Housing *building* on the neighborhood and includes bulk regulations, street planting and requirements for ground floor glazing in *Commercial Districts*, all of which are mandatory.

The *building* interior component sets minimum and preferred levels for the average size of *residential* unit; establishes minimum amounts of glazed area for each *residential* unit; requires privacy for ground floor *residential* units; mandates laundry facilities and special refuse storage and disposal systems; and encourages daylight in corridors.

The recreation and planting component establishes minimum and preferred space standards for indoor and outdoor recreation space, requires planting of open areas on the site, and encourages balconies.

The safety and security component sets minimum and preferred standards for the number of *residential* units per corridor; requires elevators, or the main stairways in walk-up *buildings*, that are visible from both the *street* and the door of each *residential* unit; mandates security devices for entrances to the *building* from the *accessory* parking; and requires secure open area visible from common spaces within the *building*.

Each Quality Housing *building* shall comply with all of the mandatory requirements of this Chapter and meet the preferred level in at least two of the three standards for *residential* unit size, recreation space and number of *residential* units per corridor.

28-10 NEIGHBORHOOD IMPACT

28-11

Bulk Regulations

The *bulk* regulations for Quality Housing *developments* or *enlargements* are set forth in the provisions applicable to the Quality Housing Program in Article II, Chapter 3; Article II, Chapter 4; Article III, Chapter 4 and Article III, Chapter 5.

28-12

Street Tree Planting

All Quality Housing *developments, enlargements, extensions* or conversions shall provide and maintain along the entire *street* length of the *zoning lot*, one street tree for every 25 feet of *street* frontage of the *zoning lot*. Such trees shall be of at least three inch caliper at time of planting and be placed at approximately equal intervals except where the Commissioner of Highways determines that such tree planting would be infeasible. All street trees shall be planted, maintained and replaced when necessary with the approval of, and in accordance with, the standards of the Department of Parks and Recreation and the Department of Highways.

28-13

Ground Floor Glazing

In all *Commercial Districts*, the *street wall* of any non-residential portion of a Quality Housing *development* or *enlargement* located within 15 feet of the *street line* shall consist of clear non-tinted glass on at least 35 percent of the facade of such *street wall* to a height of twelve feet above *curb level* so that the *building* interior is visible from the *street*. The lowest point of such glass shall not be higher than four feet above *curb level*.

28-20 BUILDING INTERIOR

28-21

Size of Dwelling Units

The minimum *net square feet* of a *dwelling unit* shall be at least 415 square feet. The average *net square feet* of a *dwelling unit* is determined by dividing the *total net residential floor area* within the *development, enlargement, extension* or conversion by the total number of *dwelling units* in such *development, enlargement, extension* or conversion. The result shall be no less than the minimum average *net square feet* of a *dwelling unit* as set forth in the following table. *Developments, enlargements, extensions* and conversions, electing to use the minimum standards of either Section 28-32 (Required Indoor and Outdoor Recreation Space) or Section 28-41 (Density per Vertical Circulation Core) shall meet or exceed the preferred average *net square feet* of a *dwelling unit* as set forth in the table below.

SIZE OF DWELLING UNITS

District	Minimum Average Net Square Feet of a Dwelling Unit		Preferred Average Net Square Feet of a Dwelling Unit	
	Non- Profit Residence for Elderly	Other Residential Building	Non- Profit Residence for Elderly	Other Residential Building
R6, R6A, R6B				
R7, R7A, R7B, R7X				
R8B	500	600	550	750
R8, R8A, R8X				
R9, R9A	500	650	550	800
R9X, R10A	500	700	550	800

28-22

Windows

All windows in the *residential* portion of a *building* shall be double glazed.

The minimum area in square feet of *legally required windows* in each *dwelling unit* or *rooming unit* shall not be less than as set forth in the table below.

SIZE OF WINDOWS

Building Height	Minimum Area of Windows as a Percentage of Net Square Feet of a Dwelling Unit or Rooming Unit
Under 13 stories	9.5%
13 or more stories	11.5%

28-23

Visual Privacy

In *developments*, or *enlargements* of nine units or more, except *buildings developed* or *enlarged* pursuant to Section 23-633, 1(a), all *dwelling units* or *rooming units* within ten feet of a sidewalk or an outdoor recreation space or an open *accessory* parking lot on the *zoning lot* shall either:

- (a) have a floor elevation at least three feet six inches above the level of the adjoining sidewalk, outdoor recreation space or *accessory* parking lot; or

- (b) be separated from the adjacent sidewalk, outdoor recreation space or *accessory parking lot* by a two foot wide strip densely planted with shrubs or trees which provide a year round dense screen at least four feet high at the time of planting.

28-24

Refuse Storage and Disposal

Developments, enlargements, extensions and conversions with nine or more dwelling units or rooming units per vertical circulation core shall comply with the provisions of this Section.

All refuse, except materials to be recycled, shall be mechanically compacted in accordance with applicable law. The storage and removal of refuse shall occur entirely within an enclosed area on the *zoning lot* and appropriate locations within the *zoning lot* shall be delineated for this purpose: at least one for *residential uses* and at least one for *community facility and commercial uses*. *Residential storage and removal locations shall be provided at the rate of 2.9 cubic feet per dwelling unit or 1.15 cubic feet per rooming unit. Developments or enlargements with 175 or more dwelling units or rooming units shall store compacted refuse in an on-site container acceptable to the Department of Sanitation.*

A refuse disposal room of not less than twelve square feet with no dimension less than three feet shall be provided on each *story* that has entrances to *dwelling units or rooming units*. At least two square feet of the door to the disposal room shall be transparent. The refuse disposal room shall contain a chute to the refuse compactor, two containers of at least three cubic feet each and shelf space for the storage of recyclable materials which shall measure at least three feet wide by 14 inches deep by 15 inches high. Twelve square feet of such refuse storage room shall be excluded from the definition of *floor area*.

28-25

Laundry Facilities

All developments, enlargements, extensions and conversions with nine or more dwelling units or rooming units, shall provide laundry facilities as set forth below.

- (a) Every *dwelling unit* shall be provided with a washing machine and a dryer; or
- (b) At least one laundry room shall be provided for the *dwelling units or rooming units* which are not provided with a washing machine and dryer, according to the following standards:
- (i) Each laundry room shall have at least one washing machine and one dryer; in addition one washing machine shall be required for every 20 *dwelling units or rooming units* and one dryer for every 40 *dwelling units or rooming units*. For the purposes of calculating the number of required machines, any

fraction of a required machine 50 percent or greater shall be counted as an additional machine.

- (ii) For every square foot of floor space occupied by the required machines there shall be a minimum of three additional square feet of unobstructed floor space in the laundry room which shall be equipped with chairs and tables for folding laundry.
- (iii) At least 35 percent of each door to the laundry room shall be transparent.
- (iv) The laundry room shall be directly accessible only from a corridor within the *residential* portion of a *building* and shall be accessible to the handicapped. The laundry room shall adjoin a recreation space or planted area unless such laundry room serves only one *story*.
- (v) The laundry room shall have at least one exterior wall and the minimum aggregate area in square feet of transparent glazed openings in the exterior walls of the laundry room shall not be less than 9.5 percent of the total floor space of the laundry room. All windows shall meet the applicable requirements for windows in Section 24-60 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES).

That portion of each laundry room which is used to meet the above minimum requirements shall be excluded from the definition of *floor area*.

28-26

Daylight in Corridors

For every square foot of clear non-tinted window provided in a corridor, 14 square feet of that corridor space may be excluded from the definition of *floor area* provided that:

- (a) Such windows shall be measured in the plane of the rough window opening and be at least four feet by five feet;
- (b) Such windows shall be directly visible from 50 percent of the corridor or from the *vertical circulation core*. This standard shall be achieved when a visually unobstructed straight line can be drawn between such corridor, elevator or stairwell and the window; and
- (c) Such windows are located at least 30 feet from a wall or a *side or rear lot line* measured in a horizontal plane, and perpendicular to, the rough window opening.

28-30 RECREATION SPACE AND PLANTING AREAS

28-31

Types of Recreation Space

Child use space is indoor or outdoor recreation space allocated for children under the age of 12.

Joint use space is indoor or outdoor recreation space allocated for both children and adults.

28-32

Required Indoor and Outdoor Recreation Space

All *developments, enlargements, extensions* or conversions with nine or more *dwelling units* or *rooming units* shall provide at least the minimum amount of indoor and outdoor recreation space as set forth in the table below. The amount of recreation space required is expressed as a percentage of the *total net residential floor area* of the *development, enlargement, extension* or conversion. *Developments, enlargements, extensions* or conversions with 40 or fewer *dwelling units* or *rooming units* may aggregate the minimum or preferred recreation space in one type, indoors or outdoors. *Developments, enlargements, extensions* or conversions electing to use the minimum standard of either Section 28-21 (Size of Dwelling Units) or Section 28-41 (Density per Vertical Circulation Core) shall meet or exceed the preferred standard for recreation space as set forth in the table below. *Developments, enlargements, extensions* or conversions that create *rooming units* shall meet the preferred standard for joint use space set forth in the table below for that portion of the *total net residential floor area* used by such units in lieu of providing child use space. In R9 and R10 Districts rooftop greenhouses and solariums may count towards the required outdoor recreation space on a square foot per square foot basis, and shall be excluded from the definition of *floor area*. The floor space of indoor recreation space provided in accordance with the standards set forth in Sections 28-31 to 28-34 and not exceeding the preferred standard in the table below shall be excluded from the definition of *floor area*.

REQUIRED RECREATION SPACE

(as a percent of the total *net residential floor area*)

District	Minimum Standard		Preferred Standard			
	Child Use	Joint Use	Child Use	Joint Use		
	Indoor Outdoor		Indoor Outdoor			
R6, R6A, R6B, R7, R7A, R7B, R7X	1%	1%	1.5%	2%	1%	3%*

R8, R8A, R8B, R8X, R9, R9A, R9X, R10A	.5%	1%	1.5%	1%	2%	2.5%*
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* Unenclosed balconies and terraces with a minimum area of 72 square feet and a minimum depth of six feet may substitute for up to 50 percent of the difference between the minimum and the preferred amounts on a square foot per square foot basis.

The requirement for outdoor recreation space may be modified for conversions provided that the Commissioner of Buildings finds that the open area is of insufficient size to satisfy the outdoor recreation space requirements and that the roof is unsuited for recreation use or cannot be made suitable at reasonable cost.

28-33

Location of Recreation Space

28-331

Indoor recreation space

Indoor recreation space shall be located in a *story* at or above *curb level* or adjoining grade elevation.

28-332

Outdoor recreation space

Outdoor recreation space shall be open to the sky except that *building* projections, not to exceed seven feet in depth, may cover up to ten percent of the outdoor recreation space provided that the lowest level of the projection is at least ten feet above the level of the outdoor recreation space.

28-333

Special regulations for R9 and R10 Districts

In R9 and R10 Districts outdoor recreation space shall be located according to the size of each space provided.

If size of a space is:	the location shall be:
1,500 square feet or more with no dimension less than 30 feet	at any <i>story</i> above <i>curb level</i> or adjoining grade level
1,000 square feet to 1,499 square feet with no dimension less than 25 feet	on a roof at least 14 feet above <i>curb level</i>
less than 999 square feet with no dimension less than 20 feet	on a roof at least 85 feet above <i>curb level</i> or the height of the <i>building</i> whichever is less

28-334

In a mixed use development or enlargement

In a mixed use *development, enlargement, extension* or conversion the recreation space shall be accessible only from the *residential* portion of the *building*.

28-34

Standards for Recreation Space

28-341

Standards for all recreation space

- (a) All recreation spaces shall be accessible to the residents of the *building* for at least 12 hours per day. Such spaces shall be accessible to the handicapped. Ramps, elevators, corridors and doors shall be designed to accommodate wheelchairs.
- (b) In *developments, enlargements, extensions* or conversions with 50 or more *dwelling units* or *rooming units* a restroom with a toilet and sink shall be provided adjacent to one indoor recreation space.
- (c) At least 35 percent of each door to a recreation space shall be transparent.
- (d) Any recreation space shall have a minimum width of 15 feet.
- (e) A plaque, not less than one square foot in size, shall be mounted on a wall at a height of five feet above floor level at the entrance to each recreation space. Such plaque shall include the following statement: "This recreation space is provided for the use of the residents of this building as required by the New York City Zoning Resolution."

28-342

Standards for outdoor recreation space

- (a) For every ten *dwelling units* or *rooming units* in the *development, enlargement, extension* or conversion one fixed seat with a back shall be provided in both child and joint use recreation spaces.
- (b) All outdoor recreation spaces shall be enclosed with a fence or wall at least six feet high along the *lot lines*.
- (c) All *dwelling units, rooming units*, and outdoor areas serving individual units shall be separated from the outdoor recreation space by a opaque fence or wall at least four feet high or a four foot wide strip densely planted with shrubs which provide a year round dense screen at least four feet high

at the time of planting. No such wall or fence shall be located within six feet of a window or door of a *dwelling unit* or *rooming unit*.

- (d) At a height of 120 feet or more above *curb level* all outdoor recreation space shall be protected from the wind with a screen mounted on the parapet wall. The minimum height of such screen shall be six feet above the roof level provided that only a transparent screen may penetrate a *sky exposure plane*.

28-343

Standards for outdoor child use space

- (a) Outdoor child use space shall be provided with swings, see-saws, sand boxes, sprinklers, wading pools, game tables or other play equipment acceptable to the Commissioner of Buildings as appropriate for child use space.
- (b) The space around the equipment shall be surfaced with a resilient material.

28-344

Standards for outdoor joint use space

Outdoor joint use space shall be provided with *accessory* basketball, handball, volley ball, tennis or badminton courts, shuffleboard, bocci, horseshoe pitching, game tables, exercise courses or other equipment acceptable to the Commissioner of Buildings as appropriate for joint use space.

28-345

Standards for indoor recreation space

- (a) The minimum size of any indoor recreation space shall be 300 square feet and shall be excluded from the definition of *floor area*.
- (b) In *developments, enlargements, extensions* and conversions with 100 or more *dwelling units* or *rooming units*, indoor recreation space shall include a kitchenette.
- (c) Transparent windows shall be provided in the outside walls of the indoor recreation space. The minimum aggregate area in square feet of such windows shall not be less than 9.5 percent of the floor space of the indoor recreation space. All windows shall meet the applicable requirements for windows in Section 24-60 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES) and 50 percent of such windows shall be operable.

- (d) Window sills in child use space shall be no higher than two feet six inches above the floor level and window guards shall be installed in all windows.

28-35

Planting Areas

Areas of the zoning lot not included in Quality Housing lot coverage shall be planted in accordance with the provisions of this Section.

28-351

Location of required planting

- (a) The area of the zoning lot between the street line and the street wall of the building shall be planted, except at the entrance to and exits from the building, along fenced outdoor areas serving individual units or adjacent to commercial uses fronting on the street.
- (b) Sixty percent of the remaining areas of the zoning lot which are not Quality Housing lot coverage and are not more than 23 feet above curb level shall be planted except for areas improved as outdoor recreation space and open accessory off-street parking for assisted housing as described in Section 25-25.
- (c) In R9 and R10 Districts the planting and tree requirements may be satisfied within rooftop greenhouses or solariums.

28-352

Standards for planting

Plantings may include grass, ground cover, shrubs, flower beds and trees.

- (a) Planting areas shall contain at least the following amounts of topsoil for:

lawns	6 inches
ground cover	9 inches
deciduous shrubs	12 inches
evergreen shrubs	18 inches

- (b) Trees shall be placed in a planting area of at least 64 cubic feet with at least 12 inches of topsoil and shall be a minimum of three inch caliper or eight feet high at time of planting.
- (c) Up to 30 percent of the required planted area may be developed as lawn and may count toward the required outdoor child use or joint use space on a square foot per square foot basis.
- (d) In all districts all developments or enlargements shall plant at least the number of trees in open areas as set forth in the table below.

REQUIRED TREE PLANTING

Lot Coverage 70% or less 71% or more	Required Trees Per Lot Area one tree per 2,000 square feet one tree per 3,500 square feet
---	--

28-40 SAFETY AND SECURITY

28-41

Density per Vertical Circulation Core

In any *development, enlargement* or conversion no *vertical circulation core* shall serve more than 15 *dwelling units* and *rooming units* per *story*.* In any *development, enlargement* or conversion the number of *dwelling units* and *rooming units* served by a *vertical circulation core* divided by the number of *stories* shall not exceed the minimum standard as set forth in the table below. *Developments, enlargements* or conversions electing to use the minimum standard of either Section 28-21 (Size of Dwelling Units) or Section 28-32 (Required Indoor and Outdoor Recreation Space) shall meet or exceed the preferred standard as set forth in the table below.

DENSITY OF DWELLING UNITS PER VERTICAL CIRCULATION CORES

Average Number of *Dwelling Units* and
Rooming Units Served by a *Vertical
Circulation Core Per Story*

District	Minimum Standard*	Preferred Standard
R6,R6A,R6B,R7,R7A,R7B,R7X	15	11
R8,R8A,R8B,R8X	15	10
R9,R9A,R9X,R10,R10A	15	8

* For *non-profit residences for the elderly* or publicly assisted housing for the elderly the minimum standard shall be 17 *dwelling units* and *rooming units* per *vertical circulation core*.

28-42

Entrance to Buildings

In any *development* the main entrance to, and the main lobby of, the *residential* portion of a *building* shall be directly visible from the *street*. The entrance and floor of such lobby shall be within three feet of *curb level* and in multiple dwellings shall be accessible to wheelchairs.

In a *building* used partly for *residential use* and partly for *community facility* or *commercial uses*, the entrances to the *residential* portion of the *building* shall be

separate from and unconnected to the entrances or exits of other *uses*. All exits from a garage or parking lot including stairs, passageways or elevators, which lead to the *residential* portion of a *building* shall be controlled by a locked security system which can be activated only by the *residential* occupants of the *building* by means of a key, key pad or similar security device.

28-43

Visibility of the Vertical Circulation Core from the Street

In any *development* the entry door to the *vertical circulation core* in the main lobby shall be clearly and directly visible through the main entrance from the *street*. This standard shall be achieved when a visually unobstructed straight line can be drawn between such entrance and the center of the doors to the *vertical circulation core*.

28-44

Visibility of the Vertical Circulation Core Doors from Dwelling Unit or Rooming Unit Doors

In all *developments*, *enlargements* or conversions the doors to the *vertical circulation core* at each *story* shall be clearly and directly visible from the entry door to each *dwelling unit* or *rooming unit*. This standard shall be achieved when a visually unobstructed straight line can be drawn between the doors to the *vertical circulation core* and the entry door to each *dwelling unit* or *rooming unit*. Such visually unobstructed line shall be straight except as deflected by a single, floor to ceiling, shatterproof mirror at least 12 inches wide appropriately placed in the corridor.

28-50 PARKING FOR QUALITY HOUSING

Except as modified by the provisions of this Section, *accessory* off-street parking for Quality Housing *developments*, *enlargements* or conversions shall be provided as set forth in Article II, Chapter 5 and Article III, Chapter 6.

28-51

Enclosure of Accessory Off-Street Parking Spaces

Accessory off-street parking spaces for any *dwelling unit* or *rooming unit* developed, *enlarged* or converted pursuant to the Quality Housing Program shall be within a *completely enclosed building* except as otherwise provided in this section.

28-511

For public, publicly assisted and government assisted housing or non-profit residences for the elderly

For Quality Housing *developments*, *enlargements* or conversions containing public, publicly assisted and government assisted housing units or *non-profit*

residences for the elderly as defined in Section 25-25 (Modification of Requirements for Public, Publicly Assisted and Government Assisted Housing or Non-Profit Residences for the Elderly) *accessory* off-street parking spaces may be unenclosed provided that such parking spaces are screened in accordance with paragraph (a) Section 25-66 (Screening).

28-512

For other residences

For other Quality Housing *developments, enlargements, or conversions, accessory* off-street parking spaces may be unenclosed provided that the requirements of Sections 28-31 to 28-34 (Recreation Space and Planting Areas) and 28-23 (Visual Privacy) are met. Such parking spaces shall be screened in accordance with paragraph (a) Section 25-66 (Screening).

28-513

For off-site accessory off-street parking

Off-site *accessory* off-street parking spaces for Quality Housing *developments, enlargements* or conversions may be unenclosed provided that the *zoning lot* on which such spaces are located does not contain a *residential use*.

28-52

Location of Accessory Parking

On-site *accessory* off-street parking for Quality Housing *developments, enlargements* or conversions shall not be permitted within a required *front yard* or a *street wall* setback distance.

28-53

Non-Conforming Uses

A *non-conforming use* may be changed to a *residential use* pursuant to the Quality Housing Program and the applicable district *accessory* off-street parking requirements shall not apply to such change of *use* but shall apply to any *enlargement*.

CHAPTER 3 Bulk Regulations for Commercial or Community Facility Buildings
in Commercial Districts

33-00 APPLICABILITY, DEFINITIONS, AND GENERAL PROVISIONS

33-01

Applicability of this Chapter

* * *

[All districts indicated in Column A shall comply with the regulations for districts indicated in Column B except as set forth in the sections indicated in Column C.

Column A	Column B	Column C
C1 and C2 in R8A and R8B	C1 and C2 in R8	35-411
C1 and C2 in R9A and R9X	C1 and C2 in R9	35-411,35-42, 35-631
C1 and C2 in R10A	C1 and C2 in R10	35-42,35-631
C1-8A,C1-8X C2-7A, C2-7X	C1-8 C2-7	35-23,35-412 35-42,35-631
C1-9A C2-8A C4-6A	C1-9 C2-8 C4-6	35-23, 35-42, 35-631
C4-7A	C4-7	35-23, 35-42,33-632
C6-1A	C6-1	34-23, 34-412
C6-2A	C6-2	35-23, 35-42, 35-632]

* * *

Special regulations applying only in Special Purpose Districts set forth in Articles VIII, IX, X, XI and XII.

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Sections 33-122, 33-123 and 33-126.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-120.5, 33-123, 33-131 and 33-151.

* * *

33-011

District designations

Whenever a section lists a district with a letter suffix the provisions applicable to the letter suffix district are different from the provisions applicable to the district without such suffix as set forth in that section.

* * *

33-120.5

Maximum limit on floor area ratio

C1 C2 C3 C4 C5 C6 C7 C8

* * *

[(e) In C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A and C6-2A Districts the provisions of Sections 33-13 (Floor Area Bonus for a Plaza or Plaza Connected Open Area), 33-14 (Floor Area Bonus for Urban Open Space), and 33-15 (Floor Area Bonus for Arcades) shall not apply.

(f) In the districts indicated, where mapped within R9A, R9X or R10A Districts, the provisions of Sections 33-132, 33-142 and 33-152 shall not apply.]

[C1-1, C2-1, C1-2, C2-2, C1-3, C2-3, C1-4, C2-4, C1-5, C2-5]

C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A, C5-1A, C6-2A, C6-3A, C6-4A

(e) In the districts indicated and in C1 and C2 Districts mapped within R9A, R9X and R10A Districts, the provisions of Section 33-13 (Floor Area Bonus for a Plaza or Plaza Connected Open Area), 33-14 (Floor Area Bonus for Urban Open Space), and 33-15 (Floor Area Bonus for Arcades) shall not apply, and

[In the districts indicated,] no existing *plaza* or other public amenity, open or enclosed, for which *floor area* bonus has been received, pursuant to regulations antedating (the effective date of this amendment) [April 18, 1985] shall be eliminated or reduced in size, without a corresponding reduction in the *floor area* of the *building* or the substitution of equivalent complying area for such amenity elsewhere on the *zoning lot*.

33-121

In districts with bulk governed by Residence District bulk regulations

C1-1, C2-1, C1-2, C2-2, C1-3, C2-3, C1-4, C2-4, C1-5, C2-5

In the districts indicated, the maximum *floor area ratio* for a *commercial* or *community facility building* is determined by the *Residence District* within which such *Commercial District* is mapped and shall not exceed the maximum *floor area ratio* set forth in the following table:

MAXIMUM FLOOR AREA RATIO

District	For commercial buildings	For community facility buildings	For buildings used for both commercial and community facility uses
R-1	1.00	0.50	1.00
R-2	1.00	0.50	1.00
R3	1.00	1.00	1.00
R4	1.00	2.00	2.00
R5, R6B	1.00	2.00	2.00
R6A, R7B	2.00	3.00	3.00
R7A, R8B	2.00	4.00	4.00
R6	2.00	4.80	4.80
R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2	2.00	6.50	6.50
R8	2.00	6.50	6.50
R8A	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9	2.00	10.00	10.00
R9A	2.00	7.50	7.50
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00
R10A	2.00	10.00	10.00

* * *

33-122

Commercial buildings in all other Commercial Districts

C1-6, C1-7, C2-6, C1-8, C2-7, C1-9, C2-8, C3, C4, C5, C6, C7, C8

In the districts indicated, the maximum floor area ratio for a commercial building shall not exceed the floor area ratio set forth in the following table:

MAXIMUM FLOOR AREA RATIO

0.50	C3
------	----

1.00		C4-1	C8-1
	C1-6		
	C1-6A		
	C1-7	C2-6	
	C1-7A	C2-6A	
	C1-8	C2-7	C8-2
	C1-8A	C2-7A	C7
2.00	C1-8X	C2-7X	C8-3
	C1-9	C2-8	
	C1-9A	C2-8A	
3.00		C4-2A	
		C4-3A	
3.40		C4-2	
		C4-3	
		C4-4	
		C4-5	
		C4-6	
		C4-6A	
4.00		C4-4A	C5-1
		C4-5A	C5-1A
		C4-5X	
5.00			C8-4
			C6-1
			C6-1A
6.00			C6-2
			C6-2A
			C6-3
			C6-3A
		C4-7	C6-4
		C4-7A	C6-4A
			C5-2
			C5-4
			C6-5
10.00			C6-8
12.00		C5-2A	
15.00		C5-3	C6-6
		C5-5	C6-7
			C6-9

33-123

Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

C1-6,C1-7,C2-6,C1-8,C2-7,C1-9,C2-8,C3,C4,C5,C6,C8

In the districts indicated, the maximum *floor area ratio* for a *community facility building* or for a *building* used for both *commercial* and *community facility uses* shall not exceed the *floor area ratio* set forth in the following table:

MAXIMUM FLOOR AREA RATIO

1.00			C3			
2.00				C4-1		
2.40						C8-1
3.00				C4-2A C4-3A		
4.00	C1-6A	C2-6A		C4-4A C4-5A		
5.00				C4-5X		
				C4-2		
4.80				C4-3		C8-2
6.00						C6-1A
	C1-6			C4-4	C6-1	C8-3
6.50	C1-7	C2-6		C4-5	C6-2 C6-2A	C8-4
7.50	C1-8A	C2-7A				C6-3A
9.00	C1-8X	C2-7X				
	C1-8	C2-7		C4-6	C5-1 C5-1A	C6-3
10.00	C1-9	C2-8		C4-6A C4-7	C5-2	C6-4 C6-4A
	C1-9A	C2-8A		C4-7A	C5-4	C6-5 C6-8
12.00					C5-2A	
15.00						C6-6
					C5-3	C6-7
					C5-5	C6-9

* * *

33-17

Special Provisions for Zoning Lots Divided
by District Boundaries

C1,C2,C3,C4,C5,C6,C7,C8

In all districts, as indicated, whenever a *zoning lot* is divided by boundary between districts or is subject to other regulations resulting in [with] different maximum *floor area ratios on portions of the zoning lot*, the provisions set forth in Article VII, Chapter 7 shall apply.

* * *

33-25

Minimum Required Side Yards

C1,C2,C3,C4,C5,C6,C7,C8

In all districts, as indicated, no *side yards* are required. However, if an open area extending along a *side lot line* is provided at any level, it shall be either:

* * *

33-283

Required rear yard equivalents

C1,C2,C3,C4-1,C7,C8-1,C8-2,C8-3

In the districts indicated, on any *through lot* 110 feet or more in maximum depth from *street* to *street*, one of the following *rear yard equivalents* shall be provided:

- (a) An open area with a minimum depth of 40 feet linking adjoining *rear yards*, or if no such *rear yards* exist, then midway (or within five feet of being midway) between the two *street lines* upon which such *through lot* fronts[, or].

In C1-6A, C1-7A, C1-8X, C1-9A, C2-6A, C2-7X, C2-8A and in C1 and C2 Districts mapped within R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X or R10 Districts, a *rear yard equivalent* shall be provided only as set forth in this paragraph; or

* * *

- [(d) In C1 and C2 districts mapped within R8A, R9A or R10A Districts and in C1-8A, C1-8X, C1-9A, C2-7A, C2-7X and C2-8A Districts the provisions of paragraphs (b) and (c) above shall not apply.]

* * *

33-294

Other special provisions along certain district boundaries

**C1-6A,C1-7A,C1-8A,C1-9A,C2-6A,C2-7A,C2-7X,C2-8A,C4-2A,C4-3A,
C4-4A,C4-5A,C4-5X,C4-6A,C4-7A,C5-1A,C6-2A,C6-3A,C6-4A**

In all districts indicated and in C1 and C2 Districts mapped within R6A, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X and R10A Districts, the *development or enlargement of a building* or portions thereof within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in Sections 23-45 (Minimum Required Front Yards) and 23-633 (Street wall and height and setback regulations in certain districts) when such portions are located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District.

* * *

33-42

Permitted Obstructions

In all *Commercial Districts*, the following shall not be considered obstructions and may thus penetrate a maximum height limit or [a] *front or rear sky exposure planes* set forth in Section 33-43 (Maximum Height of Front Wall and Required Setbacks), Section 33-44 (Alternate Front Setbacks), or Section 33-49 (Limited Height Districts):

* * *

33-43

Maximum Height of Front Wall and Required Front Setbacks

* * *

33-431

In C1 and C2 Districts with bulk governed by surrounding Residence District

* * *

[(b) When mapped within R8A, R8B, R9A, R9X or R10A Districts the maximum height of a *street wall* and required front setbacks shall be as set forth in Section 23-633 (Street wall and height and setback regulations in certain districts).]

C1-1,C2-1,C1-2,C2-2,C1-3,C1-4,C2-3,C1-5,C2-4,C2-5

(b) In the districts indicated when mapped within R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A or R10A Districts the provisions of Section 26-633

(Street wall and height and setback regulations in certain districts) shall apply.

33-432

In other Commercial Districts

* * *

[(b) In C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A and C6-2A Districts the maximum height of a *street wall* or any other portion of a *building or other structure* shall be as set forth in Section 33-433 (Street wall and height and setback regulations in certain districts).]

**C1-6A, C2-6A, C4-2A, C5-1A, C6-2A, C1-7A, C2-7A, C4-3A, C6-3A,
C1-8A, C2-7X, C4-4A, C6-4A, C1-8X, C4-5X, C2-8A, C4-5A, C1-9A,
C4-6A, C4-7A**

(b) In the districts indicated, Section 33-433 (Street and height and setback regulations in certain districts) shall apply.

33-433

Street wall and height and setback regulations in certain districts

**C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A,
C4-3A, C4-4A, C4-5A, C4-5X, C4-6A, C4-7A, C5-1A, C6-2A, C6-3A, C6-4A**

In the districts indicated, *street wall*, height and setback regulations are set forth in this section. The provisions of Sections 33-44 (Alternate Front Setbacks) and 33-45 (Tower Regulations) shall not apply.

1. Location of Street Wall

**C1-7A, C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A, C5-1A,
C6-2A, C6-3A, C6-4A**

(a) In the districts indicated, the *street wall* of any *development* or *enlargement* for the first two *stories* or 23 feet, whichever is greater, shall be located on the *street line* and extend the entire [width] **length of the *street line* of the *zoning lot*, except as provided in paragraph (c)[(b)] and [(3)] **sub-section 3 (Modification of Street Wall Requirements)** below.**

However, at the intersection of two *street lines* the *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] **anywhere within an area bounded by the two *street lines* and lines parallel to and five feet from each *street line*.** [Recesses are permitted only for entrances and windows.]

Except as provided in [(3)] **sub-section 3** below, for any *development* or *enlargement* [fronting on a *wide street*] the *street walls* above the level of the second *story* or 23 feet, whichever is greater, shall comply with one of the following options. Under all options, at the intersection of two *street lines*, the *mandatory street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] **anywhere within an area bounded by the two *street lines* and lines parallel to and five feet from each *street line*.**

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire [width] **length of the *street line*** of the *zoning lot*.

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each *story*.

Option 3

A minimum of 75% of the aggregate area of the mandatory *street walls* at each *story* shall be within five feet of the *street line* provided that the mandatory *street walls* shall abut the *street line* at least once every 25 feet.

C1-6A,C2-6A,C4-2A,C4-3A,C4-4A,C4-5A,C4-5X

- (b) In the districts indicated all *street walls* of any *development* or *enlargement* shall be located no further from the *street line* than the maximum permitted *street wall* setback distance until the height of such *street walls* equals the height above the *street line* of the *front sky exposure plane* as set forth in the table below. These *street wall* requirements shall be applicable to only one *street* on *through lots* which extend less than 110 feet in maximum depth from *street* to *street*, but shall apply to both *streets* on deeper *through lots*. These *street wall* requirements shall be inapplicable along a *wide street* within 15 feet of its intersection with a *narrow street*, or to any *street wall* located beyond 100 feet from a *street line*.

[C1-8A,C1-8X,C1-9A,C2-7A,C2-7X,C2-8A,C4-6A,C4-7A,C6-2A]

- (c) [(b)] A vertical *enlargement* in excess of one *story* or 15 feet to an existing *building* is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing *street wall*.

2. Height of Street Wall

[C1-8A,C1-8X,C1-9A,C2-7A,C2-7X,C2-8A,C4-6A,C4-7A,C6-2A]

[In the districts indicated the mandatory minimum height above *curb level* of a *street wall* without a setback shall be as set forth in Column A, or the height of the *building*, whichever is less; the maximum permitted height of a *street wall* without a setback at the *street line* shall be as set forth in Column B; and above such specified maximum height the *building or other structure* shall not penetrate the *sky exposure plane* as set forth in Column B in the table below:

Column A		Column B			
Sky Exposure Plane**					
Mandatory minimum height of street wall (in feet)		Maximum permitted height of street wall without setback at the street line (in feet)	Slope over zoning lot (expressed as a ratio of vertical to horizontal distance)		
Wide street*	Narrow street*		Vertical	Horizontal	
60	23	85	1.5	to 1	C6-2A
60	23***	100	1.5	to 1	C1-8A C2-7A
110	23***	110	2.0	to 1	C1-8X C2-7X
125	23***	150	2.5	to 1	C1-9A C2-8A C4-6A C4-7A

* The mandatory minimum height of a front wall on *wide streets* shall apply to all *developments* or *enlargements* on *zoning lots* on *narrow streets* within 50 feet of the intersection with a *wide street*.

** The *sky exposure plane* shall begin at the maximum permitted height of the *street wall* at the *street line*.

*** No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(b) above.]

C1-6A,C1-7A,C1-8A,C1-8X,C1-9A,C2-6A,C2-7A,C2-7X,C2-8A,C4-2A,
C4-3A,C4-4A,C4-5A,C4-5X,C4-6A,C4-7A,C5-1A,C6-2A,C6-3A,C6-4A

(a) In the districts indicated, no *street wall* shall penetrate the *front sky exposure plane* set forth in the table below.

C1-7A,C1-8A,C1-8X,C1-9A,C2-7X,C2-8A,C4-6A,C4-7A,C5-1A,C6-2A,C6-3A,C6-4A

(b) In the districts indicated, the minimum height above *curb level* of a mandatory *street wall* without setback, shall be as specified in the table below, unless the height of the *building* is less than such minimum. If such *street wall* along a *narrow street* rises above such minimum height no setbacks shall be permitted below a height of 55 feet except as provided in 1(f) above. The minimum height of a

mandatory *street wall* on *wide streets* shall apply to all *developments* or *enlargements* on *zoning lots* on *narrow streets* within 50 feet of the intersection with a *wide street*.

C4-5X

- (c) In the district indicated, one of three sets of *sky exposure planes* as set forth in the table below shall apply. Alternates 2 and 3 require a minimum setback of 10 feet from the *street wall* from a height of between 65 and 70 feet above *curb level* to the height above the *street line* of the *front sky exposure plane*. The Alternate 3 *sky exposure planes* may apply only if the width of the *street wall* of the *building* above the mandatory front setback level on the *wide street* is less than 50% of the width of the *wide street* frontage of the *zoning lot*. The Alternate 2 *sky exposure planes* may apply if such percentage is between 51% and 90%.

3. Modifications of Street Wall Requirements

C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-5A, C4-5X, C4-6A, C4-7A, C5-1A, C6-2A, C6-3A, C6-4A

- (a) In the districts indicated, on a *zoning lot* where there is an existing *building* to remain, and when there is to be a new *development* or *enlargement* that includes *new street walls*, the requirements governing height and location of *street walls* shall not apply within a volume defined by the rear wall of the existing *building* [(W²)], the *front lot line* [(W¹)], the prolongations of the side walls [(L)], and [a height of 150 feet above *curb level*. If, after April 9, 1984, any exterior demolition or destruction occurs within the volume defined the requirements governing *street wall* height and location shall apply.]the *roof of the existing building*. If, after (the effective date of this amendment), any exterior demolition or destruction occurs within this volume or to the boundaries of this volume, or if any *development* or *enlargement* occurs above this volume the requirements governing *street wall* height and location shall apply.

[

150' Above
Curb Level

Above 150'
Curb Level

L Sidewall and prolongation of existing building

W¹ Front lot line

W² Rear wall of existing building]

C1-7A, C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A,
C5-1A, C6-2A, C6-3A, C6-4A

(b) In the districts indicated the City Planning Commission may, upon application, authorize modifications in the required *street wall* location of a *development* or *enlargement* if the Commission finds that existing *buildings* or existing open areas serving existing *buildings* to remain on the *zoning lot* would be adversely affected by the location of the *street walls* of the *development* or *enlargement* in the manner prescribed in the paragraphs above.

[R8B]

4. Front and Rear Sky Exposure Planes

[In the district indicated, no *building* or *other structure* shall penetrate a *rear sky exposure plane* beginning at a distance of 100 feet from the *street*

line, at a height of 30 feet above *curb level* with a slope of 1 foot vertical to 1 foot horizontal.]

No portion of a *building or other structure* shall penetrate the *front or rear sky exposure planes* set forth in the table below.

Both the *front and rear sky exposure planes* shall rise in opposite directions over the *zoning lot* at a ratio of vertical distance to horizontal distance as set forth in the table below and shall terminate at a line where they intersect. When a *street line* intersects any other *street line*, the *front sky exposure planes* of both *street* frontages shall terminate at a line where the *front sky exposure planes* intersect and the *rear sky exposure planes* shall terminate at a line where the *rear sky exposure planes* intersect. In plan, the line of intersection of these planes shall bisect the interior angle formed at the line of intersection of these *street lines* as shown in the diagram below.

* * *

TABLE: STREET WALL AND HEIGHT AND SETBACK REGULATIONS

District	Maximum Street Wall Setback Distance from Street Line (in feet)		Minimum Required Height of a Street Wall within Setback Distance (in feet)		Slope Over Zoning Lot (Expressed as a Ratio of Vertical to Horizontal Distance)			
	on a Wide Street	on a Narrow Street	on a Wide Street	on a Narrow Street	Front Sky Exposure Plane		Rear Sky Exposure Plane	
					Height Above the Street Line (in feet)	Vertical Distance to Horizontal Distance	Height Above the 100-Foot Line (in feet)	Vertical Distance to Horizontal Distance
Cl or 2 when mapped within R1 to R10 Districts (j)	-	-	-	-	-	-	-	-
C1-6A	8	15	-	-	65	1.0 to 1.0	30	1.0 to 1.0
C1-7A	0	0	60	23	85	1.5 to 1.0	80	1.0 to 1.0
C1-8A	0	0	60	23	102	1.5 to 1.0	100	1.0 to 1.0
C1-8X	0	0	105	23	120	2.0 to 1.0	120	1.0 to 1.0
C1-9A	0	0	125	23	150	2.5 to 1.0	140	1.0 to 1.0
C2-6A	8	15	-	-	65	1.0 to 1.0	30	1.0 to 1.0
C2-7A	0	0	60	23	102	1.5 to 1.0	100	1.0 to 1.0
C2-7X	0	0	105	23	120	2.0 to 1.0	120	1.0 to 1.0
C2-8A	0	0	125	23	150	2.5 to 1.0	140	1.0 to 1.0
C4-2A	8	15	-	-	60	1.0 to 1.0	15	1.0 to 1.0
C4-3A	8	15	-	-	60	1.0 to 1.0	15	1.0 to 1.0
C4-4A	8	15	-	-	65	1.0 to 1.0	30	1.0 to 1.0
C4-5A	8	15	-	-	65	1.0 to 1.0	30	1.0 to 1.0
C4-5X - Alt - 1	8	15	-	-	85	1.0 to 1.0	45	1.0 to 1.0
- Alt - 2	8	15	-	-	115	1.0 to 1.0	80	1.0 to 1.0
- Alt - 3	8	15	-	-	135	1.0 to 1.0	105	1.0 to 1.0
C4-6A	0	0	125	23	150	2.5 to 1.0	140	1.0 to 1.0
C4-7A	0	0	125	23	150	2.5 to 1.0	140	1.0 to 1.0
C5-1A	0	0	125	23	150	2.5 to 1.0	140	1.0 to 1.0
C6-2A	0	0	60	23	85	1.5 to 1.0	80	1.0 to 1.0
C6-3A	0	0	60	23	102	1.5 to 1.0	100	1.0 to 1.0
C6-4A	0	0	125	23	150	2.5 to 1.0	140	1.0 to 1.0

(j) The height of a street wall and its setbacks shall be the same as that of a residence district within which a C1 or C2 district is mapped.

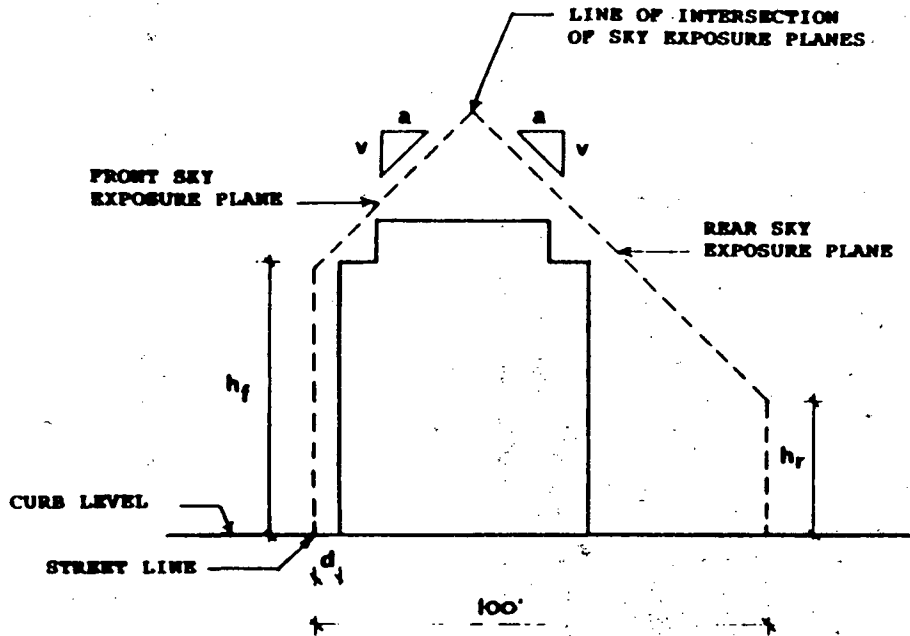


ILLUSTRATION OF SKY EXPOSURE PLANES

SECTION 33-433

h_f is the height at which the front sky exposure plane begins at the street line

h_r is the height at which rear sky exposure plane begins at the 100-foot line

d is the maximum street wall set back distance

v is the vertical distance

a is the horizontal distance

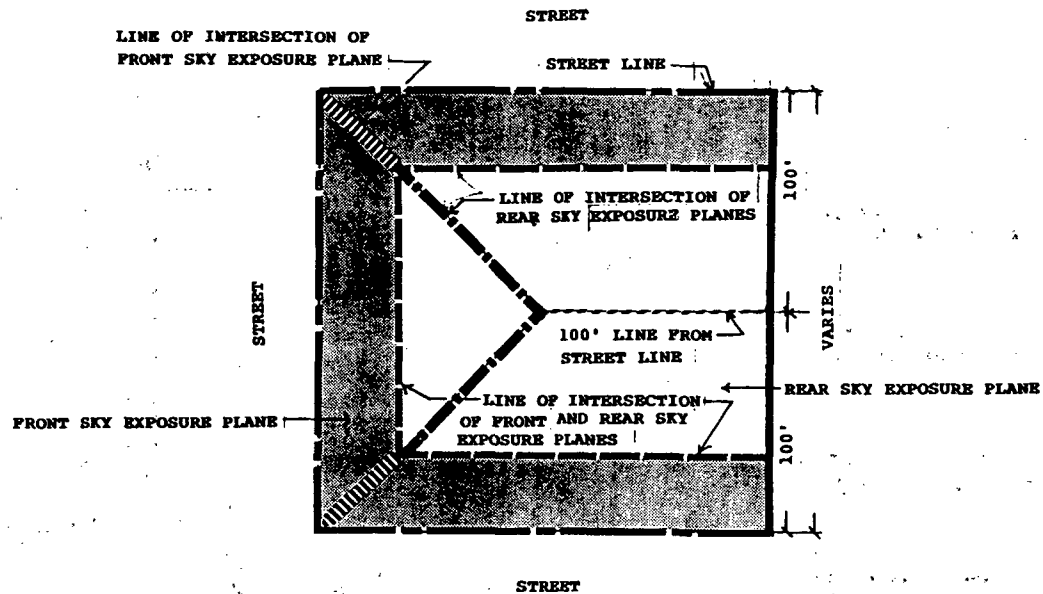


ILLUSTRATION OF SECTION 33-433

33-48

Special Provisions for Zoning Lots Divided
by District Boundaries

C1,C2,C3,C4,C5,C6,C7,C8

In all districts, as indicated, whenever a *zoning lot* is divided by a boundary between districts, or is **subject to other regulations resulting in** [with] different height and setback regulations, or whenever a *zoning lot* is divided by a boundary between a district to which the provisions of Section 33-45 (Tower Regulations) apply and a district to which such provisions do not apply, the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

Chapter 4 Bulk Regulations for Residential Buildings in Commercial Districts

34-00 APPLICABILITY AND DEFINITIONS

34-01

Applicability of this Chapter

* * *

[All districts indicated in Column A shall comply with the regulations for districts indicated in Column B except as set forth in the sections indicated in Column C.

Column A	Column B	Column C
C1-8A, C1-8X	C1-8	34-112
C2-7A, C2-7X	C2-7	34-112
C1-9A	C1-9	34-112
C2-8A	C2-8	34-112
C4-6A	C4-6	34-112
C4-7A	C4-7	34-112
C6-1A	C6-1	34-112
C6-2A	C6-2	34-112]

* * *

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Section 34-114.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

Residential buildings developed, enlarged, extended or converted pursuant to the Quality Housing Program are also subject to the applicable provisions of Article II Chapter 8.

34-011

District designations

Whenever a section lists a district with a letter suffix the provisions applicable to the letter suffix district are different from the provisions applicable to the district without such suffix as set forth in that section.

34-112

Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5, or C6 Districts

C1-6, C1-7, C2-6, C1-8, C2-7, C1-9, C2-8, C3, C4, C5, C6

In the districts indicated, the bulk regulations are the bulk regulations for the Residence Districts set forth in the following table:

Applicable Residence District

			C3			
R3-2						
R5				C4-1		
R6				C4-2		
				C4-3		C6-1A
				C4-2A		
R6A				C4-3A		
				C4-4		
R7	C1-6	C2-6		C4-5		C6-1
R7A	C1-6A	C2-6A		C4-4A		
				C4-5A		
R7X				C4-5X		
R8	C1-7			C4-2F		C6-2
R8A	C1-7A					C6-2A
R9	C1-8	C2-7				C6-3
R9A	C1-8A	C2-7A				C6-3A
R9X	C1-8X	C2-7X				
R10	C1-9	C2-8		C4-6		C6-4
				C4-7	C5	C6-5
						C6-6
						C6-7

C6-8
C6-9

R10A	C1-9A	C2-8A	C4-6A	C6-4A
			C4-7A	C5-1A

* * *

34-223

Special provisions applying along district boundaries

C1,C2,C3,C4,C5,C6

(a) In the districts indicated, if a *Commercial District* boundary coincides with a *side lot line* of a *zoning lot* in an R1, R2, R3, R4, or R5 District and a *side lot line* of any adjoining *zoning lot* in such *Commercial District*, a *front yard* is required for any *residential building* on such *zoning lot* in the *Commercial District*. The depth of such *front yard* shall be equal to the required depth of a *front yard* in the adjacent *Residence District*.

C1,C2,C3,C4,C5,C6

(b) In the districts indicated, along such portion of the boundary of a *Commercial District* which coincides with a *side lot line* of a *zoning lot* in an R1, R2, R3, R4, or R5 District, an open area not higher than *curb level* with a width of at least eight feet is required for a *residential building* on a *zoning lot* within the *Commercial District*. **In addition, if a residential building is developed, or enlarged where permitted, pursuant to the Quality Housing Program, that portion of such building located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in Sections 23-45 (Minimum Required Front Yards) and 23-633 (Street wall and height and setback regulations in certain districts) when such portions are located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District.**

Chapter 5- Bulk Regulations for Mixed Buildings in Commercial Districts

35-00 APPLICABILITY AND DEFINITIONS

35-01

Applicability of this Chapter

* * *

[All districts indicated in Column A shall comply with the regulations for districts indicated in Column B except as set forth in the sections indicated in Column C.

Column A	Column B	Column C
----------	----------	----------

C1 and C2 in R8A and R8B	C1 and C2 in R8	35-411
C1 and C2 in R9A and R9X	C1 and C2 in R9	35-411, 35-42 35-631
C1 and C2 in R10A	C1 and C2 in R10	35-42, 35-631
C1-8A, C1-8X, C2-7A, C2-7X	C1-8 C2-7	35-23, 35-412, 35-42, 35-631
C1-9A C2-8A C4-6A	C1-9 C2-8 C4-6	35-23, 35-42, 35-631
C4-7A	C4-7	35-23, 35-42, 35-632
C6-1A	C6-1	35-23, 35-412
C6-2A	C6-2	35-23, 35-42, 35-632]

* * *

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI and XII.

All C5-2A Districts shall comply with the regulations of C5-2 Districts except as set forth in Section 35-24.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 35-23 and 35-412.

35-011

District designations

Whenever a section lists a district with a letter suffix the provisions applicable to the letter suffix district are different from the provisions applicable to the district without such suffix as set forth in that section.

* * *

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. If the *residential* portion of a *mixed building* is developed, enlarged, extended or converted where permitted, pursuant to the Quality Housing Program then the entire *building* shall comply with the applicable provisions of Article II, Chapter 8 (The Quality Housing Program).

* * *

35-23

Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5, or C6 Districts

C1-6, C1-7, C2-6, C1-8, C2-7, C1-9, C2-8, C3, C4, C5, C6

In the districts indicated, the *bulk* regulations for *residential* portions of *mixed buildings* are the *bulk* regulations for the *Residence Districts* set forth in the following table:

APPLICABLE RESIDENCE DISTRICT

R3-2			C3		
R5			C4-1		
			C4-2		
R6			C4-3		C6-1A
R6A			C4-2A		
			C4-3A		
			C4-4		
R7	C1-6	C2-6	C4-5		C6-1
R7A	C1-6A	C2-6A	C4-4A		
			C4-5A		
R7X			C4-5X		
R8	C1-7		C4-2F		C6-2
R8A	C1-7A				C6-2A
R9	C1-8	C2-7			C6-3
R9A	C1-8A	C2-7A			C6-3A
R9X	C1-8X	C2-7X			
					C6-4
					C6-6
					C6-7
			C4-6		C6-8
R10	C1-9	C2-8	C4-7	C5	C6-9
R10A	C1-9A	C2-8A	C4-6A	C5-1A	C6-4A

* * *

35-35

Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in Connection with Mixed Buildings

C1,C2,C3,C4,C5,C6,C7,C8

* * *

C1-8A,C2-7A,C4-6A,C5-1A,C6-2A,C1-8X,C2-7X,C4-7A, C1-9A,C2-8A,C6-3A,C6-4A

In the districts indicated and in C1 and C2 Districts mapped within R9A, R9X or R10A Districts no *floor area* bonus for a *plaza*, *plaza connected open area*, *arcade* or an *urban open space* is permitted and

[in the districts indicated] no existing *plaza* or public amenity, open or enclosed, for which a *floor area* bonus has been received, pursuant to regulations antedating [April 18, 1985,] (the effective date of this amendment) shall be eliminated or reduced in size, without a corresponding reduction in the *floor area* of the *building* or the substitution of equivalent complying area for such amenity elsewhere on the *zoning lot*.

* * *

35-411

In C1 or C2 Districts mapped within Residence Districts

C1-1,C2-1,C1-2,C2-2,C1-3,C2-4,C1-4,C2-4,C1-5,C2-5

In the districts indicated, the minimum required *lot area* per 100 square feet of *floor area* used for *commercial* or *community facility use* in a *mixed building* is determined by the *Residence District* within which any such district is mapped, and shall not be less than as set forth in the following table:

REQUIRED LOT AREA PER 100 SQUARE FEET OF FLOOR AREA IN COMMERCIAL OR COMMUNITY FACILITY USES

Required Lot Area
(in square feet)

District within which C1 or C2 District is Mapped	Required Lot Area (in square feet)	
	<i>Commercial Use</i>	<i>Community Facility Use</i>
R1, R2, R3	100	100
R6B	100	50
R6	50	20
R6A, R7B	30	30

R7-1	30	20
R7-2	30	15
R7A	25	25
R7X	20	20
R8	20	15
R8X	17	17
R8A	17	15
R8B	25	25
R9	15	10
R9A	13	13
R9X	11	11
R10	10	10
R10A	10	10

35-412

In other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

C1-6,C1-7,C2-6,C1-8,C2-7,C1-9,C2-8,C3,C4,C5,C6

In the districts indicated the minimum required *lot area* per 100 square feet of *floor area* used for *commercial* or *community facility use* in a *mixed building* shall not be less than as set forth in the following table:

REQUIRED LOT AREA PER
100 SQUARE FEET OF
FLOOR AREA
IN COMMERCIAL OR
COMMUNITY FACILITY
USES
(IN SQUARE FEET)

<i>Commercial Use</i>	<i>Community Facility Use</i>		
200	100		C3
100	50		C4-1
30	30		C4-2A C4-3A
30	20		C4-2 C4-3 C6-1A
30	15	C1-6 C2-6	C4-4 C4-5 C4-4A

25	25	C1-6A	C2-6A	C4-5A		
20	15	C1-7				
20	20			C4-5X		
17	17	C1-7A				
17	15			C4-2F		C6-1 C6-2 C6-2A
15	10	C1-8	C2-7			C6-3
13	13	C1-8A	C2-7A			C6-3A
11	11	C1-8X	C2-7X			
10	10	C1-9	C2-8	C4-6	C5-1	C6-4
		C1-9A	C2-8A	C4-6A	C5-1A	C6-4A
				C4-7		C6-5
				C4-7A	C5-4	C6-8
						C6-6
					C5-3	C6-7
6.5	6.5				C5-5	C6-9

35-42

Density or Lot Area Bonus In Mixed Buildings

* * *

(b) In C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A, C5-1A, [and] C6-2A, C6-3A and C6-4A Districts and in C1 and C2 Districts mapped within R9A, R9X and R10A Districts, the density or lot area bonus shall not apply.

* * *

35-52

Modification of Side Yard Requirements

C1,C2,C3,C4,C5,C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying along District Boundaries), no side yard shall be required for any mixed building. However, if any open area extending along a side lot line is provided at any level it shall have a width of not less than eight feet.

35-53

Modification of Rear Yard Requirements

C1,C2,C3,C4,C5,C6

In the districts indicated, for a *residential* portion of a *mixed building*, the required *rear yard* may be provided at any level not higher than the floor level of the lowest *story* used for *residential use*. However, no *building or other structure* may penetrate a *rear sky exposure plane*.

35-54

Special Provisions Applying along District Boundaries

C1,C2,C3,C4,C5,C6

In the districts indicated, along such portion of the boundary of a *Commercial District* which coincides with a *side lot line* of a *zoning lot* in an R1, R2, R3, R4 or R5 District, an open area not higher than *curb level* and with a width of at least eight feet is required for a *mixed building* on a *zoning lot* in the *Commercial District*. In addition, if the *residential* portion of a *mixed building* is *developed or enlarged* where permitted, pursuant to the Quality Housing Program, that portion of such *building* located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in Sections 23-45 (Minimum Required Front Yards) and 23-633 (Street wall and height and setback regulations in certain districts) when such portions are located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District.

* * *

35-63

Special Tower Regulations for Mixed Buildings

35-631

In certain specified commercial districts

* * *

The tower regulations shall not apply in C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, [and] C4-6A and C5-1A Districts and in C1 and C2 Districts mapped within R9A, R9X and R10A Districts.

35-632

In other specified commercial districts

* * *

The tower regulations shall not apply in C4-7A, [and] C6-2A, C6-3A and C6-4A Districts.

* * *

35-70 SPECIAL PROVISIONS FOR CERTAIN MIXED BUILDINGS

* * *

This section shall not apply to a *mixed building* the *residential* portion of which is *developed* or *enlarged* pursuant to the Quality Housing Program.

COMMERCIAL DISTRICTS

Chapter 6 Accessory Off-Street Parking and Loading Regulations

Off-Street Parking Regulations

36-00 GENERAL PURPOSES AND DEFINITIONS

* * *

36-025

District designations

Whenever a section lists a district with a letter suffix the provisions applicable to the letter suffix district are different from the provisions applicable to the district without the suffix as set forth in that section.

36-026

Applicability of regulations to Quality Housing

On any zoning lot containing residential uses developed, enlarged or converted pursuant to the Quality Housing Program, all accessory off-street parking spaces shall be within a completely enclosed building except as otherwise provided in Section 28-50 to 28-52 (PARKING FOR QUALITY HOUSING).

* * *

36-12

Maximum Size of Accessory Group Parking Facilities

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no accessory group parking facility shall contain more than 150 off-street parking spaces, or in the case of a Quality Housing development or enlargement more than 200 spaces, except as provided in Section 36-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to accessory off-street parking spaces provided in public parking garages in accordance with the provisions of Section 36-57 (Accessory Off-Street Parking Spaces in Public Parking Garages).

* * *

36-20 REQUIRED ACCESSORY OFF-STREET
PARKING SPACES FOR COMMERCIAL
OR COMMUNITY FACILITY USES

36-21

General Provisions

* * *

Required Off-Street Parking Spaces for Commercial or Community Facility Uses

Type of use	Parking spaces required in relation to specified unit of measurement					
FOR COMMERCIAL USES						
	Square feet of floor area:					
		C1-5				
		C1-6 C2-5		C4-4A		
		C1-7 C2-6		C4-5		
		C1-8 C2-7		C4-6		
		C1-9 C2-8		C4-7	C5	C6 C8-4
Food stores with 2,000 or more square feet of floor area per establishment-Uses	None Required	C1-1	C2-1	C4-1		
	1 per 100					
in parking requirement	1 per 200	C1-2	C2-2	C4-2		C8-1
category A in Use	1 per 300	C1-3	C2-3	C4-2A C4-3	C7	C8-2
Group 6	1 per 1,000	C1-4	C2-4	C4-4		C8-3
	Square feet of floor area:					
General retail or service uses		C1-5				
Food stores with less than 2,000 square feet of floor area; uses in parking requirement	None required	C1-6 C2-5		C4-4A	C5	C6 C8-4
		C1-7 C2-6		C4-5		
		C1-8 C2-7		C4-6		
		C1-9 C2-8		C4-7		
category B in Use Group	1 per 150 ¹	C1-1	C2-1	C3	C4-1	
6, 8, 9, 10, or 12 or when	1 per 300 ¹	C1-2	C2-2	C4-2		C8-1
permitted by special permit; or uses in	1 per 400 ¹	C1-3	C2-3	C4-2A C4-3	C7	C8-2
parking requirement	1 per 1,000	C1-4	C2-4	C4-4		C8-3
category B1 in Use Group 6, 7, 8, 9, 10, 11; 13; 14, or 16						

	Square feet of floor area:	C1-5						
		C1-6	C2-5		C4-4A			
		C1-7	C2-6		C4-5			
		C1-8	C2-7		C4-6			
Low traffic generating uses—	None required	C1-9	C2-8		C4-7	C5	C6	C8-4
Uses in parking	1 per 400	C1-1	C2-1	C3	C4-1			
requirement category C	1 per 600	C1-2	C2-2		C4-2			C8-1
in Use Group 6, 7, 9, 12,	1 per 800	C1-3	C2-3		C4-2A		C7	C8-2
					C4-3			
13, 14, or 16, or when permitted by special permit	1 per 1,000	C1-4	C2-4		C4-4			C8-3
	Square feet of floor area:	C1-5						
		C1-6	C2-5		C4-4A			
		C1-7	C2-6		C4-5			
		C1-8	C2-7		C4-6			
Court Houses	None required	C1-9	C2-8		C4-7	C5	C6	C8-4
	1 per 500	C1-1	C2-1	C3	C4-1			
	1 per 800	C1-2	C2-2		C4-2			C8-1
	1 per 1,000	C1-3	C2-3		C4-2A			C8-2
					C4-3			
	1 per 2,000	C1-4	C2-4		C4-4			C8-3
	Rated capacity:	C1-5						
		C1-6	C2-5		C4-4A			
		C1-7	C2-6		C4-5			
		C1-8	C2-7		C4-6			
Places of assembly—	None required	C1-9	C2-8		C4-7	C5	C6	C8-4
Uses in parking	1 per 4 persons	C1-1	C2-1	C3	C4-1			
requirement category D	1 per 8 persons	C1-2	C2-2		C4-2			C8-1
in Use Group 6, 8, 9, 10,	1 per 12 persons	C1-3	C2-3		C4-2A		C7	C8-2
					C4-3			
12, 13, or 14, or when permitted by special permit	1 per 25 persons	C1-4	C2-4		C4-4			C8-3
	Square feet of lot area ²							
Open commercial	None required							C8-3 C8-4
amusements—	1 per 500			C3				C8-1
Uses in parking	1 per 2,000						C7	C8-2
requirement category E in Use Group 13 or 15, or when permitted by special permit								
Light manufacturing or	None Required						C5	C6 C8-4

semi-industrial uses— Uses—in parking requirement category F in Use Group 11 of 16, and with a minimum of either 7,500 square feet of floor area or 15 employees	1 per 1,000 square feet of floor area, or 1 per 3 employees, whichever will require a larger number of spaces									C8-1 C8-2 C8-3
---	--	--	--	--	--	--	--	--	--	----------------------

Storage or miscellaneous uses—Uses in parking requirement category G in Use Group 10 or Use Group 16, or when permitted by special permit, and with a minimum of 10,000 square feet of floor area or 15 employees	None Required									
	1 per 2,000 square feet of floor area or 1 per 3 employees, whichever will require a lesser number of spaces									C4-4A C4-5 C4-6 C4-7 C5 C6 C8-4 C4-1 C4-2 C8-1 C4-3 C8-2 C4-4 C8-3

Other commercial uses— Uses in parking requirement category H in Use Group 5, 6, 7, 8, 13 or 14, or when permitted by special permit	1 per 2 guest rooms or suites		C2	C3		C6		C7	C8	
---	----------------------------------	--	----	----	--	----	--	----	----	--

Type of use	Parking spaces required in relation to specified unit of measurement									
Camps overnight or day, with a minimum of either 10,000 square feet of lot area or 10 employees	1 per 2,000 square feet of lot area, or 1 per 3 employees; whichever will require a lesser number of spaces		C1	C2	C3					C7 C8

Hotels (a) For that floor area used for sleeping accommodations	Guest rooms or Suites:									
	None required									C1-5 C1-6 C2-5 C4-4A C1-7 C2-6 C4-5 C1-8 C2-7 C4-6 C1-9 C2-8 C4-7 C5 C6 C8-4
	1 per 4		C1-1	C2-1	C4-1					
	1 per 8		C1-2	C2-2	C4-2					C8-1
			C1-3	C2-3	C4-2A C4-3 C4-4					C8-2
	1 per 12		C1-4	C2-4	C4-4					C8-3

(b) For that floor area used for meeting halls, auditoriums,	Rated capacity:									
	None required									C1-5 C1-6 C2-5 C4-4A C1-7 C2-6 C4-5 C1-8 C2-7 C4-6 C1-9 C2-8 C4-7 C5 C6 C8-4
	1 per 4 persons		C1-1	C2-1	C4-1					
			C1-2	C2-2	C4-2					C8-1
	1 per 8 persons		C1-2	C2-2	C4-2					

eating or drinking	1 per 12 persons	C1-3 C2-3 C4-2A C4-3	C7	C8-2
places, wedding chapels or banquet halls, or radio or television studios	1 per 25 persons	C1-4 C2-4 C4-4		C8-3
<i>Motels or tourist cabins</i>	1 per guest room suite	C2	C6	C8
Post Offices	Square feet of floor area:	C1-5 C2-5 C1-6 C2-6 C1-7 C1-8 C2-7	C4-4A C4-5 C4-6	
	None required	C1-9 C2-8	C4-7	C5 C6 C8-4
	1 per 800	C1-1 C2-1	C3 C4-1	
	1 per 1,200	C1-2 C2-2	C4-2	C8-1
	1 per 1,500	C1-3 C2-3	C4-2A C4-3	C8-2
	1 per 2,000	C1-4 C2-4	C4-4	C8-3
Prisons	Rated capacity:		C4-4 C4-5 C4-6 C4-7	C6 C8-3 C8-4
	None required		C4-1 C4-2	C8-1
	1 per 10 beds		C4-2A C4-3	C8-2
	1 per 20 beds			
	Square feet of floor area:	C2-1 C2-2		C8-1
Refreshment stands, drive- in	1 per 50	C2-3		C7 C8-2
		C2-4 C2-5 C2-6 C2-7		C8-3
	1 per 100	C2-8		C6 C8-4
Funeral establishments	Square feet of floor area:	C1-5 C1-6 C2-5 C1-7 C2-6 C1-8 C2-7	C4-4A C4-5 C4-6	
	None required	C1-9 C2-8	C4-7	C6 C8-4
	1 per 200	C1-1 C2-1	C4-1	
	1 per 400	C1-2 C2-2	C4-2	C8-1
		C1-3 C2-3	C4-2A C4-3	C8-2
	1 per 600	C1-4 C2-4	C4-4	C8-3
Boat docks or boat rental establishments	1 per 2 boat berths	C2 C3	C7	C8
FOR COMMUNITY FACILITY USES				
Hospitals and related facilities*		C1-1 C2-1	C4-1	
	1 per 5 beds	C1-2 C2-2	C3 C4-2	C8-1

		C1-3 C2-3	C4-2A			C8-2
	1 per 8 beds	C1-4 C2-4	C4-3 C4-4			C8-3
		C1-5				
		C1-6 C2-5	C4-4A			
		C1-7 C2-6	C4-5			
	1 per 10 beds	C1-8 C2-7	C4-6			
		C1-9 C2-8	C4-7	C5	C6	C8-4
Churches		C1-4				
		C1-5 C2-4				
		C1-6 C2-5	C4-4			
		C1-7 C2-6	C4-5			
		C1-8 C2-7	C4-6			C8-3
	None required	C1-9 C2-8	C4-7	C5	C6	C8-4
	1 per 10 fixed seats	C1-1 C2-1	C3	C4-1		
1 per 15 fixed seats	C1-2 C2-2		C4-2		C8-1	
1 per 20 fixed seats	C1-3 C2-3		C4-2A C4-3		C8-2	

¹ Requirements are in addition to area utilized for ambulance parking.

		Rated capacity:				
		C1-4				
		C1-5 C2-4				
		C1-6 C2-5	C4-4			
		C1-7 C2-6	C4-5			
		C1-8 C2-7	C4-6			C8-3
Clubs, community centers	None required	C1-9 C2-8	C4-7	C5	C6	C8-4
or settlement houses; philanthropic or	1 per 10 persons	C1-1 C2-1	C4-1			
non-profit institutions	1 per 20 persons	C1-2 C2-2	C3	C4-2		C8-1
without sleeping accommodations; golf course club houses; health centers; non- commercial recreation centers; or welfare centers		C1-3 C2-3	C4-2A C4-3		C7	C8-2

		C1-4				
		C1-5 C2-4				
		C1-6 C2-5	C4-4			
		C1-7 C2-6	C4-5			
		C1-8 C2-7	C4-6			
Libraries, museums, or	None required	C1-9 C2-8	C4-7	C5	C6	
non-commercial art galleries ¹	1 per 1,000	C1-1 C2-1	C4-1			
	1 per 2,000	C1-2 C2-2	C3	C4-2		
		C1-3 C2-3	C4-2A C4-3			

		C1-4				
		C1-5 C2-4				
		C1-6 C2-5	C4-4			
		C1-7 C2-6	C4-5			
		C1-8 C2-7	C4-6			
Philanthropic or non- profit institutions with sleeping accommodations; all	None required	C1-9 C2-8	C4-7	C5	C6	
	1 per 10 beds	C1-1 C2-1	C4-1			
	1 per 20 beds	C1-2 C2-2	C3	C4-2		
		C1-3 C2-3	C4-2A C4-3			

all types of nursing
homes or sanitariums

		C1-4					
		C1-5 C2-4					
		C1-6 C2-5		C4-4			
		C1-7 C2-6		C4-5			
		C1-8 C2-7		C4-6			
College dormitories or fraternity or sorority houses	None required	C1-9 C2-8		C4-7	C5	C6	
	1 per 6 beds	C1-1 C2-1		C4-1			
	1 per 12 beds	C1-2 C2-2	C3	C4-2			
		C1-3 C2-3		C4-2A			
		C4-3					
	Square feet of floor area:						
		C1-4 C2-4					
		C1-5 C2-5					
		C1-6		C4-4			
		C1-7 C2-6		C4-5			
		C1-8 C2-7		C4-6			C8-3
Colleges, universities, or seminaries (a) For that floor area used for	None required	C1-9 C2-8		C4-7	C5	C6	C8-4
classrooms, laboratories, student centers, or offices	1 per 1,000	C1-1 C2-1	C3	C4-1			C8-1
	1 per 2,000	C1-2 C2-2		C4-2			
		C1-3 C2-3		C4-2A			C8-2
				C4-3			
	Rated capacity:						
		C1-4					
		C1-5 C2-4					
		C1-6 C2-5		C4-4			
		C1-7 C2-6		C4-5			
		C1-8 C2-7		C4-6			C8-3
(b) For that floor area used for theatres, auditoriums, gymnasiums, or stadiums	None required	C1-9 C2-8		C4-7	C5	C6	C8-4
	1 per 8 persons	C1-1 C2-1		C4-1			
	1 per 16 persons	C1-2 C2-2	C3	C4-2			C8-1
		C1-3 C2-3		C4-2A			C7
				C4-3			
	Square feet of lot area used for selling purposes:						
		C1-4					
		C1-5 C2-4					
		C1-6 C2-5		C4-4			
		C1-7 C2-6		C4-5			
		C1-8 C2-7		C4-6			C8-3
Agricultural uses, including greenhouses, nurseries, or truck gardens	None required	C1-9 C2-8		C4-7	C5	C6	C8-4
	1 per 1,000	C1-1 C2-1		C4-1			
	1 per 2,500	C1-2 C2-2	C3	C4-2			C8-1
		C1-3 C2-3		C4-2A			C8-2
				C4-3			
	Square feet of lot area:						
		C1-4					
		C1-5 C2-4					
		C1-6 C2-5		C4-4			
		C1-7 C2-6		C4-5			
		C1-8 C2-7		C4-6			C8-3

Outdoor skating rinks	None required	C1-9 C2-8	C4-7	C5	C6	C8-4
	1 per 800	C1-1 C2-1	C4-1			
		C1-2 C2-2 C3	C4-2			C8-1
	1 per 2,000	C1-3 C2-3	C4-2A C4-3		C7	C8-2
	Number of courts:	C1-4 C1-5 C2-4 C1-6 C2-5 C1-7 C2-6 C1-8 C2-7 C1-9 C2-8	C4-4 C4-5 C4-6			C8-3
Outdoor tennis courts	None required		C4-7	C5	C6	C8-4
	1 per 2 courts	C1-1 C2-1	C4-1			
		C1-2 C2-2 C3	C4-2			C8-1
	1 per 5 courts	C1-3 C2-3	C4-2A C4-3		C7	C8-2

* * *

36-231

In districts with high, medium, or low parking requirements

C1-1 C1-2 C1-3 C2-1 C2-2 C2-2 C3 C4-1 C4-2 C4-3 C7 C8-1 C8-2

In the districts indicated, except for the *uses* listed in Section 36-233 (Exceptions to application of waiver provisions), the parking requirements set forth in Section 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to *commercial uses* in parking requirement category A, B, B1, C, D, E, or H, or to permitted *community facility uses*, if the total number of *accessory* off-street parking spaces required for all such *uses* on the *zoning lot* is less than the number of spaces set forth in the following table:

Number of Spaces	C1-1	C2-1	C3	C4-1		
10						
15	C1-2	C2-2		C4-2		C8-1
25	C1-3	C2-3		C4-3 C4-2A		C7 C8-2

* * *

36-25

Special Provisions for Zoning Lots Divided by District Boundaries

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a *zoning lot* is divided by a boundary between districts or is **subject to other regulations** having different requirements for *accessory* off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

36-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS

36-31

General Provisions

* * *

36-311

Application of requirements to conversions in C1 or C2 Districts

C1 C2

In the districts indicated, where such districts are mapped within R1, R2, R3, R4, R5, R6, **R7B** or R7-1 Districts, the requirements of Section 36-31 (General Provisions) shall apply to the additional *dwelling units* or *rooming units* created by conversions on *zoning lots* with 5,000 or more square feet of *lot area*, except as otherwise provided in Section 36-363 (For conversions in C1 or C2 districts governed by surrounding residence district bulk regulations) and Section 73-40 (Waiver of Requirements for Conversions). **The provisions of this Section shall not apply to these districts when mapped within R7A and R7X Districts.**

* * *

36-321

In C1 or C2 districts governed by surrounding Residence District bulk regulations

C1-1 C2-1 C1-2 C2-2 C1-3 C2-3 C1-4 C2-4 C1-5 C2-5

In the districts indicated, where such districts are mapped within R1, R2, R3, R4, R5, R6, or R7-1 Districts, and where *group parking facilities* are not provided, one *accessory* off-street parking space, open or enclosed, shall be provided for each *dwelling unit*. **The provisions of this section shall not apply to these districts when mapped within R6A, R6B, R7A, R7B and R7X Districts or to residential buildings developed or enlarged pursuant to the quality Housing Program.**

* * *

36-33

Requirements Where Group Parking Facilities Are Provided

* * *

36-331

In C1 or C2 districts governed by surrounding Residence District bulk regulations

C1-1 C2-1 C1-2 C2-2 C1-3 C2-3 C1-4 C2-4 C1-5 C2-5

In the districts indicated, the number of required *accessory* off-street parking spaces is determined by the *Residence District* within which such *Commercial District* is mapped, in accordance with the following table:

REQUIRED PARKING SPACES AS A PERCENT OF TOTAL DWELLING UNIT:

Residence District within which C1 or C2 District is mapped

	Percent
R1, R2, R3, or R4	100
R5	85
R6	70
R7-1	60
R6A, R6B, R7-2, R7A, R7B, R7X, R8B*	50
R8, R9, or R10	40

* In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts.

36-332

In other C1 or C2 Districts, or in C3, C4, C5, or C6 Districts

C1-6 C1-7 C2-6 C1-8 C2-7 C1-9 C2-8 C3 C4 C5 C6

In the districts indicated, the number of required *accessory* off-street parking spaces is as set forth in the following table:

REQUIRED PARKING SPACES AS A PERCENT OF TOTAL DWELLING UNITS

100	C3					
85				C4-1		
70				C4-2 C4-3		
50	C1-6	C2-6		C4-2A C4-3A C4-4 C4-5		C6-1
						C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9
40	C1-7 C1-8 C1-9	C2-7 C2-8		C4-6 C4-7	C5	

36-34

Modification of Requirements for Small Zoning Lots

C1, C2, C4-2, C4-3, C4-4, C4-5, C4-6, C4-7, C5, C6

In the districts indicated, except as otherwise provided in Section 82-07 (Modification of Parking and Off-street Loading Requirements), for small *zoning*

lots, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities Are Provided) shall be modified in accordance with the provisions set forth in this Section. The provisions of this section shall not apply to C1 and C2 Districts mapped within R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X and R10 Districts; to residences developed or enlarged pursuant to the Quality Housing Program; or to C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-5A, C4-5X, C4-6A, C4-7A, C5-1A, C6-2A, C6-3A, and C6-4A Districts.

* * *

36-35

Modification of Requirements for Public Housing or Non-profit Residences for the Elderly

C1 C2 C3 C4 C5 C6

In all districts, as indicated, accessory off-street parking spaces shall be provided for at least that percentage of the total number of dwelling units in each category as set forth in the following table, for:

* * *

(e) All government assisted dwelling units or rooming units in developments which receive New York City or New York State assistance to reduce total development cost by \$10,000 or 10 percent, whichever is less, and limit maximum tenant income to the income limits established by the United States Department of Housing and Urban Development for New York City mortgagors assisted under Section 235 of the National Housing Act, as amended.

36-351

In C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C2-1 C1-2 C2-2 C1-3 C2-3 C1-4 C2-4 C1-5 C2-5

In the districts indicated, [for] the percentage of the total number of dwelling units in each category for which accessory off-street parking spaces shall be provided is determined by the Residence District within which such Commercial District is mapped, in accordance with the following table:

PARKING SPACES REQUIRED FOR PUBLIC, PUBLICLY ASSISTED AND GOVERNMENT ASSISTED HOUSING DEVELOPMENTS OR NON-PROFIT RESIDENCES FOR THE ELDERLY

Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing Developments or Dwelling Units for Low Income Tenants	Non-Profit Residences for the Elderly or Dwelling Units for the Elderly	Government Assisted Housing	District
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80	65	50	1	80	R1, R2
80	65	50	35	80	R3, R4
70	56	42.5	31.5	70	R5
55	45	35	22.5	55	R6 * *
39	32	25	16	35	R6A, R6B, R7B
45	38	30	20	45	R7-1* *
30	23	15	12.5	25	R7-2, R7A, R7X, R8B*
30	21	12	10	25	R8, R8A, R8X, R9, R9A R9X, R10, R10A

* In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts

** For assisted housing projects *developed*, or *enlarged* where permitted, pursuant to the Quality Housing Program in C1 and C2 Districts mapped within R6 and R7-1 Districts, the applicable district parking requirements shall be as follows:

District	Applicable District Parking Requirement
R6	R6A
R7-1	R7A

36-352

In other C1 or C2 Districts in C3, C4, C5, or C6 Districts

C1-6 C1-7 C2-6 C1-8 C2-7 C1-9 C2-8 C3 C4 C5 C6

In the districts indicated, the percentage of the total number of *dwelling units* in each category for which *accessory* off-street parking spaces shall be provided is as set forth in the following table:

PARKING SPACES REQUIRED FOR PUBLIC, PUBLICLY ASSISTED AND GOVERNMENT ASSISTED HOUSING DEVELOPMENTS OR NON-PROFIT RESIDENCES FOR THE ELDERLY

Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing Developments or Dwelling Units for Low Income Tenants	Non-Profit Residences for the Elderly or Dwelling Units for the Elderly	Government Assisted Housing	District
80	65	50	35	80	C3
70	56	42.5	31.5	70	C4-1
55	45	35	22.5	55	C4-2 * C4-3 *
39	32	25	16	35	C4-2A C4-3A C6-1 * C4-4 * C4-5 *
30	23	15	12.5	25	C1-6 C2-6 C4-4A C4-5A C4-5X
30	21	12	10	25	C1-7 C2-7 C6-2 C6-6 C1-8 C2-8 C4-6 C5 C6-3 C6-7 C1-9 C4-7 C6-4 C6-8 C6-5 C6-9

* For assisted housing projects *developed*, or *enlarged* where permitted, pursuant to the Quality Housing Program in C4-2, C4-3, C4-4, C4-5 and C6-1 Districts the applicable district parking requirements shall be as follows:

District	Applicable District Parking Requirement
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C4-2 C4-3	C4-2A
C4-4 C4-5 C6-1	C4-4A

* * *

36-361

For new development or enlargements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1, C2-1, C1-2, C2-2, C1-3, C2-3, C1-4, C2-4, C1-5, C2-5

In the districts indicated, where such districts are mapped within R6, R7, R8, R9 or R10 Districts, the requirements set forth in Section 36-31 (General Provisions) for new *development* or *enlargements* shall be waived if the required number of *accessory* off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table. The maximum number is determined by the *Residence District* within which the *Commercial District* is mapped.

NUMBER OF SPACES FOR WHICH
REQUIREMENTS ARE WAIVED

<i>Residence District</i> within which C1 or C2 District is Mapped	Maximum Number of Spaces Waived
R6, R7-1, R7B	5
R7A, R7X, R7-2, R8, R9, R10	15

* * *

36-363

For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1, C2-1, C1-2, C2-2, C1-3, C2-3, C1-4, C2-4, C1-5, C2-5

In the districts indicated¹, where such districts are mapped within R6, **R7A, R7B, R7X** or R7-1 Districts, the requirements set forth in Section 36-311 (Application of requirements to conversions in C1 or C2 Districts) shall be waived if the required number of *accessory* off-street parking spaces resulting from the application of such requirements is 20 spaces or less, provided that the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

* * *

36-39

Special Provisions for Zoning Lots Divided by District Boundaries

C1, C2, C3, C4, C5, C6

In the districts indicated, whenever a *zoning lot* is divided by a boundary between districts or is subject to other regulations having different requirements for accessory off-street parking spaces, the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

Chapter 7 Special Regulations

37-01

Special Urban Design Guidelines—Streetscape

37-011

Applicability of Section 37-01

The regulations of Section 37-01 apply to any *residential development* or any *development* occupied by *predominantly residential use*, constructed after April 21, 1977 located on any *zoning lot* within C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5, and C6-8 districts, or C1 and C2 districts mapped within R9 or R10 districts. However, Section 37-01 shall not apply within any Special Purpose District nor shall it apply to any *development* [for which the Commission has granted a special permit pursuant to Section 74-95 (Housing Quality Developments)], pursuant to the Quality Housing Program, except as otherwise set forth therein.

* * *

Article V

Non-Conforming Uses and Non-Complying Buildings

* * *

Chapter 2 Non-Conforming Uses

* * *

52-30 CHANGE OF CONFORMING USE

52-31

General Provisions

For the purposes of this Chapter, a change of *use* is a change to another *use* listed in the same or any other Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of *use*.

A non-conforming *use* may be changed to any conforming *use*, and the applicable district *bulk* regulations and *accessory* off-street parking requirements shall not apply to such change of *use* or to alterations made in order to accommodate such conforming *use*, but shall apply to any *enlargement*. In all zoning districts which mandate compliance with the Quality Housing Program, the provisions of Article II, Chapter 8 shall apply to such change of *use*.

* * *

Chapter 4 Non-Complying Buildings

* * *

54-311

Buildings non-complying as to lot area per dwelling unit, lot area per room or floor area per room

* * *

In all zoning districts which mandate compliance with the Quality Housing Program the provisions of Article II, Chapter 8 shall apply to any *enlargement*, *extension*, or *conversion*.

Article VII

Chapter 4 Special Permits by the City Planning Commission

* * *

74-71

Landmarks Preservation

74-711

Landmarks Preservation in all districts

* * *

For such existing *buildings* or portion thereof being converted to *residential use*, the City Planning Commission shall make the following findings:

- (1) that the gross *residential floor area per room* shall be at least equal to the requirement set forth herein:

Total Existing FAR	<i>Required Gross Floor Area Per Room</i> (S.F.)
below 3.4	215

between 3.4 and

[to] 7.5

above 7.5

240

300

However, for such *buildings* in zoning districts requiring mandatory compliance with the Quality Housing Program the average *net square feet of a dwelling unit or rooming unit* as defined in Section 28-02 (DEFINITIONS) shall not be less than as set forth in Section 28-21 (Size of Dwelling Units).

* * *

74-85

Special Height and Setback Regulations

74-851

Height and setback regulations for certain residential buildings

* * *

However, the provisions of this section shall not apply to *developments* built pursuant to the Quality Housing Program.

* * *

74-95

[Quality Housing Developments]

Delete entire section

Modifications of Housing Quality Special Permits

The City Planning Commission may, upon application, authorize minor modifications of special permits granted before (the effective date of this amendment) under Sections 74-95 (Housing Quality Developments) and 74-97 (Special Provisions for a Housing Quality Development on a Through Lot Divided by Residence—Manufacturing District Boundaries with a Substantial Grade Differential).

No such minor modification may create a new non-compliance or increase the degree of an existing non-compliance. Non-compliance shall be measured pursuant to the applicable district *bulk* regulations and the provisions of Article II, Chapter 8.

In no event may the Commission grant a minor modification of a previously approved special permit which would:

- (a) increase the height of the *building*;
- (b) extend the location of the exterior walls of the *building*;

- (c) increase the portion of the *zoning lot* covered by the *building*;
- (d) increase the *floor area* of the *building*;
- (e) reduce the amount of indoor and outdoor recreation space in the *development*;
- (f) reduce the amount of bulk storage space per *dwelling unit* in the *building*; and
- (g) affect the provision and maintenance of off-site neighborhood improvements.

* * *

[74-97

Special Provisions for a Housing Quality Development on a Through Lot Divided by Residence-Manufacturing District Boundaries with a Substantial Grade Differential]

Delete entire section

* * *

Chapter 7 Special Provisions for Zoning Lots
Divided by District Boundaries

77-00 GENERAL PROVISIONS

* * *

77-02

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

Subject to the provisions of Section 77-04 and Section 77-221 whenever a *zoning lot* is divided by a boundary between two or more districts and such *zoning lot* did not exist at December 15, 1961 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.

* * *

77-20 BULK REGULATIONS

* * *

77-22

Floor Area Ratio

* * *

[The *floor area* resulting from application of the adjusted maximum *floor area ratio* may be located anywhere on the *zoning lot*, subject to all other regulations of this resolution, and provided that the *floor area ratio* for any portion of the *zoning lot* within one district shall not exceed the maximum *floor area ratio*, by height

factor if applicable, specified for that district, or the adjusted maximum *floor area ratio* for the *zoning lot*, whichever is greater.]

77-221

Quality Housing Buildings

For *developments*, or *enlargements* where permitted, pursuant to the Quality Housing Program in R6, R7, R8 Districts and equivalent *Commercial Districts* outside of the *Manhattan Core*, the *residential floor area ratio* of that portion of the *zoning lot* fronting on and within 100 feet of a *wide street* and permitting the greater maximum *residential floor area ratio* may exceed the maximum permitted *residential floor area ratio* for the portion of the *zoning lot* by up to 20 percent provided that the maximum *residential floor area ratio* for the *zoning lot* does not exceed the adjusted maximum *residential floor area ratio* applicable to such *zoning lot*.

77-222

Other Buildings

The *floor area* resulting from application of the adjusted maximum *floor area ratio* may be located anywhere on the *zoning lot*, subject to all other regulations of this Resolution, and provided that the *floor area ratio* for any portion of the *zoning lot* within one district shall not exceed the maximum *floor area ratio*, by *height factor* if applicable, specified for that district, or the adjusted maximum *floor area ratio* for the *zoning lot*, whichever is greater.

* * *

77-24

Lot Coverage

* * *

However, for *buildings* in which the *residential* portion is *developed* or *enlarged* pursuant to the Quality Housing Program, the regulations relating to *Quality Housing lot coverage* shall be found in Article II, Chapter 3 for the *residential* portion.

77-25

Lot Area or Floor Area Requirements

* * *

The total number of *dwelling units* or *rooms* permitted on the *zoning lot* shall not exceed the sum of the *dwelling units* or *rooms* permitted on each portion of such *zoning lot* in accordance with the applicable district regulations for such portion.

Such *dwelling units* or *rooms* may be located wherever a *building* is permitted on a *zoning lot*, provided that on no portion of the *zoning lot* shall there be more than 150 percent of the number of *dwelling units* or *rooms* permitted in the applicable district regulations for such portion.

However, for *buildings developed, enlarged, extended* or converted pursuant to the Quality Housing Program, the *dwelling units* or *rooming units* may be located wherever a *building* is permitted on the *zoning lot*.

* * *

District	Type of Use	Article	Chapter
Residence	Residential	II	3
Residence	Community Facility	II	4
Commercial	Residential	III	4
Commercial	Mixed (Residential with Commercial or with Community Facility)	III	5

However, for *developments, enlargements, extensions* or conversions built pursuant to the Quality Housing Program, the average *net square feet of a dwelling unit* for each portion of the *zoning lot* shall be multiplied by the percentage of the total permitted *floor area* to which such average *net square feet of a dwelling unit* applies. The sum of the products thus obtained shall be the average *net square feet of a dwelling unit* for the *zoning lot*.

* * *

77-28

Height and Setback Regulations

* * *

However, for *developments or enlargements* built pursuant to the Quality Housing Program, the height and setback regulations set forth in Sections 23-633, 24-523 and 33-433 for each *street frontage* of the *zoning lot* shall apply to that *street frontage*.

* * *

Article VII

Chapter 8 Special Regulations Applying to Large-Scale
Residential Developments

* * *

78-03

Applicability of this Chapter

Large-scale residential developments are governed by all the use, bulk, off-street parking and loading, and other applicable regulations of this Resolution, except for such special provisions as are specifically set forth in this Chapter and apply only to such *developments*. However, the Quality Housing Program is inapplicable in a *large scale residential development*.

* * *

Resolution for adoption scheduling April 1, 1987 for a public hearing.

NOTICE

On April 1, 1987 at 10:00 a.m. in City Hall, New York, a public hearing will be held by the Department of City Planning and the Department of Environmental Protection to receive comments relating to the Draft Environmental Impact Statement concerning the proposed Quality Housing Program Zoning Text Amendments, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR).

No. 6

CD 5, 7, 8 Bx
4, 7, 9, 12 Manh.

C 860355 BFY

IN THE MATTER OF an application by Adirondack Transit Lines, Inc. for renewal of its franchise contract dated December 27, 1976 in connection with omnibus service from the Port Authority and George Washington Bridge Bus Terminals to Kingston and Albany.

Resolution for adoption scheduling March 18, 1987 for a public hearing.

II. PUBLIC HEARINGS**BOROUGH OF THE BRONX**

No. 7

CD 1,2,3,56

C 870462-466 PPX

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of 16 City-owned properties.**

<u>ULURP NO.</u>	<u>COM. BOARD</u>	<u>NO. OF PARCELS</u>
870462 PPX	1	2
870463 PPX	2	4
870464 PPX	3	2
870465 PPX	5	3
870466 PPX	6	5

A list and description of the properties can be seen at the City Planning Commission, 2 Lafayette Street-Room 1614, New York, N.Y. 10007.

(On March 4, 1987, Cal. No. 3, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

BOROUGH OF BROOKLYN**No. 8****CD 16****C 870401 PPK****PUBLIC HEARING:**

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of 15 City-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 2 Lafayette Street-Room 1614, New York, N.Y. 10007.

(On March 4, 1987, Cal. No. 4, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 9**C 1,3,4,5,16,17,18****C 870467-473 PPK****PUBLIC HEARING:**

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of 51 City-owned properties.**

<u>ULURP NO.</u>	<u>COM. BOARD</u>	<u>NO. OF PARCELS</u>
870467 PPK	1	6
870468 PPK	3	17
870469 PPK	4	10
870470 PPK	5	5
870471 PPK	16	6
870472 PPK	17	4
870473 PPK	18	3

A list and description of the properties can be seen at the City Planning Commission 2 Lafayette Street-Room 1614, New York, N.Y. 10007.

(On March 4, 1987, Cal. No. 5, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 10

CD 8

C 870370 HAK

PUBLIC HEARING:

IN THE MATTER OF an application for the **disposition of city-owned property, located in Prospect Heights**, pursuant to the urban Development Action Area Act and Section 197-c of the New York City Charter.

Approval of three separate matters is required:

1) Designation of six sites as an **Urban Development Action Area** comprising the following properties, tentatively designated as the Prospect Heights RFP:

I. MARKET

<u>SITE A</u>	<u>Block</u>	<u>Lot</u>	<u>Units</u>
1. 335 Prospect Place	1153	58	8
2. Vacant Lot @ 262 Prospect Place	1160	26	—
3. 364 Prospect Place	1160	27	8
4. 366 Prospect Place	1160	2	8
5. Vacant Lot @ 368 Prospect Place	1160	29	—
6. Vacant Lot Interior Lot	1160	127	—
7. 820 Washington Avenue	1176	93	8
8. 824 Washington Avenue	1176	94	8
9. 836 Washington Avenue	1176	97	8
			<u>48</u>

II. SONYMA AND/OR PLP RENTAL OR COOPERATIVES

<u>SITE D</u>	<u>Block</u>	<u>Lot</u>	<u>Units</u>
1. 613 Grand Avenue	1155	8	3
2. Vacant Lot @ 611 Grand Avenue	1155	108	—
3. 609 Grand Avenue	1155	9	3
4. 607 Grand Avenue	1155	10	3
5. 605 Grand Avenue	1155	11	3
6. Vacant Lot @ 603 Grand Avenue	1155	12	—

SITE D

	<u>Block</u>	<u>Lot</u>	<u>Units</u>
7. 601 Grand Avenue a/k/a 382 St. Marks Avenue	1155	13	9
8. 388 St. Marks Avenue	1155	14	16
9. 396 St. Marks Avenue	1155	18	16
10. 400 St. Marks Avenue	1155	20	16
11. 406 St. Marks Avenue	1155	21	8
12. 410 St. Marks Avenue	1155	24	8
13. 412 St. Marks Avenue	1155	26	8
14. 414 St. Marks Avenue	1155	27	8
15. 416 St. Marks Avenue	1155	29	8
			109

SITE E

	<u>Block</u>	<u>Lot</u>	<u>Units</u>
1. 471 Prospect Place	1155	68	16
2. 459 Prospect Place	1155	74	8
			24

SITE F

	<u>Block</u>	<u>Lot</u>	<u>Units</u>
1. 637 Grand Avenue	1162	8	8
2. 639 Grand Avenue	1162	7	8
3. 641 Grand Avenue	1162	5	8
4. 424 Prospect Place	1162	18	16
5. 479 Park Place	1162	79	8
			48

III. PLP RENTAL OR COOPERATIVES**SITE J**

	<u>Block</u>	<u>Lot</u>	<u>Units</u>
1. 553 Lincoln Place	1178	57	17
2. 547 Lincoln Place	1178	59	17
3. 541 Lincoln Place	1178	61	20
			54

SITE K

	<u>Block</u>	<u>Lot</u>	<u>Units</u>
1. 550 St. John's Place	1178	19	8
2. 552 St. John's Place	1178	20	8
3. 554 St. John's Place	1178	21	8
4. 556 St. John's Place	1178	22	8
			32

2) An Urban Development Action Area Project for such property; and

3) Disposition of the above noted property to a developer to be selected by the Department of Housing Preservation and Development.

The six sites are comprised of 33 vacant buildings and 5 vacant lots. A total of 315 dwelling units are projected for this project. One site, Site "A", is a market rate site. The remaining five sites are for low and moderate-income families.

(On March 4, 1987, Cal. No. 6, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

Nos. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23

(Designation of an Urban Renewal Area, an Urban Renewal plan, disposition of City-owned property, amendment to the City Map and the Zoning Map, grant of special permits and grant of consents to facilitate a proposed commercial and community development in Downtown Brooklyn)

No. 11

CD 2

N 870083 HGK

PUBLIC HEARING:

IN THE MATTER OF the designation as the Metro Tech Urban Renewal Area, pursuant to Section 504, Article 15 of the General Municipal Law (Urban Renewal Law) of New York State, within the area described as follows:

BEGINNING at the intersection of the southerly line of Tillary Street and the southwesterly line of Flatbush Avenue Extension;

Thence, southeasterly along the southwesterly line of Flatbush Avenue Extension to the intersection of Lots 8 and 4 in Block 2060;

Thence, westerly along the southerly line of Lot 8, to the easterly line of Gold Street;

Thence, southerly along the easterly line of Gold Street to the intersection of the southerly line of Willoughby Street and the easterly line of Gold Street;

Thence, westerly along the southerly line of Willoughby Street to the intersection of the westerly line of Duffield Street and the southerly line of Willoughby Street;

Thence, northerly along the westerly line of Duffield Street to the northeasterly corner of Lot 38, Block 2058;

Thence, westerly across Block 2058, Bridge Street and Block 148, to the easterly line of Lawrence Street;

Thence, southerly along the easterly line of Lawrence Street to the extension of the northerly line of Lot 36, Block 147;

Thence, westerly along the northerly line of Lot 36 and its extension, Block 147, to the northerly corner of Lot 2, Block 147;

Thence, southerly along the easterly line of Lot 2 to the southeasterly line of said lot and across the bed of Jay Street to the westerly line of Jay Street;

Thence, northerly along the westerly line of Jay Street to the intersection of the westerly line of Jay Street and the northerly line of Tech Place (Johnson Street);

Thence, easterly along the northerly line of Tech Place (Johnson Street) to the intersection of the northerly line of Tech Place (Johnson Street) and the westerly line of Bridge Street;

Thence, northerly along the westerly line of Bridge Street to the intersection of the southerly line of Tillary Street and the westerly line of Bridge Street;

Thence easterly along the southerly line of Tillary Street to the point or place of beginning.

(On March 4, 1987, Cal. No. 7, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 12

CD 2

C 870084 HUK

PUBLIC HEARING:

IN THE MATTER OF an Urban Renewal Plan for the Metro Tech Urban Renewal Area, pursuant to Section 505, Article 15, of the General Municipal Law (Urban Renewal Law) of New York State and Section 197-c of the New York City Charter.

The Metro Tech Urban Renewal Plan provides for the acquisition, clearance and redevelopment of various properties in downtown Brooklyn for the purpose of

combining current and expanded facilities for Polytechnic University with commercial, research and development facilities.

The properties included in the sites to be acquired, cleared and redeveloped, and their respective land uses are as follows:

<u>Site</u>	<u>Properties to be acquired</u>	<u>Land-use</u>
1	Part of the block bounded by Tillary Street, Flatbush Avenue, Duffield Street and Tech Place (Johnson Street), block 132, lots 14 and 23;	Institutional/ Commercial
2	Part of the block bounded by Tech Place (Johnson Street), Bridge Street, Myrtle Avenue and Lawrence Street, block 143, lots 11, 12, 14, 16, 17, 18, 19, 23, 25, 26 and 27;	Institutional
3	Part of block 143, as described above, lots 1, 5, 6, 28, 29, 34, 38 and 42;	Open Space
4	Part of the block bounded by Tech Place (Johnson Street), Duffield Street, Myrtle Avenue and Bridge Street, block 2047, lots 1, part of 32, part of 33, part of 34, part of 35, 40, 41 and 42;	Institutional/ Commercial
5	Part of block 2047 as described above, lots 11, 27, 29, part of 32, part of 33, part of 34, part of 35 and part of 37; Part of the block bounded by Flatbush Avenue, Myrtle Avenue and Duffield Street; including Duffield Street, between Tech Place (Johnson Street) and Myrtle Avenue, block 2048, part of 1, part of 2, part of 35 and part of 40;	Institutional/ Commercial
6	Portions of the beds of the following streets: Myrtle, between Flatbush Avenue and Jay Street, Duffield Street, between Myrtle and Tech Place (Johnson Street), Bridge Street, between Tech Place (Johnson Street) and Willoughby Street, Lawrence Street, between Tech Place (Johnson Street) and Willoughby Street;	Open Space
7	Part of the block bounded by Myrtle Avenue, Lawrence Street, Willoughby Street, and Jay Street, block 147, lots 4,6,7,8,9,11,12,15,16,17, 18,19,22,31,34 and 35;	Commercial

<u>Site</u>	<u>Properties to be acquired</u>	<u>Land-use</u>
8	Part of the block bounded by Myrtle Avenue, Bridge Street, Willoughby Street and Lawrence Street, block 148, lots 7,12,13 and 18 thru 24;	Commercial
9	Part of the block bounded by Myrtle Avenue, Duffield Street, Willoughby Street and Bridge Street, block 2058, part of lot 1, 17, parts of 18 thru 25, part of 30, part of 31, part of 32, 35, 36, 39, 44, 48, 51, 52, 53 and 54.	Commercial
10.	Part of the block bounded by Myrtle Avenue, Flatbush Avenue, Gold Street, Willoughby Street and Duffield Street, block 2059, lots 1, 2, 3, 4, 7, 8, 15, 17, 18, 19, 20, 21, 22, part of 23, part of 24, part of 25, 35, 36, 39, 44, 48, 51, 52, 53 and 54	Commercial

The following properties are to be acquired for street improvements:

<u>Block</u>	<u>Lot(s)</u>
2048	1 (part), 2 (part), 3 (part), 6, 9, 34, 35 (part), 40 (part)
2058	25 (part), 27 (part), 28 (part), 29 (part)
2059	18 (part), 19 (part), 20 (part), 21 (part), 22 (part), 23 (part), 24 (part), 25 (part), 26, 27, 29, 30 (part), 31 (part), 32 (part)
2060	8

The proposed Metro Tech Development is to provide for the following:

- 372,000 sq. ft. of existing Polytechnic University academic facilities;
- 678,000 sq. ft. of new Polytechnic academic facilities including a 53,000 sq. ft. library and a 100,000 sq. ft. Center for Advanced Technology in Telecommunications (CATT);
- 2,975,000 sq. ft. of commercial facilities on six sites including a new headquarters for the Brooklyn Union Gas Company, a computer operations center for New York based financial and related industrial companies and research and development facilities;
- 175,000 sq. ft. of retail space.

(On March 4, 1987, Cal. No. 8, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

CD 2

C 870085 HDK

PUBLIC HEARING:

IN THE MATTER OF the disposition of city-owned property, within the Metro Tech Urban Renewal Area, pursuant to Section 197-c of the New York City Charter.

The following properties are to be disposed to Forest City Metro Tech Associates and/or Polytechnic University in the form of a 99 year lease subsequent to acquisition by the City in accordance with the provisions of the Metro Tech Urban Renewal Plan:

<u>Site</u>	<u>Properties to be acquired</u>	<u>Land-use</u>
1	Part of the block bounded by Tillary Street, Flatbush Avenue, Duffield Street and Tech Place (Johnson Street), block 132, lots 14 and 23;	Institutional/ Commercial
2	Part of the block bounded by Tech Place (Johnson Street), Bridge Street, Myrtle Avenue and Lawrence Street, block 143, lots 11, 12, 14, 16, 17, 18, 19, 23, 25, 26 and 27;	Institutional
3	Part of block 143, as described above, lots 1, 5, 6, 28, 29, 34, 38 and 42;	Open Space
4	Part of the block bounded by Tech Place (Johnson Street), Duffield Street, Myrtle Avenue and Bridge Street, block 2047, lots 1, part of 32, part of 33, part of 34, part of 35, 40, 41 and 42;	Institutional/ Commercial
5	Part of block 2047 as described above, lots 11, 27, 29, part of 32, part of 33, part of 34, part of 35 and part of 37;	Institutional/ Commercial
	Part of the block bounded by Flatbush Avenue, Myrtle Avenue and Duffield Street; including Duffield Street, between Tech Place (Johnson Street) and Myrtle Avenue, block 2048, part of 1, part of 2, part of 35 and part of 40;	

<u>Site</u>	<u>Properties to be acquired</u>	<u>Land-use</u>
6	Portions of the beds of the following streets: Myrtle, between Flatbush Avenue and Jay Street, Duffield Street, between Myrtle and Tech Place (Johnson Street), Bridge Street, between Tech Place (Johnson Street) and Willoughby Street, Lawrence Street, between Tech Place (Johnson Street) and Willoughby Street;	Open Space
7	Part of the block bounded by Myrtle Avenue, Lawrence Street, Willoughby Street, and Jay Street, block 147, lots 4, 6, 7, 8, 9, 11, 12, 15, 16, 17, 18, 19, 22, 31, 34 and 35;	Commercial
8	Part of the block bounded by Myrtle Avenue, Bridge Street, Willoughby Street and Lawrence Street, block 148, lots 7, 12, 13 and 18 thru 24;	Commercial
9	Part of the block bounded by Myrtle Avenue, Duffield Street, Willoughby Street and Bridge Street, block 2058, part of lot 1, 17, parts of 18 thru 25, part of 30, part of 31, part of 32, 35, 36, 39, 44, 48, 51, 52, 53 and 54.	Commercial
10.	Part of the block bounded by Myrtle Avenue, Flatbush Avenue, Gold Street, Willoughby Street and Duffield Street, block 2059, lots 1, 2, 3, 4, 7, 8, 15, 17, 18, 19, 20, 21, 22, part of 23, part of 24, part of 25, 35, 36, 39, 44, 48, 51, 52, 53 and 54	Commercial

The following properties are to be acquired for street improvements:

<u>Block</u>	<u>Lot(s)</u>
2048	1 (part), 2 (part), 3 (part), 6, 9, 34, 35 (part), 40 (part)
2058	25 (part), 27 (part), 28 (part), 29 (part)
2059	18 (part), 19 (part), 20 (part), 21 (part), 22 (part), 23 (part), 24 (part), 25 (part), 26, 27, 29, 30 (part), 31 (part), 32 (part)
2060	8

The proposed Metro Tech Development is to provide for the following:

- 372,000 sq. ft. of existing Polytechnic University academic facilities;
- 678,000 sq. ft. of new Polytechnic academic facilities including a 53,000 sq. ft. library and a 100,000 sq. ft. Center for Advanced Technology in Telecommunications (CATT);
- 2,975,000 sq. ft. of commercial facilities on six sites including a new headquarters for the Brooklyn Union Gas Company, a computer operations

center for New York based financial and related industrial companies and research and development facilities;

—175,000 sq. ft. of retail space.

(On March 4, 1987, Cal. No. 9, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 14

CD 2

C 841069 MMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, the New York City Public Development Corporation, the New York City Department of Housing Preservation and Development, and Polytechnic University pursuant to Sections 197-c and 199 of the New York City Charter for **an amendment to the City Map** involving

1. Elimination, discontinuance and closing of Myrtle Avenue from Jay Street to 60 feet west of Duffield Street,
2. Elimination, discontinuance and closing of Lawrence Street and Bridge Street from Johnson Street/Tech Place to 250 feet north of Willoughby Street,
3. Elimination, discontinuance and closing of Duffield Street between Johnson Street/Tech Place and Myrtle Avenue,
4. The widening of Myrtle Avenue from Flatbush Avenue to 60 feet west of Duffield Street,
5. The widening of Flatbush Avenue from Johnson Street/Tech Place to 200 feet north of Willoughby Street,
6. The widening of a portion of Jay Street to create a bus lay-by lane, on the easterly side of the street between Willoughby Street and Johnson Street/Tech Place,

and the adjustment of legal grades necessitated thereby **to enable the development of a mixed use (Commercial/Community facility) development known as Metrotech**, all in accordance with map number X-2393 (2 sheets) and N-2394 (1 sheet) both dated December 17, 1986 and revised on February 19, 1987 and

signed by the Borough President. The maps were referred by the Board of Estimate on December 18, 1986, Calendar — Added #11 and Added #12. The revised maps were referred by the Board of Estimate on February 26, 1987, Calendar No. 388 and No. 389. The revisions are minor.

(On March 4, 1987, Cal. No. 10, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 15

CD 2

C 860685 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, the NYC Public Development Corporation, the NYC Department of Housing Preservation and Development and Polytechnic University pursuant to Sections 197-c and 200 of the New York City Charter for **amendment of the Zoning Map**, Section Nos. 16c and 12d, changing from M1-1, C8-2, C6-1, R6 and C1-3 Districts, to C6-4 and C6-1A Districts property bounded by Flatbush Avenue, a line 200 feet north of Willoughby Street, Gold Street, Willoughby Street, Duffield Street, a line 250 feet north of Willoughby Street, Lawrence Street, a line 175 feet north of Willoughby Street, a line midway between Lawrence Street and Jay Street, a line 125 feet north of Willoughby Street, Jay Street, Johnson Street/Tech Place, Bridge Street, and Tillary Street, **to facilitate the development of a commercial and community facility development**, as shown on a diagram dated December 30, 1986.

(On March 4, 1987, Cal. No. 11, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 16

CD 2

C 860686 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, NYC Public Development Corporation, the NYC Department of Housing Preservation and Development and the Polytechnic University pursuant to Sections 197-c and 200 of the New York City Charter and Sections 74-52 and 74-721 of the Zoning Resolution for the **grant of a special permit for an attended public parking garage** with a capacity of 270 spaces and modification of height and setback on property generally bounded by Jay Street and the proposed-to-be demapped Myrtle Avenue and Lawrence Street (Block 147, Lot 2, 4, 6, 7, 8, 9, 11, 12, 15, 16, 17, 18, 19, 22, 31, 34 and 35).

Plans for this proposed commercial development are on file with the City Planning Commission and may be seen in Room 1514; 2 Lafayette Street; New York, NY 10007.

(On March 4, 1987, Cal. No. 12, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 17

CD 2

C 860687 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, the New York City Public Development Corporation, the New York City Department of Housing Preservation and Development and Polytechnic University pursuant to Sections 197-c and 200 of the New York City Charter and Sections 74-52 and 74-721 of the Zoning Resolution for the **grant of a special permit for an attended public parking garage** with a capacity of 175 spaces and modification of Height and Setback on property generally bounded by the proposed-to-be demapped Lawrence Street, Myrtle Avenue and Bridge Street (Block 148, Lots 7, 12, 13, 18, 19, 20, 21, 22, 23, and 24).

Plans for this proposed commercial development are on file with the City Planning Commission and may be seen in Room 1514; 2 Lafayette Street; New York, NY 10007.

(On March 4, 1987, Cal. No. 13, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 18

CD 2

C 860688 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, the NYC Public Development Corporation, the NYC Department of Housing Preservation and Development and the Polytechnic University pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-721 of the Zoning Resolution for the **grant of a special permit for modification of height and setback** on property generally bounded by the proposed-to-be demapped Bridge Street and Myrtle Avenue and building "G" of the proposed development (Block 2047; Lots 1, 4, 5, 6, 7, 11, 13, 27, 29, 31, 32, 33, 34, 35, 40, 41 and 42).

Plans for this proposed commercial development are on file with the City Planning Commission and may be seen in Room 1514; 2 Lafayette Street; New York, NY 10007.

(On March 4, 1987, Cal. No. 14, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 19

CD 2

C 860689 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, the NYC Public Development Corporation, the NYC Department of Housing Preservation and Development and the Polytechnic University pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-721 of the Zoning Resolution for the **grant of a special permit for modification of height and setback** on property bounded by Johnson Street/Tech Place, the proposed-to-be demapped Lawrence and Bridge Streets and the proposed central open space

(Block 143, Lot 1, 5, 6, 11, 12, 14, 16, 17, 18, 19, 23, 25, 26, 27, 28, 29, 34, 38 and 42).

Plans for this proposed institutional facility are on file with the City Planning Commission and may be seen in Room 1514; 2 Lafayette Street; New York, NY 10007.

(On March 4, 1987, Cal. No. 15, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 20

CD 2

C 860690 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, the NYC Public Development Corporation, the NYC Department of Housing Preservation and Development and the Polytechnic University pursuant to Sections 197-c and 200 of the New York City Charter and Sections 74-52 and 74-721 of the Zoning Resolution for the **grant of a special permit for an attended public parking garage** with a capacity of 175 spaces and **modification of height and setback** on property generally bounded by Duffield Street and the proposed-to-be demapped Bridge Street and Myrtle Avenue (Block 2058, Lots 1, 17, 18, 23, 24, 25, 27, 28, 29, 30, 35 and 36).

Plans for this proposed commercial development are on file with the City Planning Commission and may be seen in Room 1514; 23 Lafayette Street; New York, NY 10007.

(On March 4, 1987, Cal. No. 16, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 21

CD 2

C 860691 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, the NYC Public Development Corporation, the NYC Department of Housing Preservation and Development and the Polytechnic University pursuant to Sections 197-c and 200 of the New York City Charter and Sections 74-52 and 74-721 of the Zoning Resolution for the **grant of a special permit for an attended public parking garage** with a capacity of 330 spaces **and modification of height and setback** on property generally bounded by Duffield Street, Myrtle Avenue, Flatbush Avenue Extension, Gold Street and Willoughby Street (Block 2059, Lots 1, 2, 3, 4, 7, 8, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 30, 31, 32, 35, 36, 39, 44, 48, 51, 52, 53 and 54).

Plans for this proposed commercial development are on file with the City Planning Commission and may be seen in Room 1514; 2 Lafayette Street; New York, NY 10007.

(On March 4, 1987, Cal. No. 17, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 22

CD 2

C 860691 ZSK(A)

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, the NYC Public Development Corporation, the NYC Department of Housing Preservation and Development and the Polytechnic University pursuant to Sections 197-c and 200 of the New York City Charter and Sections 74-52 and 74-721 of the Zoning Resolution for the **grant of a special permit for an attended public parking garage** with a capacity of 330 spaces **and modification of height and setback** on property generally bounded by Duffield Street, Myrtle Avenue, Flatbush Avenue Extension, Gold Street and Willoughby Street (Block 2059, Lots 1, 2, 3, 4, 7, 8, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 30, 31, 32, 35, 36, 39, 44, 48, 51, 52, 53 and 54).

Plans for this proposed commercial development are on file with the City Planning Commission and may be seen in Room 1514; 2 Lafayette Street; New York, NY 10007.

(On March 4, 1987, Cal. No. 18, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 23

CD 2

C 860692 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, the NYC Public Development Corporation, the NYC Department of Housing Preservation and Development and the Polytechnic University pursuant to Sections 197-c and 200 of the New York City Charter and Sections 74-52 and 74-721 of the Zoning Resolution for the **grant of a special permit for an attended public parking garage** with a capacity of 400 spaces **and modification of height and setback** on property generally bounded by Johnson Street/Tech Place, Flatbush Avenue Extension, Myrtle Avenue and the proposed-to-be demapped Bridge Street (Block 2047, Lots 1, 4, 5, 6, 7, 11, 13, 27, 29, 31, 32, 33, 34, 35, 40, 41, and 42; and Block 2048, Lots 1, 2, 3, 35 and 40).

Plans for this proposed commercial development are on file with the City Planning Commission and may be seen in Room 1514; 2 Lafayette Street; New York, NY 10007.

(On March 4, 1987, Cal. No. 19, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

NOTICE

On March 18, 1987 at 10:00 a.m. in City Hall, New York, **a public hearing is being held by the Department of City Planning and the Department of Environmental Protection to receive comments relating to the Draft Environmental Impact Statement** concerning a proposed commercial and community development in downtown Brooklyn, pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR).

CD 2

C 860693 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Forest City Metrotech Associates, the NYC Public Development Corporation, the NYC Department of Housing Preservation and Development and the Polytechnic University pursuant to Sections 197-c and 200 of the New York City Charter and Sections 74-52 and 74-721 of the Zoning Resolution for the **grant of a special permit for an attended public parking garage** with a capacity of 250 spaces **and modification of height and setback** on property generally bounded by Bridge Street, Tillary Street, Flatbush Avenue Extension and Johnson Street/Tech Place, (Block 132, Lots 1, 2, 10, 12, 14, 23 and 35).

Plans for this proposed commercial development are on file with the City Planning Commission and may be seen in Room 1514; 2 Lafayette Street; New York, NY 10007.

(On March 1, 1987, Cal. No. 20, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

BOROUGH OF QUEENS

CD 12,14

C 870474-475 PPQ

PUBLIC HEARING:

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of 65 City-owned properties.**

<u>ULURP NO.</u>	<u>COM. BOARD</u>	<u>NO. OF PARCELS</u>
870474 PPQ	12	30
870475 PPQ	14	35

A list and description of the properties can be seen at the City Planning Commission, 2 Lafayette Street-Room 1614, New York, N.Y. 10007.

(On March 1, 1987, Cal. No. 23, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

BOROUGH OF MANHATTAN

No. 26

CD 2

C 831956 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application, pursuant to Section 74-782 of the Zoning Resolution from Shael Shapiro, WYS Designs, for the **grant of a Special Permit involving the conversion to joint living-work quarters for artists** of floors 2, 3, 4, and 6 of the loft building whose coverage exceeds 5,000 square feet located on the west side of Greene Street between Spring and Broome Streets (**57-63 Greene Street**) within the Soho M1-5A district.

Plans for this special permit are on file with the City Planning Commission and may be seen in Room 1514, 2 Lafayette Street, New York, New York 10007.

(On March 1, 1987, Cal. No. 1, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised).

Close the hearing.

No. 27

CD 3

C 870478 HAM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF a housing plan and project for 144-150 Ludlow Street, between Rivington and Stanton Streets (Block 411, Lots 45 thru 48), pursuant to Article 5 of the New York State Private Housing Finance Law and Section 197-c of the New York City Charter and

an application relating to the **disposition of 144-150 Ludlow Street** between Rivington and Stanton Streets (Block 411, Lots 45 thru 48), pursuant to the Urban Development Action Area Act and Section 197-c of the New York City Charter.

Three separate matters are requested under the Urban Development Action Area:

- 1) Designation of the above noted properties as an Urban Development Action Area Act;
- 2) Approval of a project for such properties; and
- 3) The disposition of such property to a developer to be selected by the Department of Housing Preservation and Development (HPD).

The proposed project consists of the substantial rehabilitation of four buildings (two 5½ and two 6 stories), which will contain 51 rental units. Of these units 36 are to be rented at market rates and 15 are to be rented at low-income levels in accordance with Hodag Grant. Additional subsidy is to be provided by an NYC Housing Development Corporation Loan and a Participation Loan.

This application was submitted by the Department of Housing Preservation and Development on December 10, 1986.

(On February 18, 1987, Cal. No. 3, the Commission scheduled March 4, 1987 for a public hearing. On March 4, 1987, Cal. No. 26, the hearing was continued to March 18, 1987.

For consideration.

No. 28

CD 10

C 860778 HAM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF the designation and disposition of city-owned property, pursuant to the Urban Development Action Area Act and Section 197-c of the New York City Charter.

Approval of three separate matters is requested:

- 1) The designation as an Urban Development Action Area:

Property on part of the block bounded by Frederick Douglass Boulevard, West 112th Street, Manhattan Avenue and West 113th Street (Block 1847, 21 thru 28; 2075-2083 Frederick Douglas Boulevard and 300, 304 and 306 West 113th Street.)

- 2) An Urban Development Action Area Project for such property, and

3) The disposition of such property to a developer to be selected by the Department of Housing Preservation and Development.

The proposed project tentatively known as Antlers Apartments, would provide 81 apartments for the elderly and handicapped, plus one superintendent's apartment. Recreation and open space will also be provided.

(On January 14, 1987, Cal. No. 7, the Commission scheduled January 28, 1987 for a public hearing. On January 28, 1987, Cal. No. 30, the hearing was continued to February 18, 1987. On February 18, 1987, Cal. No. 19, the hearing was continued to March 4, 1987. On March 4, 1987, Cal. No. 27, the hearing was continued to March 18, 1987.

Close the hearing.

CITYWIDE

PUBLIC HEARING ON INCLUSIONARY ZONING WILL NOT BEGIN BEFORE 1:00 p.m.

No. 29

CITYWIDE

N 850487 ZRY

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 200 of the New York City Charter for an amendment to the Zoning Resolution establishing an Inclusionary Housing Program. The program permits an increase in allowable floor area in R10 and certain equivalent districts when lower income housing is developed or preserved.

Matter in bold type is new,

Matter in [brackets] to be removed,

Matter in italics defined in Section 12-10 or in this amendment:

23-15

Maximum Floor Area Ratio in R10 Districts

R10

In the district indicated, the floor area ratio for any building on a zoning lot shall not exceed 10.0, except as provided in the following sections:

* * *

Section 23-90 (Inclusionary Housing)

* * *

Notwithstanding any other provision of this resolution, the maximum floor area ratio shall not exceed 12.0.

All developments or enlargements located within the boundaries of Community Board #7 in the Borough of Manhattan shall be subject to the requirements of Section 23-151 (R10 Infill) and no floor area bonus shall be granted for such developments or enlargements, except as [otherwise] set forth in Section 23-[151] 90 (Inclusionary Housing).

* * *

In the R10A Districts the *floor area ratio* for any *building* on a *zoning lot* shall not exceed 10.0 except as provided in Section [74-95 (Housing Quality Developments).] **23-90 (Inclusionary Housing).**

* * *

23-22

Required Lot Area per Dwelling Unit
Lot Area per Room or Floor Area per Room

* * *

(c) In R3, R6, R7, R9, and R10 Districts, the *lot area* required is expressed in terms of *rooms*, and as indicated, the total *lot area* of a *zoning lot* shall not be less than as set forth in this section, except as provided in the following sections:

* * *

Section 23-90 (Inclusionary Housing)

(d) In the R8A, R8B, R9A, R9X or R10A Districts, the *lot area* requirement is expressed in terms of *dwelling units* or *rooming units* and the *lot area* per *dwelling unit* or *rooming unit* shall not be less than as set forth in this section, except as provided in the following sections:

Section 23-90 (Inclusionary Housing)

* * *

23-90 INCLUSIONARY HOUSING

23-91

General Provisions

R10

In the district indicated, an Inclusionary Housing program is established to preserve and promote a mixture of low to upper income housing within neighborhoods experiencing a shift from mixed to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-94.

23-92

Definitions

For the purposes of the Inclusionary Housing program, matter in italics is defined either in Section 12-10 (Definitions) or in this section.

Administering Agent

The "administering agent" is the entity or entities identified in the *lower income housing plan* as responsible for ensuring compliance with such plan.

Compensated Development

A "compensated development" is a *development* which receives an increased *floor area ratio* as a result of meeting the requirements of the Inclusionary Housing program.

Development

For the purposes of the Inclusionary Housing program, a "development" is a *development* as defined in Section 12-10 or an *enlargement* of more than 50 percent of the *floor area* of an existing *building*.

Fair Rents

At initial occupancy of *lower income housing*, "fair rents" are annual rents for such housing equal to 30 percent of the annual incomes of the respective tenants of such housing, provided that such tenants are *lower income households* at the time of initial occupancy pursuant to the provisions of this program (the "Section 8 Standard").

Upon renewal of a lease for an existing tenant, "fair rent" is the then-current *fair rent* for the housing plus a percentage increase equal to the percentage increase for a one or two year renewal lease, as applicable, permitted by the Rent Guidelines Board for units subject to rent stabilization (the "Rent Stabilization Standard"). Upon rental of *lower income housing* to a new tenant, "fair rents" are the higher of

- (a) the then-currently applicable Section 8 Standard or
- (b) the Rent Stabilization Standard.

There shall be no additional charge to the tenant for the provisions of heat and electric service except that the Commissioner of Housing Preservation and Development may approve a *lower income housing plan* permitting a *lower income household* to be made responsible for the payment of utilities as long as the sum of

- (i) the initial *fair rent* and
- (ii) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment

do not exceed 30 percent of said *lower income household's* income. At initial occupancy of any *lower income housing*, no portion of the *fair rent* shall be for the payment of the principal or interest on any debt and the *lower income housing* shall not secure any debt other than city taxes on such housing. Thereafter, *fair rents*

may be used for principal or interest of debt only if such debt was incurred after the date of initial occupancy and for a capital improvement to such *lower income housing* other than those set forth in the *lower income housing plan*.

Lower Income Household

A "lower income household" is a *family* having an income equal to or less than the income limits (the "Section 8 Income Limits") for New York City residents established by the U. S. Department of Housing and Urban Development for "lower income families" receiving housing assistance payments pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended.

Lower Income Housing

"Lower income housing" is a *standard unit* occupied or to be occupied by *lower income households*. *Lower income housing* shall not include *standard units* assisted under city, state or federal programs, except where such assistance is in the form of:

- (a) real estate tax abatements and exemptions limited to such *lower income housing* or
- (b) operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5% of the Section 8 Income Limits to afford such lower income housing.

Lower Income Housing Plan

The "lower income Housing plan", is the plan accepted by the Commissioner of Housing Preservation and Development which sets forth the developer's plans for creating and maintaining the specified *lower income housing* pursuant to this program.

Standard Unit

A "standard unit" is a

- (a) *dwelling unit*,
- (b) *rooming unit* or
- (c) room used for sleeping purposes in a non-profit institution with sleeping accommodations which room is acceptable to the Commissioner of Housing Preservation and Development as meeting the intent of the Inclusionary Housing program

that is free of violations and located in a *building* in which the common areas are free of violations under the City of New York Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this

Resolution recorded against the property as of the date of acceptance of the *lower income housing plan*. Windows in *standard units* shall be double glazed.

23-93

Floor Area Compensation

The *floor area ratio* of a *development* may be increased from 10.0 to a maximum of 12.0 at the rate set forth below, if the developer of such *development* provides *lower income housing* pursuant to Section 23-94 (Lower Income Housing Requirements).

For each square foot of *floor area* provided for *lower income housing* pursuant to the options listed in Column A and set forth in Section 23-94 (Lower Income Housing Requirements), the *floor area* of the *development* may be increased by either

- (a) the number of square feet set forth in Column B if the *lower income housing* is provided for the life of the increased *floor area* or
- (b) the number of square feet set forth in Column C if the *lower income housing* is provided for 20 years.

Options	For Life of Increased Floor Area	For 20 Years
<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
On-site New Construction	4.0	3.1
On-site Substantial Rehabilitation	3.5	2.8
Off-site New Construction (Private Site)	4.5	3.2
Off-site New Construction (Public Site)	2.8	2.0
Off-site Substantial Rehabilitation	4.2	3.0
Preservation	2.2	1.6

For each .7 of one percent increase in *floor area* permitted to *compensated developments* pursuant to this Section, the *lot area* requirements for such *compensated developments* set forth in Sections 23-22 (Required Lot Area per Dwelling Unit or Per Room) or 23-25 (Special Provisions for Buildings Used Partly for Non-Residential Uses) shall be reduced by .6 of one percent. In no event shall such reduction exceed 17 percent of the applicable *lot area* requirements.

23-94

Lower Income Housing Requirements

To qualify for the increased *floor area*, *compensated developments* must provide *lower income housing* pursuant to one or more of the options listed in Sections 23-941, 23-942 and 23-943 and such *lower income housing* must meet each of the requirements set forth below.

(a) Standards

All *lower income housing* shall be in *standard units*. Except in *buildings* in which all *standard units* are occupied by *lower income housing*, the *floor area* devoted to *lower income housing* shall be considered only the *floor area* within the perimeter walls of the *standard units* of the *lower income housing* and a pro rata share of the common areas of the *building* exclusive of those common areas for which a fee is charged for its use. In *buildings* in which all of the *standard units* are occupied by *lower income housing*, all of the *residential floor area* shall be considered as devoted to *lower income housing*.

(b) Tenant Selection

All incoming occupants of *standard units* in *lower income housing* must be *lower income households*.

Tenants in occupancy of *lower income housing* provided pursuant to the 20 year option, may, at their choice, remain in occupancy at the termination of the 20 year period at *fair rents*. After 20 years, the vacating of such *lower income housing* shall remove such *floor area* from the requirements of the Inclusionary Housing program. Within 30 days of such vacating, the *administering agent* shall notify the Department of Housing Preservation and Development or successor agency that such *floor area* is no longer *lower income housing*.

On and after the issuance of Certificate of Occupancy for *lower income housing* the *administering agent* shall have a duty (1) to make habitable and maintain in a habitable condition all *lower income housing* and (2) to rent such *housing* to *lower income households*. The duty to rent shall be satisfied by the *administering agent* if such agent has in fact rented all such units to *lower income households* or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

A finding by the Commissioner of Housing Preservation and Development that *lower income housing* was withheld from rental to *lower income households* in violation of this paragraph shall result in an extension of the 20 year term for such *standard unit* by 5 years for each occurrence.

(c) Rent Levels

All *standard units in lower income housing* shall be rented at *fair rents*.

(d) Income Verification Prior to renting *lower income housing*, the *administering agent* shall verify the income of each household to occupy such housing, to assure that the households are *lower income households*.

(e) Lower Income Housing Plan

A *lower income housing plan* acceptable to the Commissioner of Housing Preservation and Development, shall be prepared and followed by the developer. The plan shall include the building plans, indicate the amount of *lower income housing* and shall demonstrate the feasibility of creating and maintaining the specified *lower income housing* required in accordance with the Inclusionary Housing program, including that:

- (i) the *lower income housing* will be managed and operated by a responsible agency;
- (ii) there will be sufficient income stream to provide for adequate maintenance and operation of the *lower income housing*; and
- (iii) tenant selection is on an equitable, non-discriminatory basis.

For 12 months after (the effective date of this amendment) any developer of a *compensated development* shall furnish a copy of the *lower income housing plan* to the Department of City Planning immediately after the acceptance of such plan by the Commissioner of Housing Preservation and Development.

No building permit for *compensated development* shall be issued until the Commissioner of Housing Preservation and Development shall certify that an acceptable *lower income housing plan* has been filed.

The *administering agent* shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of *lower income housing* are *lower income households*. No temporary Certificate of Occupancy shall be issued for the *compensated development* until a temporary Certificate of Occupancy for the *lower income housing* has been issued. No permanent Certificate of Occupancy shall be issued for the *compensated development* until a permanent Certificate of Occupancy for the *lower income housing* has been issued. Prior to the issuance of any temporary or permanent Certificate of Occupancy for the *compensated development*, the Commissioner of Housing Preservation and Development shall certify that the *lower income housing* is in compliance with the *lower income housing plan*.

(f) On-site units shall be those units on the same *zoning lot* as the *compensated development*.

23-941

On site new construction option

To qualify for this option, the designated *lower income housing* shall meet the following requirements.

- (a) The *lower income housing* shall be located in the *compensated development*. The *lower income housing* shall be maintained and leased to *lower income households* for the life of the increased *floor area* or for 20 years, in accordance with the amount of additional *floor area* received by the *compensated development* pursuant to Section 23-93 (Floor Area Compensation).
- (b) The *standard units* designated as *lower income housing* shall be distributed randomly throughout the *development*. No *story* shall contain more than two such units unless at least 80 percent of all *stories* contain two such units. The designated *lower income housing* units shall be distributed among the various size units in proportion to the total distribution of unit size in the following categories of unit sizes:

under 600 net square feet

600—749 net square feet

750—949 net square feet

950—1149 net square feet

1150 or more net square feet

23-942

Substantial rehabilitation and off-site new construction options

To qualify for one or more of these options, the designated *lower income housing* shall meet the following requirements:

- (a) The *lower income housing* shall be located within the same Community Board as, or within a one half mile radius of, the *compensated development*, whichever distance from such *compensated development* is greater. The *lower income housing* shall be in a new *building* or in an *existing building* in which, prior to the submission of the *lower income housing plan* pursuant to this section, the *residential* portion had been entirely vacant for not less than three years.
- (b) The *lower income housing* shall be maintained and leased to *lower income households* for the life of the increased *floor area* or for 20 years, in accordance

with the amount of *increased floor area* received by the *compensated development* pursuant to Section 23-93 (Floor Area Compensation).

The *administering agent* of the *lower income housing* shall insure said housing against any damage or destruction for no less than the replacement value of the housing.

Any insurance proceeds received as a result of damage or destruction of all or part of said housing shall be used first for the purpose of restoring such damaged or destroyed housing to *lower income housing*, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution.

- (c) The obligation to provide a specified amount of *lower income housing* shall run with the *zoning lot* containing such *lower income housing* for the term of the obligation to provide *lower income housing*. In the event any portion of such housing is damaged or destroyed, no *floor area* may be replaced on said *zoning lot* unless such *floor area* contains the specified amount of *lower income housing*.

23-943

Preservation Option

To qualify for this option, the designated *lower income housing* shall meet the following requirements.

- (a) The *lower income housing* shall be located within the same Community Board as, or within a one-half mile radius of, the *compensated development*, whichever distance from such *compensated development* is greater. The *lower income housing* shall be in an existing occupied *residential building*. Only *standard units* occupied by *lower income households* shall be *lower income housing*. For each *standard unit* designated as *lower income housing* the *administering agent* shall verify the income of the household in tenancy.
- (b) Rent charged to *lower income households* shall not be increased to reflect the costs of any renovation made in order to qualify such units under the Inclusionary Housing program even though such increases may be permitted under laws regulating maximum rent levels in these units.
- (c) At no increase in rent, any kitchen in a *dwelling unit*, or serving a *rooming unit*, designated as *lower income housing* shall be equipped with a new stove with at least four burners and oven and a new refrigerator of at least the capacity of the previous refrigerator, if such appliances have not been replaced within 5 years prior to the units' designation as *lower income housing*.

- (d) The *lower income housing* shall be maintained and leased to *lower income households* for the life of the *increased floor area* or for 20 years in accordance with the amount of *increased floor area* received by the *compensated development* pursuant to Section 23-93 (Floor Area Compensation). The *administering agent* of the *lower income housing* shall insure said housing for no less than its replacement value. The proceeds of any insurance proceeds received as a result of damage or destruction of all or part of said housing shall be used first for the purpose of restoring such damaged or destroyed housing to *lower income housing*, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing and Maintenance Code, and this Resolution.
- (e) The obligation to provide a specified amount of *lower income housing* shall run with the *zoning lot* containing such *lower income housing* for the term of the obligation to provide *lower income housing*. In the event any portion of such housing is damaged or destroyed, no *floor area* may be replaced on said *zoning lot* is permitted unless such *development* contains the specified amount of *lower income housing*.

35-35

Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in Connection with Mixed Buildings.

* * *

In the districts indicated,

C1-8A	C2-7A	C4-6A	C6-2A
C1-8X	C2-7X	C4-7A	
C1-9A	C2-8A		

bonuses for *plazas*, *plaza-connected open space* and *arcades* are not applicable. However, no existing *plaza* or other public amenity, open or enclosed, for which a *floor area* bonus has been received, pursuant to regulations antedating April 18, 1985, shall be eliminated or reduced in size, without a corresponding reduction in the *floor area* of the *building* or the substitution of equivalent complying area for such amenity elsewhere on the *zoning lot*.

35-42

Density or Lot Area Bonus in Mixed Buildings

(a) In the districts indicated,

C1-1 ¹	C2-1 ¹	C4-6	C5 C6
C1-2 ¹	C2-2 ¹	C4-7	
C1-3 ¹	C2-3 ¹		
C1-4 ¹	C2-4 ¹		
C1-5 ¹	C2-5 ¹		
C1-8	C2-7		
C1-9	C2-8		

except as otherwise provided in Section 82-08 (Modification of Bulk and Height and Setback Requirements) and Section 85-04 (Modifications of Bulk Regulations), the *lot area* reduction set forth in Section 23-23 (Density Bonus for a Plaza, Plaza-Connected Open Area, or Arcade) or **Section 23-93 (Floor Area Compensation)** shall apply to the *lot area* requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit or per Room) to the extent that the *building* is used for *residential use*, and the *lot area* reduction set forth in Section 23-26, **Section 23-93 (Floor Area Compensation)** or Section 24-22 (Lot Area Bonus for a Plaza, Plaza-Connected Open Area, or Arcade), shall apply to the *lot area* requirements set forth in Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) to the extent that the *building* is used for *commercial or community facility use*.

(b) In C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A and C6-2A Districts and in C1 and C2 Districts mapped within R9A, R9X and R10A Districts, the density or *lot area* bonus shall not apply. **However, in C1-9A, C2-8A, C4-6A, and C4-7A Districts and in C1 and C2 Districts mapped within R10A Districts the provisions of Section 23-90 (Inclusionary Housing) shall be applicable.**

74-95

Housing Quality Developments

* * *

74-951

Bulk Provisions for Developments

The maximum *residential floor area ratio* for any *building* on a *zoning lot* and the required *lot area per dwelling unit* shall be as follows:

	Maximum Floor Area Ratio Permitted	Required Lot Area Per Dwelling Unit
R3	0.50	1125
R4	0.75	833
R5	1.25	517
R6	2.43	288
R7	3.44	216
R8	6.02	132
R9	7.52	117
R9A	9.00	100
R10	10.00	90
R10[BONUS]	12.00	75

Inclusionary Housing.

* * *

The *floor area* [bonus] provisions for predominantly *residential buildings* in R10 districts and *commercial districts* permitting an R10 *floor area ratio* may be modified in accordance with Section [74-957 of 23-90 (*Inclusionary Housing*) this chapter] provided that the *floor area ratio* does not exceed 12.0. The special optional regulations relating to *predominantly built up areas* infill and the *lot area per room* and *floor area per room* requirements of Section 23-00 et seq. shall not apply to any *development* for which a special permit is granted under provisions of this section.

* * *

74-952

Housing Quality Definitions

* * *

Shadow Area, Maximum

* * *

The required azimuths (angle of the sun in plan are) 1) 57 degrees east of south at 9 A.M., 2) 0 degrees south at 12 Noon and, 3) 57 degrees west of south at 3 P.M. The lengths of shadow are:

District	9 A.M. and 3 P.M.	Noon
R3	45 ft.	25 ft.
R4	60 ft.	30 ft.
R5	145 ft.	75 ft.
R6	210 ft.	110 ft.
R7	280 ft.	150 ft.
R8	345 ft.	185 ft.
R9	415 ft.	220 ft.
R10	480 ft.	255 ft.
R10[Bonus]	535 ft.	285 ft.

Inclusionary Housing

* * *

74-957

Special Regulations for Housing Quality Developments in R10 Districts or Commercial Equivalents

[A)] Housing Quality *developments* in R10 District or *commercial* equivalents which earn at least 85 Housing Quality Program points under the scoring system described in Section 74-954 (Guidelines for applications), score a mandatory minimum of 15 points in each of its 4 parts, as a precondition for application, may be increased from a *floor area ratio* of 10 to a maximum of 12 and the *lot area per dwelling unit* may be reduced from 90 to a minimum of 75 provided such *development* [contains one or a combination of the public amenities described in "B" below] complies with the requirements of Section 23-90 (Inclusionary Housing). As a precondition for any application for a Housing Quality *development* special permit in an R10 district or *commercial* equivalent the following conditions shall be satisfied.

- 1) Curb cuts. The number of curb cuts shall be limited to one per *street*. No curb cuts shall be allowed on wide *streets*. The number and location of curb cuts for *zoning lots* with only wide *street* frontage or for sites 40,000 square feet or larger may be modified by the City Planning Commission.
- 2) Central Trash Collection. There shall be a single location for the collection and removal of all trash from the *building*, within the *building* and such facility shall be protected by an enclosure surfaced with the same materials as that of the *building* proper. The size and design of the enclosure shall meet the requirements of the Sanitation Department and the private carting service.

[†B) In order to earn an increase in *floor area ratio* and a reduction in *lot area per dwelling unit* in a Housing Quality Development, the *development* shall first

provide a *plaza* or a neighborhood improvement or a combination of the two. The following are bonusable public amenities for Housing Quality Development.

1) a *plaza* as defined in Section 12.10 except that:

- a) The *plaza* in a *residential* district shall be aggregated into a single space having a minimum dimension of 40 feet and a minimum area of 4,000 square feet and be accessible at all times for public use. The *plaza* shall be developed as either *residential park*, *residential plaza*, or *residential playground* based upon the appropriateness, size and location of the *plaza*.
- b) Direct access along the *street line* abutting the *plaza* shall be at least 50 percent of such frontage.
- c) The elevation of the *plaza* surface shall be within 3'-0" of the adjacent *curb level*. Differences in elevation shall be joined by ramps with slopes no greater than 5%.
- d) The *plaza* shall be adequately landscaped with major trees, planting, seating and lighting.
- e) The *plaza* shall display in a prominent location a plaqué indicating the public nature of the space and information as required by the commission.
- f) Loading berths, driveways, parking areas, and other vehicular oriented spaces shall not be considered *plaza* space.
- g) The *plaza* shall be maintained in accordance with a maintenance plan approved by the Commission.

2) Neighborhood Improvements.

- a) One or more offsite physical improvements such as *street trees*, decorative paving and sidewalks, bus shelters, planters, benches or sitting areas, trash containers, information kiosks, *street* furniture, artwork, or the cleaning of landmarks shall be provided with the areas delineated by the *street district(s)* of the *zoning lot*.
- b) The Commission shall after consultation with the local Community Board, shall certify which neighborhood improvements shall be provided and the specifications for such improvements including a maintenance plan therefor.

3) An *arcade* as defined in Section 12-10 except that:

- a) The *arcade* is permitted only in R10 districts with *commercial* overlays or *commercial* districts that are R10 *residential* equivalents.
 - b) An *arcade* shall be provided where adjoining or adjacent existing *buildings* contain *arcades*.
 - c) The *arcade* is permitted on *zoning lots* whose wide *street line* is in excess of 100' except that the wide *street line* shall be in excess of 200 feet on wide *streets* which are major crosstown *streets*. When adjacent existing *buildings* contain *arcades* the minimum wide *street line* requirement is waived.
 - d) The *arcade* shall extend the full length of the *zoning lot* along the *street line* of a wide *street*.
 - e) The exterior face of building columns shall be coincident with the *street line*.
 - f) The minimum depth of an *arcade* shall be 15'-0".
 - g) The average height of the *arcade* along the centerline of its longitudinal axis shall not be less than 15'-0". At no point shall the minimum height of the *arcade* be less than 8'-0".
 - h) The *arcade* shall be adequately illuminated.
 - i) The surface of the *arcade* shall be continuous with and at the same elevation as the adjoining sidewalk.
- 4) A public area which may be partially open to the sky or fully covered as set forth below:
- a) The public area shall be permitted only in R10 Districts with *commercial* overlays or in commercial districts that are R10 *residential* equivalents.
 - b) A Minimum of 15 percent of the *lot area* of the *zoning lot* shall be available for public use. This minimum area shall be aggregated into a single space and have a minimum dimension of 40'-0". At least 70% of this space shall be open to the sky or either partially or fully covered by a glazed roof surface.
 - c) For the purpose of insuring prominent public attention to the public area, it shall be clearly visible and directly accessible from an adjoining *street*.
 - d) *Covered* or *Indoor Space* greater than 15'-0" deep shall have a minimum average height of 15'-0". At no point shall the minimum height of a covered area be less than 10'-0".

- e) That portion of the public area which abuts a *street* and connects the *street* to the aggregated public area may have a width of not less than 25 feet.
- f) It shall have permitted retail *uses* listed in Use Group 6 occupying the maximum feasible frontage along those bounding walls of the public area which do not abut *lot lines* or *street lines*. At least 50% of such frontage shall be developed with such *uses*. No more than 25% of the aggregated minimum public area mentioned above can be used for retail or *commercial use*. Opaque wall surfaces shall be treated decoratively.
- g) The level of the public area shall at no point be more than 5'-0" above or 5'-0" below *curb level* of the *street* providing primary access to such public areas. Differences in elevation shall be joined by ramps with slopes no greater than 5%.
- h) Seating shall be provided on the basis of one seat (18" wide with back) for each 125 square feet of public area.
- i) There shall be a minimum of one major tree of 4" caliper or one minor tree 8'-0" in height per 1,000 square feet of the aggregated minimum area mentioned above.
- j) A minimum of 10% of the total public area is to be planted.
- k) *Indoor space* attributable to the public area shall be exempt from the *floor area* calculations.
- l) The public area shall be maintained in accordance with a maintenance plan approved by the Commission.
- † Where trees are planted pursuant to this Section prior to April 1, 1978, such planting may be undertaken in accordance with the tree caliper requirements existing prior to the effective date of this amendment.
- 5) The preservation of an existing *building* or *buildings* on the same *zoning lot* which, except for required *rear* and *side yards* is contiguous to an existing *building* on an adjoining *zoning lot*. This *building* shall be scored in accordance with the regulations governing the four sections of the Housing Quality special permit as a part of the score for the entire application. For non-residential *buildings* only the Neighborhood Impact section need apply. The Commission also may waive Housing Quality requirements which are not possible to comply with because of existing structural conditions. In addition the Commission shall find:
 - a) that the *building* to be preserved has made and will continue to make a significant positive impact towards the quality of the surrounding

neighborhood by contributing to its economic, social, cultural or aesthetic character.

- b) that when rehabilitation is necessary an acceptable schedule for its implementation accompanies the application for a special permit.
- c) an acceptable agreement between the tenants and the developer which allows all tenants to
 - i) continue as residents on the same *zoning lot* in *dwelling units* which have comparable size, exposure and floor.
 - ii) continue their existing rent levels subject to increases only at existing expiration dates and within the guidelines of either the rent stabilization or rent control laws, whichever is presently applicable to the preserved *building*. Tenants and developers may reach other forms of mutually acceptable agreement but evidence shall be submitted that the tenant who does so was aware of the two provisions governing relocation.
- d) that the relocation practices followed by the developer on the entire *zoning lot* satisfy applicable government standards.

The area of *plazas* in Housing Quality *developments* shall be included in the calculation for Program Elements regulating Onsite Sunlight, Planting and Trees. That portion of the public area which corresponds to the minimum aggregated area shall be included in the calculations for Program Elements regulating Onsite Sunlight (assume open to the sky for computations) and Trees. The total public area shall be included in the calculations for the Program Element regulating Planting. All of the above shall conform to the requirements for compliance of the applicable Program Elements. The bonusable area of *plazas*, *arcades* and public areas may not be applied towards the compliance of the recreation standards in the Type and Size Program Element in the Recreation Program.

Floor Area Bonus

- † i) For each square foot of public area or portion thereof provided on the *zoning lot*, the total floor area permitted on that *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by 6 square feet.
- ii) For each square foot of *plaza* or thereof provided on a *zoning lot*, the total *floor area* permitted on that *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by 6 square feet provided the *zoning lot* has *wide street* frontage and the *plaza* is located completely within the *street district* of such *wide street*. Where the *zoning lot* does not have a wide street frontage or where the *plaza* is not located

completely within 100 feet of the *wide street*. Where the zoning lot does not have a wide street frontage of the zoning lot, the permitted floor area may be increased by 6 square feet for each square foot of plaza, provided such increase in floor area does not exceed 12% of the floor area permitted in Section 23-15.

- iii) For each square foot of *arcade* or portion thereof provided on the zoning lot the total floor area permitted on that zoning lot under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by 3 square feet.
- iv) For each \$5.00 of neighborhood improvement or portion thereof provided within the *street district* including any amounts set aside for maintenance of such improvements the total floor area permitted on the zoning lot under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by one square foot.
- v) The increase in the basic floor area ratio on a zoning lot for the preservation of an existing building shall be equal to one square foot for each square foot of floor area in the preserved building.

In no case shall the total floor area ratio on a zoning lot exceed the prescribed limits of the applicable districts as set forth in Sections 23-15, 24-17, 33-120.5, 35-31.

Lot Area Bonus

For each percent of additional floor area achieved by plaza, arcade, public area, neighborhood improvement or preservation, the lot area per dwelling unit requirement of 90 square feet shall be reduced by 1 percent. However, in no event shall such lot area per dwelling unit be less than 75 square feet.]

* * *

74-959

Special Regulations for Housing Quality Developments on Zoning Lots Containing Existing Buildings to Remain.

* * *

In the case of an *integrated development* the Commission shall also [make the] find[ings required under Section 74-957 B, 5a, b, c, & d]

- a) that the existing building to remain [be preserved] has made and will continue to make a significant positive impact towards the quality of the surrounding neighborhood by contributing to its economic, social, cultural or aesthetic character.

- b) *that when rehabilitation of the existing building to remain is necessary an acceptable schedule for its implementation accompanies the application for a special permit.*
- c) *an acceptable agreement between the tenants of the existing building to remain and the developer which allows all tenants to:*
 - i) *continue as residents on the same zoning lot in dwelling units which have comparable size, exposure and floor.*
 - ii) *continue their existing rent levels subject to increases only at existing expiration dates and within the guidelines of either the rent stabilization or rent control laws, whichever is presently applicable to the [preserved] building. Tenants and developers may reach other forms of mutually acceptable agreement but evidence shall be submitted that the tenant who does so was aware of the two provisions governing relocation.*
- d) *that the relocation practices followed by the developer on the entire zoning lot satisfy applicable government standards.*

ARTICLE VIII

Chapter 2 Special Lincoln Square District

* * *

82-08

Modification of Bulk and Height and Setback Requirements

Bulk and Height and Setback regulations otherwise applicable in the L District are modified to the extent set forth in paragraph (1) through (4) of this section, subject to the following limitations:

In no event shall the total *floor area ratio* permitted on a *zoning lot* exceed 12.0.

- (1) The provisions of Sections 23-16, 24-14, or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15, or 33-14 (Floor Area Bonus for a Plaza-Connected Open Area), Sections 23-18, 24-16, or 33-15 (Floor Area Bonus for Arcades), or Section 23-23 (Density Bonus for a Plaza-Connected Open Area or Arcade) shall not apply. **The provisions of Section 23-90 (Inclusionary Housing) are applicable.**

* * *

82-10

Public Amenities

The Commission, by special permit issued after public notice and hearing and subject to Board of Estimate action, may grant the increase in *floor area* specified in paragraphs (a) and (B) [through (c)] of this section and may authorize a corresponding decrease in required *lot area per room*, if applicable, and appropriate modifications of height and setback regulations, *yard* regulations, regulations governing minimum distance between *buildings* on a single *zoning lot* and regulations governing courts and minimum distance between legally required windows and walls or lot lines for any new *building* which includes one or more of the public amenities described in paragraphs(a) and (b) [through (c)] of this section, provided that the Commission finds that inclusion of the proposed amenity will significantly protect the specific purposes for which the *Special Lincoln Square District* is established.

* * *

The Commission shall restrict the increase in *floor area* for any amenity within the ranges set forth in the following table:

INCREASE IN SQUARE FEET
OF FLOOR AREA
Maximum

(a)	for a mandatory <i>arcade</i> (82-09)	7 per sq. ft. of Mandatory <i>Arcade</i> not to exceed 1.0 FAR
†(b)	for subsurface concourse connections to subways, or for subway improvements.	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.
(c)	for provision of low or moderate income housing	An amount subject to the limitations set forth in Section 82-08, to be determined by the Commission

Building and pavement used shall be subject to City Planning Commission approval in order to reinforce the character of the *Special Lincoln Square District Area*

ARTICLE IX

Chapter 6 Special Clinton District

* * *

96-21**Floor Area Bonus**

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 [96-211 (Floor area bonus for provision of rehabilitated housing)]

23-90 (Inclusionary Housing) or Section 96- [212] 211

(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 per cent of the applicable *lot area* requirements set forth in Section 23-22.

A permanent certificate of occupancy for any *building* incorporating bonus *floor area* pursuant to this section shall not be issued by the Department of Buildings until the issuance of a permanent certificate of occupancy for [rehabilitated] **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 rehabilitated housing**

For each *room* of rehabilitated housing provided within the Preservation Area the total *floor area* permitted on a *zoning lot* within the Perimeter Area may be increased by 500 square feet.

The number of *rooms* of rehabilitated housing which may generate bonus pursuant to this section shall not exceed the number of *rooms* which occupied the rehabilitated spaces prior to such rehabilitation. This bonus shall be granted provided that the Administrator of Housing and Development certifies to the Department of Buildings:

- (a) That the housing will be substantially rehabilitated within the meaning of the following: A property will be considered substantially rehabilitated when its condition is improved from a substantially substandard condition to a decent, safe and sanitary condition, which, with normal maintenance and repair, will remain in such condition at least 5 years. Substantially substandard condition

means that the housing, while structurally sound, is not only below decent, safe, and sanitary condition, but also has one or more critical defects, or a combination of potential defects in sufficient number or extent to require considerable repair or rebuilding. The defects are either so critical or so widespread that the structures should be extensively repaired. Such defects may include, but not be limited to: holes or open cracks, rotted, deteriorated, loose, or missing material over a large area of the outside walls, roof, chimney, inside walls, floors, or ceilings; substandard sagging of floor, walls, or roof; extensive damage by storm, fire, or flood; inadequate or potentially hazardous utility systems and equipment; and lack of hot or cold running water, flush toilet, or tub or shower.

Administrator of the Housing and Development shall certify that the cost of this rehabilitation shall be commensurate with the value of the *floor area* bonus in the perimeter area.

- (b) That any eviction or termination of tenancies undertaken in connection with such rehabilitation satisfies all applicable legal requirements.
- (c) That the initial average monthly rental for the rehabilitated *dwelling units* does not exceed \$37 per *room*, which rental may be adjusted only in accordance with regulations of the rent Guidelines Board or successor thereto. The period of regulated rent adjustments may end at the conclusion of the term of the initial *mortgage* or 25 years, which is later.
- (d) That the developer follow a tenant selection process which:
 - (i) limits tenants to persons whose annual income is not greater than those limits specified in Article 2 of the New York Private Housing Finance Law.
 - (ii) gives first priority to otherwise qualified persons who were temporarily relocated from the site of the rehabilitated housing.
 - (iii) affords priority to residents of the Special Clinton District.
- (e) That provision is made for regular meetings between an organization representing the tenants of the rehabilitated housing and the owner to discuss maintenance, repairs and other matters related to the operation of the rehabilitated *dwelling units*.
- (f) That within 30 days of the filing of an application under the provisions of this Section, notification of filing of such application shall be given by the Administrator of Housing and Development to Borough of Manhattan, Community Board #4.

[96-212]

Floor area bonus for a park

* * *

(On January 28, 1987, Cal. No. 15, the Commission scheduled February 18, 1987, for a public hearing. On February 18, 1987, Cal. No. 23, the hearing was continued to March 18, 1987.)

Close the hearing.

CITYWIDE

No. 30

Citywide

N 850487(A) ZRY

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 200 of the New York City Charter for an amendment to the Zoning Resolution establishing an Inclusionary Housing Program. The program permits an increase in allowable floor area in R10 and certain equivalent districts when lower income housing is developed or preserved.

Matter in bold type is new,

Matter in [brackets] to be removed,

Matter in italics defined in Section 12-10 or in this amendment:

23-15

Maximum Floor Area Ratio in R10 Districts

R10

In the district indicated, the floor area ratio for any building on a zoning lot shall not exceed 10.0, except as provided in the following sections:

* * *

Section 23-90 (Inclusionary Housing)

* * *

Notwithstanding any other provision of this Resolution, the maximum floor area ratio shall not exceed 12.0.

* * *

All developments or enlargements located within the boundaries of Community Board #7 in the Borough of Manhattan shall be subject to the requirements of

Section 23-151 (R10 Infill) and no *floor area* bonus shall be granted for such *developments* or *enlargements*, except as [otherwise] set forth in Section 23-[151] 90 (Inclusionary Housing).

* * *

In the R10A Districts the *floor area ratio* for any *building* on a *zoning lot* shall not exceed 10.0 except as provided in Section [74-95 (Housing Quality Developments).] 23-90 (Inclusionary Housing)

* * *

23-22

Required Lot Area per Dwelling Unit Lot Area per Room or Floor Area per Room

* * *

(c) In R3, R6, R7, R9, and R10 Districts, the *lot area* required is expressed in terms of *rooms*, and as indicated, the total *lot area* of a *zoning lot* shall not be less than as set forth in this section, except as provided in the following sections:

* * *

Section 23-90 (Inclusionary Housing)

(d) In the R8A, R8B, R9A, R9X or R10A Districts, the *lot area* requirement is expressed in terms of *dwelling units* or *rooming units* and the *lot area* per *dwelling unit* or *rooming unit* shall not be less than as set forth in this section, except as provided in the following sections:

* * *

Section 23-90 (Inclusionary Housing)

* * *

23-90 INCLUSIONARY HOUSING

23-91

General Provisions

R10

In the district indicated, an Inclusionary Housing program is established to preserve and to promote a mixture of low to upper income housing within neighborhoods experiencing a shift from mixed to upper income housing and thus to promote the general welfare. The requirements of this program are set forth in Sections 23-90 through 23-94.

23-92

Definitions

For the purposes of the Inclusionary Housing program, matter in italics is defined either in Section 12-10 (Definitions) or in this section.

Administering Agent

The "administering agent" is the entity or entities identified in the *lower income housing plan* as responsible for ensuring compliance with such plan.

The *administering agent* shall be a not-for-profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the *compensated development* to secure a qualified not-for-profit organization as the *administering agent* was unsuccessful.

Compensated Development

A "compensated development" is a *development* which receives an increased *floor area ratio* as a result of satisfying the requirements of the Inclusionary Housing program.

Development

For the purposes of the Inclusionary Housing program, a "development" is a *development* as defined in Section 12-10 or an *enlargement* of more than 50 percent of the *floor area* of an existing *building*.

Fair Rent

At initial occupancy of *lower income housing*, "fair rent" (the "Section 8 Standard") is an annual rent for each such housing equal to not more than 30 percent of the annual income of the tenant of such housing, provided that such tenant is a *lower income household* at the time of initial occupancy pursuant to the provisions of this program.

Upon renewal of a lease for an existing tenant in *lower income housing*, "fair rent" (the "Rent Stabilization Standard") is the then-current *fair rent* for such housing plus a percentage increase equal to the percentage increase for a renewal lease of the same term permitted by the Rent Guidelines Board for units subject to the rent stabilization law.

After initial occupancy, upon rental of *lower income housing* to a new tenant, "fair rent" is not more than the higher of:

- (a) the then-currently applicable Section 8 Standard or
- (b) the Rent Stabilization Standard.

In order for rent to be "fair rent", the following must also apply:

There shall be no additional charge to the tenant for the provision of heat and electric service, except that the Commissioner of Housing Preservation and Development may approve a *lower income housing plan* making a *lower income household* responsible for the payment of utilities as long as the sum of

- (i) the initial *fair rent* and
- (ii) the monthly costs of a reasonable compensation for these utilities, by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment

do not exceed 30 percent of said *lower income household's* income.

At initial occupancy of any *lower income housing*, no portion of the *fair rents* shall be for the payment of the principal or interest on any debt, and the *lower income housing* shall not secure any debt and shall be free of all liens, except liens for real estate taxes, water charges and sewer rents and other governmental charges for which payment is not yet due. *Fair rents* may be used for the payment of principal or interest of debt only if such debt was incurred after the date of initial occupancy and is for a capital improvement to such *lower income housing* other than those capital improvements set forth in the *lower income housing plan*.

Lower Income Household

A "lower income household" is a *family* having an income equal to or less than the income limits (the "80 Percent of SMSA Limits") for New York City residents established by the U.S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

Lower Income Housing

"Lower income housing" are *standard units* occupied or to be occupied by *lower income households*. *Lower income housing* shall not include *standard units* assisted under city, state or federal programs, except where such assistance is in the form of:

- (a) real estate tax abatements and exemptions which are specifically limited to the *lower income housing* or
- (b) operating assistance that the Commissioner of the Department of Housing Preservation and Development determines will be used to enable households with incomes of not more than 62.5 percent of the 80 Percent of SMSA Limits to afford such *lower income housing*.

Lower Income Housing Plan

The "lower income housing plan", is the plan accepted by the Commissioner of Housing Preservation and Development which sets forth the developer's plans for

creating and maintaining the specified *lower income housing* pursuant to this program.

Standard Unit

A "standard unit" is a

- (a) *dwelling unit*,
- (b) *rooming unit* or
- (c) room used for sleeping purposes in a non-profit institution with sleeping accommodations, which room is acceptable to the Commissioner of Housing Preservation and Development as meeting the intent of the Inclusionary Housing program

in each case, free of violations (and is located in a *building* in which the common areas are free of violations) under the City of New York Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution as noted in or issued by a city or state agency as of the date of acceptance of the *lower income housing plan*.

In *standard units*, all windows shall be double glazed.

23-93

Floor Area Compensation

The *floor area ratio* of a *development* may be increased from 10.0 to a maximum of 12.0 at the rate set forth below, if the developer of such *development* provides *lower income housing* pursuant to Section 23-94 (Lower Income Housing Requirements).

For each square foot of *floor area* provided for *lower income housing* pursuant to the options listed in Column A and which meets the requirements set forth in Section 23-94 (Lower Income Housing Requirements), the *floor area* of the *development* may be increased by the number of square feet set forth in Column B.

Options

<u>Column A</u>	<u>Column B</u>
On-site New Construction	3.7
On-site Substantial Rehabilitation	3.2
Off-site New Construction (Private Site)	4.0
Off-site New Construction (Public Site)	2.5
Off-site Substantial Rehabilitation (Private Site)	3.7
Off-site Substantial Rehabilitation (Public Site)	2.2
Preservation	2.0

Each structure erected and recorded as a separate *building* at the Department of Buildings as of January 1, 1987 may be considered individually in determining if

lower income housing provided pursuant to this program shall be considered as substantial rehabilitation or preservation.

For each .7 of one percent increase in *floor area* permitted to *compensated developments* pursuant to this Section, the *lot area* requirements for such *compensated developments* set forth in Sections 23-22 (Required Lot Area per Dwelling Unit or Per Room) or 23-25 (Special Provisions for Buildings Used Partly for Non-Residential Uses) shall be reduced by .6 of one percent. In no event shall such reduction exceed 17 percent of the applicable *lot area* requirements.

23-94

Lower Income Housing Requirements

To qualify for the increased *floor area*, *compensated developments* must provide *lower income housing* for the life of the increased *floor area* in the *compensated development* pursuant to one or more of the options listed in Sections 23-941, 23-942 and 23-943, and such *lower income housing* must meet each of the requirements set forth below.

(a) Standards

All *lower income housing* shall be in *standard units*. Except in *buildings* in which all *standard units* are occupied by *lower income housing*, the *floor area* devoted to *lower income housing* shall be considered only the *floor area* within the perimeter walls of the *standard units* of the *lower income housing* and a pro rata share of the common areas of the *building* exclusive of those common areas for which a fee is charged for its use. In *buildings* in which all of the *standard units* are occupied by *lower income housing*, all of the *residential floor area* shall be considered as devoted to *lower income housing*.

(b) Tenant Selection

All incoming households of *standard units* in *lower income housing* must be *lower income households*.

Sublessees of a *lower income household* must also be *lower income households*. The *administering agent* shall verify the income of such sublessee households prior to their occupancy of the *lower income housing*, to assure that such households are *lower income households*.

On and after the issuance of a Certificate of Occupancy for *lower income housing*, the *administering agent* shall have a duty:

- (1) to maintain in a habitable condition all *lower income housing* and

- (2) to rent such *housing to lower income households*. This duty to rent shall be satisfied by the *administering agent*, if such agent has in fact rented all such units to *lower income households* or has, in good faith, made a continuing public offer to rent such units at rents no greater than the rents authorized by this program or otherwise at law.

(c) Rent Levels

All *standard units in lower income housing* shall be rented at *fair rents*. The total average annual rent for all *lower income housing* approved pursuant to a *lower income housing plan* shall not exceed an amount equal to the reasonable maintenance, operation, administration and contingency costs for such year as determined by the Commissioner of the Department of Housing Preservation and Development.

(d) Income Verification

Prior to renting *lower income housing*, the *administering agent* shall verify the income of each household to occupy such housing, to assure that the households are *lower income households*. The *administering agent* shall submit an affidavit to the Commissioner of Housing Preservation and Development upon initial occupancy and annually thereafter attesting that all incoming occupants of *lower income housing* are *lower income households*.

(e) Lower Income Housing Plan

A *lower income housing plan* acceptable to the Commissioner of Housing Preservation and Development shall be prepared and followed by the developer.

Such plan shall include the building plans, indicate the *floor area* devoted to *lower income housing* and shall demonstrate the feasibility of creating and maintaining the specified *lower income housing* required in accordance with the Inclusionary Housing program, including demonstrating that:

- (i) the *lower income housing* will be managed and operated by a responsible *administering agent*;
- (ii) there will be sufficient income to provide for adequate maintenance, operation and administration of the *lower income housing*; and
- (iii) tenant selection will be on an equitable, non-discriminatory basis and achieves a reasonable range of tenant incomes within the

permitted income levels and rent levels established pursuant to this program.

A restrictive declaration, satisfactory to the Commissioner of Housing Preservation and Development; shall be recorded against the *zoning lot* on which the *lower income housing* is constructed and shall set forth the obligations, running with such *zoning lot*, of the owner and all its successors in interest to provide *lower income housing* in accordance with the *lower income housing plan*.

No later than the date on which a *lower income housing plan* is first submitted to the Department of Housing Preservation and Development, a copy of the plan shall be submitted to the affected Community Board(s). Such Community Board(s) shall have 45 days to review said plan. No *lower income housing plan* shall be accepted by the Commissioner of Housing Preservation and Development during the Community Board review period.

A copy of any *lower income housing plan* that is accepted by the Commissioner of Housing Preservation and Development within 24 months of (the effective date of this amendment) shall be furnished by the developer to the Department of City Planning immediately after such acceptance.

(f) **Permits and Certificates of Occupancy**

No building permit for the *compensated development* shall be issued until the Commissioner of Housing Preservation and Development certifies that an acceptable *lower income housing plan* has been filed.

No temporary Certificate of Occupancy shall be issued for any part of the *compensated development* until a temporary Certificate of Occupancy for each unit of *lower income housing* has been issued. No permanent Certificate of Occupancy shall be issued for any part of the *compensated development* until a permanent Certificate of Occupancy for each unit of the *lower income housing* has been issued. Prior to the issuance of any temporary or permanent Certificate of Occupancy for the *compensated development*, the Commissioner of Housing Preservation and Development shall certify that the *lower income housing* is in compliance with the *lower income housing plan*.

(g) **Insurance**

The *administering agent* of the *lower income housing* shall have said housing insured against any damage or destruction in an amount equal to no less than the replacement value of such housing.

Any insurance proceeds received as a result of damage or destruction of all or part of such housing shall be used first for restoring such damaged or destroyed housing to *lower income housing*, free of violations under the New York City Building Code, the New York State Multiple Dwelling Law, the New York City Housing Maintenance Code and this Resolution.

(h) **Obligations for Life of Increased *Floor Area***

The obligation to provide a specified amount of *lower income housing* shall run with the *zoning lot* containing such *lower income housing* for the life of the increased *floor area* of the *compensated development*. In the event any portion of such housing is damaged or destroyed, no *floor area* may be replaced on said *zoning lot* unless such *floor area* contains the specified amount of *lower income housing*.

(i) **Single Building for *Lower Income Housing***

Any *building* may contain *lower income housing* that satisfies the requirements of this program for more than one *compensated development*, provided that no *floor area* in the *lower income housing* is counted more than once in determining the amount of increased *floor area* for *compensated developments*.

(j) **Subsequent Compensation**

The Commissioner of Housing Preservation and Development may certify that a *lower income housing plan* is in compliance with the requirements of this program and that *lower income housing* is in compliance with said plan prior to the filing of plans for a *compensated development*. *Developments* may subsequently be compensated with additional *floor area* under this program for such *lower income housing*.

(k) **Applicability to Rent Regulation**

Notwithstanding the provisions herein, no provision shall be applicable to tenants occupying units subject to the rent stabilization law or the rent control law, if such provision would be inconsistent with the rights of such tenants.

23-941

On-site new construction option

To qualify for this option, the designated *lower income housing* shall meet the following requirements.

- (a) The *lower income housing* shall be located in newly constructed *floor area* in the *compensated development*. The *lower income housing* shall be

maintained and leased to *lower income households* for the life of the increased floor area.

- (b) *Dwelling units* designated as *lower income housing* shall be distributed throughout the *development*. No *story* shall contain more than two such units unless at least 80 percent of all *stories* contain two such units. The designated *lower income housing* units shall be distributed among the various size units in proportion to the total distribution of unit size in the following categories of unit sizes:

- under 600 net square feet
- 600 - 749 net square feet
- 750 - 949 net square feet
- 950-1149 net square feet
- 1150 or more net square feet

23-942

Substantial rehabilitation and off-site new construction options

To qualify for one or more of these options, the designated *lower income housing* shall meet the following requirements:

- (a) The *lower income housing* shall be located either:
- (i) within the same Community District as the *compensated development* or
 - (ii) within an adjacent Community District and within a one half mile radius of the *compensated development*.

The *lower income housing* shall be in a new *building* or in an existing *building* in which, prior to the submission of the *lower income housing plan* pursuant to this section, the *residential* portion had been entirely vacant for not less than three years.

- (b) The *lower income housing* shall be maintained and leased to *lower income households* for the life of the *increased floor area*.
- (c) On-site substantial rehabilitation units shall be those units on the same *zoning lot* as the *compensated development*.

23-943

Preservation Option

To qualify for this option, the designated *lower income housing* shall meet the following requirements.

- (a) The *lower income housing* shall be located either:

- (i) within the same Community District as the *compensated development* or
- (ii) within an adjacent Community District and within a one-half mile radius of the *compensated development*.

The *lower income housing* shall be in an existing occupied *residential or mixed building*. Only *standard units* occupied by *lower income households* shall be *lower income housing*. For each *standard unit* designated as *lower income housing* the *administering agent* shall verify the income of the household in tenancy.

- (b) Rent charged to *lower income households* shall not be increased to reflect the costs of any renovation made in order to qualify such units under the Inclusionary Housing program, even though such increases may be permitted under other laws regulating maximum rent levels in these units.
- (c) At no increase in rent, any kitchen in a *dwelling unit* or serving a *rooming unit*, which unit is designated as *lower income housing*, shall be equipped with a new stove with at least four burners, an oven and a new refrigerator of at least the capacity of the previous refrigerator, if such appliances have not been replaced within 5 years prior to the units' designation as *lower income housing*.

In addition, the Commissioner of Housing Preservation and Development may require any other improvements to the *building* or to the housing necessary to ensure that, with normal maintenance, the *lower income housing* will continue to provide a decent, safe and sanitary living environment for the life of the increased *floor area* in the *compensated development*.

- (d) The *lower income housing* shall be maintained and leased to *lower income households* for the life of the *increased floor area* in the *compensated development*.
- (e) The developer of a *compensated development* must demonstrate to the satisfaction of the Commissioner of Housing Preservation and Development that, for three years prior to the submission of the *lower income housing plan*, no harassment occurred that resulted in removal of previous tenants of units proposed to become *lower income housing* preserved pursuant to this section.

35-35

Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in Connection with Mixed Buildings.

* * *

C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A, C6-2A

In the districts indicated, **bonuses for plazas, plaza-connected open space and arcades are not applicable.** However, no existing *plaza* or other public amenity, open or enclosed, for which a *floor area* bonus has been received, pursuant to regulations antedating April 18, 1985, shall be eliminated or reduced in size, without a corresponding reduction in the *floor area* of the *building* or the substitution of equivalent complying area for such amenity elsewhere on the *zoning lot*.

35-42

Density or Lot Area Bonus in Mixed Buildings

C1-1¹, C1-2¹, C1-3¹, C1-4¹, C1-5¹, C1-8, C1-9, C2-1¹, C2-2¹, C2-3¹, C2-4¹, C2-5¹, C2-7, C2-8, C4-6, C4-7, C5-C6.

- (a) In the districts indicated, except as otherwise provided in Section 82-08 (Modification of Bulk and Height and Setback Requirements) and Section 85-04 (Modification of Bulk Regulations), the *lot area* reduction set forth in Section 23-23 (Density Bonus for a Plaza, Plaza-Connected Open Area, or Arcade) or Section 23-93 (Floor Area Compensation) shall apply to the *lot area* requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit or per Room) to the extent that the *building* is used for *residential use*; and the *lot area* reduction set forth in Section 23-26 or Section 24-22 (Lot Area Bonus for a Plaza, Plaza-Connected Open Area, or Arcade), or Section 23-93 (Floor Area Compensation), shall apply to the *lot area* requirements set forth in Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) to the extent that the *building* is used for *commercial or community facility use*.
- (b) In C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A and C6-2A Districts and in C1 and C2 Districts mapped within R9A, R9X and R10A Districts, the density or *lot area* bonus shall not apply. However, in C1-9A, C2-8A, C4-6A, and C4-7A Districts and in C1 and C2 Districts mapped within R10A Districts the provisions of Section 23-90 (Inclusionary Housing) shall be applicable.

74-95

Housing Quality Developments

* * *

74-951

Bulk Provisions for Developments

The maximum *residential floor area ratio* for any building on a zoning lot and the required *lot area per dwelling unit* shall be as follows:

District	Maximum Floor Area Ratio Permitted	Required Lot Area Per Dwelling Unit
R3	0.50	1125
R4	0.75	833
R5	1.25	517
R6	2.43	288
R7	3.44	216
R8	6.02	132
R9	7.52	117
R9A	9.0	100
R10	10.00	90
R10 [BONUS] Inclusionary Housing	12.00	75

* * *

The *floor area* [bonus] provisions for predominantly *residential buildings* in R10 districts and *commercial districts* permitting an R10 *floor area ratio* may be modified in accordance with Section [74-957 of] 23-90 (Inclusionary Housing) [this chapter] provided that the *floor area ratio* does not exceed 12.0. The special optional regulations relating to *predominantly built up areas* infill and the *lot area per room* and *floor area per room* requirements of Section 23-00 et seq. shall not apply to any *development* for which a special permit is granted under provisions of this section.

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74-952

Housing Quality Definitions

* * *

Shadow Area, Maximum

* * *

The required azimuths (angle of the sun in plan) are 1) 57 degrees east of south at 9 A.M., 2) 0 degrees south at 12 Noon and, 3) 57 degrees west of south at 3 P.M. The lengths of shadow are:

<u>District</u>	<u>9 A.M. and 3 P.M.</u>	<u>Noon</u>
R3	45 ft.	25 ft.
R4	60 ft.	30 ft.
R5	145 ft.	75 ft.
R6	210 ft.	110 ft.
R7	280 ft.	150 ft.
R8	345 ft.	185 ft.
R9	415 ft.	220 ft.
R10	480 ft.	255 ft.
R10 [Bonus] Inclusionary Housing	535 ft.	285 ft.

* * *

74-957
**Special Regulations for Housing Quality
Developments in R10 Districts or Commercial Equivalents**

[(A)] Housing Quality *developments* in R10 District or *commercial* equivalents which earn at least 85 Housing Quality Program points under the scoring system described in Section 74-954 (Guidelines for applications), score a mandatory minimum of 15 points in each of its 4 parts, as a precondition for application, may be increased from a *floor area ratio* of 10 to a maximum of 12 and the *lot area per dwelling unit* may be reduced from 90 to a minimum of 75 provided such *development* [contains one or a combination of the public amenities described in 'B' below] **complies with the requirements of Section 23-90 (Inclusionary Housing)**. As a precondition for any application for a Housing Quality *development* special permit in an R10 district or *commercial* equivalent the following conditions shall be satisfied.

- 1) Curb cuts. The number of curb cuts shall be limited to one per *street*. No curb cuts shall be allowed on wide *streets*. The number and location of curb cuts for *zoning lots* with only wide *street* frontage or for sites 40,000 square feet or larger may be modified by the City Planning Commission.
- 2) Central Trash Collection. There shall be a single location for the collection and removal of all trash from the *building*, within the *building* and such facility shall be protected by an enclosure surfaced with the same materials

as that of the *building* proper. The size and design of the enclosure shall meet the requirements of the Sanitation Department and the private carting service.

[(B) In order to earn an increase in *floor area ratio* and a reduction in *lot area per dwelling unit* in a Housing Quality Development, the *development* shall first provide a *plaza* a neighborhood improvement or a combination of the two. The following are bonusable public amenities for Housing Quality Development.

- 1) a *plaza* as defined in Section 12.10 except that:
 - a) The *plaza* in a *residential* district shall be aggregated into a single space having a minimum dimension of 40 feet and a minimum area of 4,000 square feet and be accessible at all times for public use. The *plaza* shall be developed as either *residential park*, *residential plaza*, or *residential playground* based upon the appropriateness, size and location of the *plaza*.
 - b) Direct access along the *street line* abutting the *plaza* shall be at least 50 percent of such frontage.
 - c) the elevation of the *plaza* surface shall be within 3'-0" of the adjacent *curb level*. Differences in elevation shall be joined by ramps with slopes no greater than 5%.
 - d) The *plaza* shall be adequately landscaped with major trees, plantings, seating and lighting.
 - e) The *plaza* shall display in a prominent location a plaque indicating the public nature of the space and information as required by the commission.
 - f) Loading berths, driveways, parking areas, and other vehicular oriented spaces shall not be considered *plaza* space.
 - g) The *plaza* shall be maintained in accordance with a maintenance plan approved by the Commission.
- 2) Neighborhood Improvements.
 - a) One or more offsite physical improvements such as *street trees*, decorative paving and sidewalks, bus shelters, planters, benches or sitting areas, trash containers, information kiosks, *street* furniture, artwork, or the cleaning of landmarks shall be provided within the area delineated by the *street districts(s)* of the *zoning lot*.
 - b) The Commission after consultation with the local Community Board, shall certify which neighborhood improvements shall be provided and the

specifications for such improvements including a maintenance plan therefor.

- 3) An *arcade* as defined in Section 12-10 except that:
 - a) The *arcade* is permitted only in R10 districts with *commercial* overlays or *commercial* districts that are R10 *residential* equivalents.
 - b) An *arcade* shall be provided where adjoining or adjacent existing *buildings* contain *arcades*.
 - c) The *arcade* is permitted on *zoning lots* whose wide *street line* is in excess of 100' except that the wide *street line* shall be in excess of 200 feet on wide *streets* which are major cross-town *streets*. When adjacent existing *buildings* contain *arcades* the minimum wide *street line* requirement is waived.
 - d) The *arcade* shall extend the full length of the *zoning lot* along the *street line* of a wide *street*.
 - e) The exterior face of building columns shall be coincident with the *street line*.
 - f) The minimum depth of an *arcade* shall be 15'-0".
 - g) The average height of the *arcade* along the centerline of its longitudinal axis shall not be less than 15'-0". At no point shall the minimum height of the *arcade* be less than 8'-0".
 - h) The *arcade* shall be adequately illuminated.
 - i) The surface of the *arcade* shall be continuous with and at the same elevation as the adjoining sidewalk.
- 4) A public area which may be partially open to the sky or fully covered as set forth below:
 - a) The public area shall be permitted only in R10 Districts with *commercial* overlays or in commercial districts that are R10 *residential* equivalents.
 - b) A Minimum of 15 percent of the *lot area* of the *zoning lot* shall be available for public *use*. This minimum area shall be aggregated into a single space and have a minimum dimension of 40'-0". At least 70% of this space shall be open to the sky or either partially or fully covered by glazed roof surface.
 - c) For the purpose of insuring prominent public attention to the public area, it shall be clearly visible and directly accessible from an adjoining *street*.

- d) *Covered* or *Indoor Space* greater than 15'-0" deep shall have a minimum average height of 15'-0". At no point shall the minimum height of a covered area be less than 10'-0".
- e) That portion of the public area which abuts a *street* and connects the *street* to the aggregated public area may have a width of not less than 25 feet.
- f) It shall have permitted retail *uses* listed in Use Group 6 occupying the maximum feasible frontage along those bounding walls of the public area which do not abut *lot lines* or *street lines*. At least 50% of such frontage shall be developed with such *uses*. No more than 25% of the aggregated minimum public area mentioned above can be used for retail or *commercial use*. Opaque wall surfaces shall be treated decoratively.
- g) The level of the public area shall at no point be more than 5'-0" above or 5'-0" below *curb level* of the *street* providing primary access to such public areas. Differences in elevation shall be joined by ramps with slopes no greater than 5%.
- h) Seating shall be provided on the basis of one seat (18" wide with back) for each 125 square feet of public area.
- i) There shall be a minimum of one major tree of 4" caliper or one minor tree 8'-0" in height per 1,000 square feet of the aggregated minimum area mentioned above.
- j) A minimum of 10% of the total public area is to be planted.
- k) *indoor space* attributable to the public area shall be exempt from the *floor area* calculations.
- l) The public area shall be maintained in accordance with a maintenance plan approved by the Commission.

Where trees are planted pursuant to this Section prior to April 1, 1978, such planting may be undertaken in accordance with the tree caliper requirements existing prior to the effective date of this amendment.

- 5) The preservation of an existing *building* or *buildings* on the same *zoning lot* which, except for required *rear* and *side yards* is contiguous to an existing *building* shall be scored in accordance with the regulations governing the four sections of the Housing Quality special permit as a part of the score for the entire application. For non-*residential buildings* only the Neighborhood Impact section need apply. The Commission also may waive Housing Quality requirements which are not possible to comply with because of existing structural conditions. In addition the Commission shall find:

- a) that the *building* to be preserved has made and will continue to make a significant positive impact towards the quality of the surrounding neighborhood by contributing to its economic, social, cultural or aesthetic character.
- b) that when rehabilitation is necessary an acceptable schedule for its implementation accompanies the application for a special permit.
- c) an acceptable agreement between the tenants and the developer which allows all tenants to:
 - i) continue as residents on the same *zoning lot* in *dwelling units* which have comparable size, exposure and floor.
 - ii) continue their existing rent levels subject to increases only at existing expiration dates and within the guidelines of either the rent stabilization or rent control laws, whichever is presently applicable to the preserved *building*. Tenants and developers may reach other forms of mutually acceptable agreement but evidence shall be submitted that the tenant who does so was aware of the two provisions governing relocation.
- d) that the relocation practices followed by the developer on the entire *zoning lot* satisfy applicable government standards.

The area of *plazas* in Housing Quality *developments* shall be included in the calculation for Program Elements regulating Onsite Sunlight, Planting and Trees. That portion of the public area which corresponds to the minimum aggregated area shall be included in the calculations for Program Elements regulating Onsite Sunlight (assume open to the sky for computations) and Trees. The total public area shall be included in the calculations for the Program Element regulating Planting. All of the above shall conform to the requirements for for compliance of the applicable Program Elements. The bonusable area of *plazas*, *arcades* and public areas may not be applied towards the compliance of the recreation standards in the Type and Size Program Element in the Recreation Program.

Floor Area Bonus

- i) For each square foot of public area or portion thereof provided on the *zoning lot*, the total floor area permitted on that *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by 6 square feet.
- ii) For each square foot of *plaza* or thereof provided on a *zoning lot*, the total floor area permitted on that *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by 6 square

feet provided the *zoning lot* has *wide street* frontage and the *plaza* is located completely within the *street district* of such *wide street*. Where the *zoning lot* does not have a *wide street* frontage or where the *plaza* is not located completely within 100 feet of the *wide street* frontage of the *zoning lot*, the permitted *floor area* may be increased by 6 square feet for each square foot of *plaza*, provided such increase in *floor area* does not exceed 12% of the *floor area* permitted in Section 23-15.

iii) For each square foot of *arcade* or portion thereof provided on the *zoning lot* the total *floor area* permitted on that *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by 3 square feet.

iv) For each \$5.00 of neighborhood improvement or portion thereof provided within the *street district* including any amounts set aside for maintenance of such improvements the total *floor area* permitted on the *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in an R10 District) may be increased by one square foot.

v) The increase in the basic *floor area* ratio on a *zoning lot* for the preservation of an existing *building* shall be equal to one square foot for each square foot of *floor area* in the preserved *building*.

In no case shall the total *floor area ratio* on a *zoning lot* exceed the prescribed limits of the applicable districts as set forth in Sections 23-15, 24-17, 33-120.5, 35-31.

Lot Area Bonus

For each percent of additional *floor area* achieved by *plaza*, *arcade*, public area, neighborhood improvement or preservation, the *lot area per dwelling unit* requirement of 90 square feet shall be reduced by 1 percent. However, in no event shall such *lot area per dwelling unit* be less than 75 square feet.]

* * *

74-959

Special Regulations for Housing Quality Developments on Zoning Lots Containing Existing Buildings to Remain.

* * *

In the case of an *integrated development* the Commission shall also [make the findings required under Section 74-957 B, 5a, b, c & d] find:

a) that the existing *building* to remain has made and will continue to make a significant positive impact towards the quality of the surrounding neighborhood by contributing to its economic, social, cultural or aesthetic character.

b) that when rehabilitation of the existing *building* to remain is necessary an acceptable schedule for its implementation accompanies the application for a special permit.

c) that an acceptable agreement exists between the tenants of the existing *building* to remain and the developer which allows all tenants to:

i) continue as residents on the same *zoning lot* in *dwelling units* which have comparable sizes, exposure and floor.

ii) continue their existing rent levels subject to increases only at existing expiration dates and within the guidelines of either the rent stabilization or rent control laws, whichever is presently applicable to the existing *building* to remain. Tenants and developers may reach other forms of mutually acceptable agreement but evidence shall be submitted that the tenant who does so was aware of the provisions of this section governing relocation.

d) that the relocation practices followed by the developer on the entire *zoning lot* satisfy applicable government standards.

ARTICLE VIII

Chapter 2 Special Lincoln Square District

* * *

82-08

Modification of Bulk and Height and Setback Requirements

Bulk and Height and Setback regulations otherwise applicable in the L District are modified to the extent set forth in paragraph (1) through (4) of this section, subject to the following limitations:

In no event shall the *floor area ratio* permitted on a *zoning lot* exceed 12.0.

* * *

(2) For all *buildings* as to which the provisions of Section 82-09 (Mandatory Arcades) or Section 82-10 (Public Amenities) are applicable, *floor area* may be increased under terms and conditions set forth in Section 82-10 (Public Amenities); For all *buildings* to which the provisions of Section 23-90 (Inclusionary Housing) are applicable, *floor area* may be increased under the terms and conditions set forth in Section 23-90 (Inclusionary Housing).

* * *

82-10

Public Amenities

The Commission, by special permit issued after public notice and hearing and subject to Board of Estimate action, may grant the increase in *floor area* specified in paragraphs (a) and (b) [through (c)] of this section and may authorize a corresponding decrease in required *lot area per room*, if applicable and appropriate modifications of height and setback regulations, yard regulations, regulations governing minimum distance between buildings on a single *zoning lot* and regulations governing courts and minimum distance between legally required windows and walls or lot lines for any new *building* which includes one or more of the public amenities described in paragraphs (a) and (b) [through (c)] of this section, provided that the Commission finds that inclusion of the proposed amenity will significantly protect the specific purposes for which the *Special Lincoln Square District* is established.

* * *

The Commission shall restrict the increase in *floor area* for any amenity within the ranges set forth in the following table:

**INCREASE IN SQUARE FEET
OF FLOOR AREA**

		Maximum
(a)	for a mandatory <i>arcade</i> (82-09)	7 per sq. ft. of Mandatory <i>Arcade</i> not to exceed 1-0 FAR
(b)	for subsurface concourse connections to subways, or for subway improves.	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.
[(c)	for provision of low or moderate income housing.	An amount subject to the limitations set forth in Section 82-08, to be determined by the Commission.]

Building and pavement used shall be subject to City Planning Commission approval in order to reinforce the character of the Special Lincoln Square District Area.

ARTICLE IX

Chapter 6 Special Clinton District

* * *

96-21**Floor Area Bonus**

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 96-211 (Floor area bonus for provision of rehabilitated housing)]

23-90 (Inclusionary Housing) or Section 96- [212] 211

(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 per cent of the applicable *lot area* requirements set forth in Section 23-22.

A permanent certificate of occupancy for any *building* incorporating bonus *floor area* pursuant to this section shall not be issued by the Department of Buildings until the issuance of a permanent certificate of occupancy for [rehabilitated] **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 rehabilitated housing**

For each *room* of rehabilitated housing provided within the Preservation Area the total *floor area* permitted on a *zoning lot* within the Perimeter Area may be increased by 500 square feet.

The number of *rooms* of rehabilitated housing which may generate bonus pursuant to this section shall not exceed the number of *rooms* which occupied the rehabilitated spaces prior to such rehabilitation. This bonus shall be granted provided that the Administrator of Housing and Development certifies to the Department of Buildings.

(a) That the housing will be substantially rehabilitated within the meaning of the following: A property will be considered substantially rehabilitated when its condition is improved from a substantially substandard condition to a decent, safe and sanitary condition, which with normal maintenance and repair, will remain in such condition at least 5 years. Substantially substandard condition means that the housing, while structurally sound, is not only below decent, safe and sanitary condition, but also has one or more critical defects, or a combination of potential defects in sufficient number or extent to require considerable repair or rebuilding. The defects are either so critical or so widespread that the structures should be extensively repaired. Such defects may include, but not be limited to: holes or open cracks, rotted, deteriorated, loose, or missing material over a large area of the

outside walls, roof, chimney, inside walls, floors, or ceilings; substandard sagging floor, walls, or roof; extensive damage by storm, fire, or flood; inadequate or potentially hazardous utility systems and equipment; and lack of hot or cold running water, flush toilet, or tub or shower.

Administrator of the Housing and Development shall certify that the cost of this rehabilitation shall be commensurate with the value of the *floor area* bonus in the perimeter area.

(b) That any eviction or termination of tenancies undertaken in connection with such rehabilitation satisfies all applicable legal requirements.

(c) That the initial average monthly rental for the rehabilitated *dwelling units* does not exceed \$37 per *room*, which rental may be adjusted only in accordance with regulations of the Rent Guidelines Board or successor thereto. The period of regulated rent adjustments may end at the conclusion of the term of the initial mortgage or 25 years, whichever is later.

(d) That the developer follow a tenant selection process which:

(i) limits tenants to persons whose annual income is not greater than those limits specified in Article 2 of the New York Private Housing Finance Law.

(ii) gives first priority to otherwise qualified persons who were temporarily relocated from the site of the rehabilitated housing.

(iii) affords priority to residents of the Special Clinton District.

(e) That provision is made for regular meetings between an organization representing the tenants of the rehabilitated housing and the owner to discuss maintenance, repairs and other matters related to the operation of the rehabilitated *dwelling units*.

(f) That within 30 days of the filing of an application under the provisions of this Section, notification of filing of such application shall be given by the Administrator of Housing and Development to Borough of Manhattan, Community Board #4.

96-212]

Floor area bonus for a park

* * *

(On March 4, 1987, Cal. No. 2, the Commission scheduled March 18, 1987, for a public hearing which has been duly advertised.)

Close the hearing.

Citywide

N 870197 ZRY

CONTINUED 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 Sections 23-633, 24-523 and 33-433 concerning street wall and height and setback regulations in certain contextual zoning districts.

Matter in **Bold Type** is new;

Matter in [brackets] is old, to be omitted;

Matter in *italics* is defined in Section 12-10.

23-633

Street wall and height and setback regulations in certain districts.

R8A, R8B, R9A, R9X, R10A

In the districts indicated, *street wall*, and height and setback regulations are set forth in this section. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply.

1. Location of Street Wall

R8A, R9A, R9X, R10A

- (a) In the districts indicated, the *street wall* of any *development* or *enlargement* for the first two *stories* or 23 feet, whichever is greater, shall be located on the *street line* and extend the entire [width] length of the *street line* of the *zoning lot* except as provided in paragraph (b) and [(3)] **sub-section 3 (Modification of Street Wall Requirements)** below[.] or **Section 23-51 (Special Provisions Applying along District Boundaries)**.

However, at the intersection of two *street lines* the *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] **anywhere within an area bounded by the two *street lines* and lines parallel to and five feet from each *street line*.** [Recesses are permitted only for entrances and windows.]

Except as provided in [(3)] **sub-section 3** below, for any *development* or *enlargement* fronting on a *wide street* the *street walls* above the level of the second *story* or 23 feet, whichever is greater, shall comply with one of the following options. Under all options, at the intersection of two *street lines*, the mandatory *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*.] **anywhere within an area bounded by the two *street lines* and lines parallel to and five feet from each *street line*.**

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire [width] length of the *street line* of the *zoning lot* [fronting on] along a *wide street*.

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each *story*.

Option 3

A minimum of 75% of the aggregate area of the mandatory *street walls* at each *story* shall be within five feet of the *street line* provided that the mandatory *street walls* shall abut the *street line* at least once every 25 feet.

These location provisions shall apply to all *developments* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with a *wide street*.

R8A, R9A, R9X, R10A

- (b) In the districts indicated, on a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, the *street wall* of any *development* or *enlargement* shall be located no further from the *street line* than the front wall of [the nearest] **any adjacent existing building** on [an adjacent] **the same or another zoning lot** fronting on the same *street line*. If the mandatory *street wall* is located within five feet of the *street line* it shall comply with one of the following options.

Option 1

A maximum of 50% of the aggregate length of the mandatory *street wall* at each *story* may be recessed from the *street line* to a depth not exceeding ten feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street wall* at each *story*.

Option 2

A minimum of 75% of the aggregate area of the *street wall* at each *story* shall be within five feet of the *street line*.

No *street wall* facing a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street* is required if the resulting open area is maintained as follows:

1. Its elevation shall be within 2 feet of the abutting sidewalk.

2. No wall or fence above a height of 30 inches above *curb level* shall consist of elements more than 1½ inches thick and less than 5 inches apart.
3. Its entire area shall be covered by decorative unit pavers, shrubbery, grass, or landscaped elements not more than 30 inches high, and
4. If such resulting area is 1,500 to 2,000 square feet, it shall contain at least three 4" caliper trees, and there shall be one additional 4" caliper tree for each additional 1,000 square feet or fraction thereof; or
5. If such resulting areas is less than 1,500 square feet and contains fewer than three 4" caliper trees, it shall contain shrubbery for at least 25 percent of its area.

R8B

(c)[In the district indicated the *street wall* of any *development* or *enlargement* on a *wide street* shall be located no further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line*; and on a *narrow street* the *street wall* of any *development* or *enlargement* shall be neither closer to nor further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line* and shall extend the entire width of the *zoning lot* except as provided in (3) below. Recesses and projections are permitted provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 percent of the length of the mandatory *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not project more than two feet from the mandatory *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 23-84 (Outer Court Regulations).]

In the district indicated the *street wall* of any *development* or *enlargement* shall be located in accordance with the provisions of paragraphs (i) through (iv) below, except as provided in sub-section 3 (Modification of Streetwall Requirements). A *narrow street* having a *street line* measuring less than 230 feet between intersecting *street lines* shall be considered a *wide street* in applying the provisions of paragraphs (i) through (iv) below.

- (i) On a *wide street* the *street wall* shall be located within 8 feet of the *street line*. However, if the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line* is further than 8 feet from the *street line*, the *street wall* may be set back further than 8 feet but not more than either of such adjacent front walls. This requirement shall apply to all *developments* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with a *wide street*.

- (ii) On a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, but within 100 feet of such intersection, the *street wall* shall be neither closer to nor further from the *street line* than the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line*, but need not be more than 15 feet from the *street line*. Where a *zoning lot* is located at the intersection of a *wide street* and a *narrow street* no *street wall* is required along such 50 foot portion of the *narrow street* frontage, provided any resulting open area is maintained as specified for open areas in Section 23-633 sub-section 1 paragraph (b) above. However, if a *street wall* is provided within the optional *street wall* portion of the *narrow street* frontage of such *zoning lot* it shall be subject to the location requirements of paragraph (i) above.
- (iii) On a *narrow street* beyond a distance of 100 feet from its intersection with a *wide street* the *street wall* shall be neither closer to nor further from the *street line* than the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line*, but need not be more than 15 feet from the *street line*.
- (iv) The mandatory *street wall* pursuant to paragraphs (i), (ii), and (iii) above shall extend the entire length of the *street line* of the *zoning lot* from *side lot line* to *side lot line* or intersecting *street wall*, except as provided in paragraph (ii) above, sub-section 3 (Modification of Street Wall Requirements) or Section 23-51 (Special Provisions Applying along District Boundaries). Recesses and projections are permitted, except within 20 feet of a *street corner*, provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 per cent of the *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not extend more than two feet from the *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 23-84 (Outer Court Regulations).

R8A, R8B, R9A, R9X, R10A

- (d) In the districts indicated a vertical *enlargement* in excess of one *story* or 15 feet to an existing *building* is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing *street wall* except as provided in [(3)] sub-section 3 below.

2. Height of Street Wall

R8A, R8B, R9A, R9X, R10A

[In the districts indicated the mandatory minimum height above *curb level* of a *street wall*, without a setback, shall be as set forth in Column A, or the height of the *building*, whichever is less; the maximum permitted height of a *street wall* without

a setback at the *street line* shall be as set forth in Column B; and above such specified maximum height the *building or other structure* shall not penetrate the *sky exposure plane* as set forth in Column B in the table below:]

In the districts indicated, except as provided in sub-section 5 below (Special Height Restrictions along Certain District Boundaries), a mandatory *street wall* shall rise to a height no less than that specified in Column A below, unless the height of the entire *building* is less than such minimum. If such *street wall* along a *narrow street* rises above such minimum heights no setbacks shall be permitted below a height of 55 feet. The maximum permitted height of a mandatory *street wall* shall be as set forth in Column B. Above such maximum height the *building or other structure* shall not penetrate the *sky exposure plane* as set forth in Column B.

Column A		Column B				
		<i>Sky exposure plane**</i>				
[Mandatory minimum] Minimum height of mandatory <i>street wall</i> (in feet)	Maximum permitted height of mandatory <i>street wall</i> without setback [at the <i>street line</i>] (in feet)	Slope over <i>zoning lot</i> (expressed as a ratio of vertical to horizontal distance)				
<i>Wide street*</i>	<i>Narrow street*</i>	Vertical	Horizontal			
60	23	85	1.5	to	1	R8A
55	23 ***	60	1.0	to	1	R8B**
60	23[***]	100	1.5	to	1	R9A
110	23[***]	110	2.0	to	1	R9X
125	23[***]	150	2.5	to	1	R10A

*The [mandatory] minimum height of a mandatory *street wall* on *wide streets* shall apply to all *developments* or *enlargements* on *zoning lots* on *narrow streets* within 50 feet of the intersection with a *wide street*.

**The *sky exposure plane* shall begin at a height above the *street line* equal to the maximum permitted height of the mandatory *street wall* [at the *street line*] except that in an R8B district a setback of 20 feet from the mandatory *street wall* is required at a height of 60 feet.

***[No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(d) above.]For *zoning lots* not bounded by intersecting *street lines* the mandatory *street wall* shall rise to a height of 55 feet or the height of the *building*, whichever is less.

* * *

5. Special Height Restrictions along Certain District Boundaries

R8B

In the district indicated, where such district abuts an R1, R2, R3, R4 or R5 district, no *building or other structure* within 25 feet of the district boundary shall exceed a height of 32 feet above *curb level*.

* * *

24-523

Street wall and height and setback regulations in certain districts

R8A, R8B, R9A, R9X, R10A

In the districts indicated, *street wall*, height and setback regulations are set forth in this section. The provisions of Sections 24-53 (Alternate Front Setbacks) and 24-54 (Tower Regulations) shall not apply.

1. Location of Street Wall

R8A, R9A, R9X, R10A

(a) In the districts indicated, the *street wall* of any *development* or *enlargement* for the first two *stories* or 23 feet, whichever is greater, shall be located on the *street line* and extend the entire [width] **length of the *street line*** of the *zoning lot*, except as provided in paragraph (b) and [(3)] **sub-section 3 (Modification of Street Wall Requirements)** below[,] or Section 24-351 (**Special Provisions Applying along District Boundaries**).

However, at the intersection of two *street lines* the *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] **anywhere within an area bounded by the two *street lines* and lines parallel to and five feet from each *street line*.** [Recesses are permitted only for entrances and windows.]

Except as provided in [(3)] **sub-section 3** below, for any *development* or *enlargement* fronting on a *wide street* the *street walls* above the level of the second *story* or 23 feet, whichever is greater, shall comply with one of the following options. Under all options, at the intersection of two *street lines*, the mandatory *street wall* may be located [within five feet of the *street line*, measured perpendicular to the *street*] **anywhere within an area bounded by the two *street lines* and lines parallel to and five feet from each *street line*.**

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire [width] length of the *street line* of the *zoning lot* [fronting on] along a *wide street*.

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each *story*.

Option 3

A minimum of 75% of the aggregate area of the mandatory *street walls* at each *story* shall be within five feet of the *street line* provided that the mandatory *street walls* shall abut the *street line* at least once every 25 feet.

These location provisions shall apply to all *developments* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with a *wide street*.

R8A, R9A, R9X, R10A

(b) In the districts indicated, on a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, the *street wall* of any *development* or *enlargement* shall be located no further from the *street line* than the front wall of [the nearest] **any adjacent existing building** on [an adjacent] **the same or another zoning lot** fronting on the same *street line*. If the mandatory *street wall* is located within five feet of the *street line* it shall comply with one of the following options.

Option 1

A maximum of 50% of the aggregate length of the mandatory *street wall* at each *story* may be recessed from the *street line* to a depth not exceeding ten feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street wall* at each *story*.

Option 2

A minimum of 75% of the aggregate area of the *street wall* at each *story* shall be within five feet of the *street line*.

No *street wall* facing a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street* is required if the resulting open area is maintained as follows:

1. Its elevation shall be within 2 feet of the abutting sidewalk.

2. No wall or fence above a height of 30 inches above curb level shall consist of elements more than 1½ inches thick and less than 5 inches apart.
3. Its entire area shall be covered by decorative unit pavers, shrubbery, grass, or landscaped elements not more than 30 inches high, and
4. If such resulting area is 1,500 to 2,000 square feet, it shall contain at least three 4" caliper trees, and there shall be one additional 4" caliper tree for each additional 1,000 square feet or fraction thereof; or
5. If such resulting area is less than 1,500 square feet and contains fewer than three 4" caliper trees, it shall contain shrubbery for at least 25 per cent of its area.

R8B

- (c) [In the district indicated the *street wall* of any *development* or *enlargement* on a *wide street* shall be located no further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line*; and on a *narrow street* the *street wall* of any *development* or *enlargement* shall be neither closer to nor further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line* and shall extend the entire width of the *zoning lot* except as provided in (3) below. Recesses and projections are permitted provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 per cent of the length of the mandatory *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not project more than two feet from the mandatory *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 23-84 (Outer Court Regulations).]

In the district indicated the *street wall* of any *development* or *enlargement* shall be located in accordance with the provisions of paragraphs (i) through (iv) below, except as provided in sub-section 3 (Modification of Streetwall Requirements). A *narrow street* having a *street line* measuring less than 230 feet between intersecting *street lines* shall be considered a *wide street* in applying the provisions of paragraphs (i) through (iv) below.

- (i) On a *wide street* the *street wall* shall be located within 8 feet of the *street line*. However, if the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line* is further than 8 feet from the *street line*, the *street wall* may be set back further than 8 feet but not more than either of such adjacent front walls. This requirement shall apply to all *developments* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with a *wide street*.

- (ii) On a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, but within 100 feet of such intersection, the *street wall* shall be neither closer to nor further from the *street line* than the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line*, but need not be more than 15 feet from the *street line*.

Where a *zoning lot* is located at the intersection of a *wide street* and a *narrow street* no *street wall* is required along such 50 foot portion of the *narrow street* frontage, provided any resulting open area is maintained as specified for open areas in Section 24-523 sub-section 1 paragraph (b) above.

However, if a *street wall* is provided within the optional *street wall* portion of the *narrow street* frontage of such *zoning lot* it shall be subject to the location requirements of paragraph (i) above.

- (iii) On a *narrow street* beyond a distance of 100 feet from its intersection with a *wide street* the *street wall* shall be neither closer to nor further from the *street line* than the front wall of any adjacent existing *building* on the same or another *zoning lot* fronting on the same *street line*, but need not be more than 15 feet from the *street line*.
- (iv) The mandatory *street wall* pursuant to paragraphs (i), (ii), and (iii) above shall extend the entire length of the *street line* of the *zoning lot* from *side lot line* to *side lot line* or intersecting *street wall*, except as provided in paragraph (ii) above, sub-section 3 (Modification of Street Wall Requirements) or Section 24-351 (Special Provisions Applying along District Boundaries). Recesses and projections are permitted, except within 20 feet of a *street corner*, provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 per cent of the *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not extend more than two feet from the *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 24-63 (Outer Court Regulations).

R8A, R8B, R9A, R9X, R10A

- (d) In the districts indicated a vertical *enlargement* in excess of one *story* or 15 feet to an existing *building* is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing *street wall* except as provided in [(3)] sub-section 3 below.

2. Height of Street Wall

R8A, R8B, R9A, R9X, R10A

[In the districts indicated the mandatory minimum height above *curb level* of a *street wall*, without a setback, shall be as set forth in Column A, or the height of the

building, whichever is less; the maximum permitted height of a *street wall* without a setback at the *street line* shall be as set forth in Column B; and above such specified maximum height the *building or other structure* shall not penetrate the *sky exposure plane* as set forth in Column B in the table below:]

In the districts indicated, except as provided in sub-section 5 below (Special Height Restrictions along Certain District Boundaries), a mandatory *street wall* shall rise to a height no less than that specified in Column A below, unless the height of the entire *building* is less than such minimum. If such *street wall* along a *narrow street* rises above such minimum height no setbacks shall be permitted below a height of 55 feet. The maximum permitted height of a mandatory *street wall* shall be as set forth in Column B. Above such maximum height the *building or other structure* shall not penetrate the *sky exposure plane* as set forth in Column B.

Column A		Column B			
		<i>Sky exposure plane**</i>			
[Mandatory minimum] Minimum height of mandatory <i>street wall</i> (in feet)		Maximum permitted height of mandatory <i>street wall</i> without setback [at the <i>street line</i>] (in feet)	Slope over <i>zoning lot</i> (expressed as a ratio of vertical to horizontal distance)		
<i>Wide street*</i>	<i>Narrow street*</i>		Verti- cal	to	Hori- zontal
60	23	85	1.5	to	1 R8A
55	23 ***	60	1.0	to	1 R8B**
60	23[***]	100	1.5	to	1 R9A
110	23[***]	110	2.0	to	1 R9X
125	23[***]	150	2.5	to	1 R10A

*The [mandatory] minimum height of a **mandatory *street wall*** on *wide streets* shall apply to all *developments* or *enlargements on zoning lots* on *narrow streets* within 50 feet of the intersection with a *wide street*.

The *sky exposure plane* shall begin at a height above the *street line* equal to the maximum permitted height of the **mandatory *street wall* [at the *street line*] except

that in an R8B district a setback of 20 feet from the **mandatory street wall** is required at a height of 60 feet.

***[No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(d) above.] For **zoning lots** not bounded by intersecting **street lines** the **mandatory street wall** shall rise to a height of 55 feet or the height of the **building**, whichever is less.

* * *

5. Special Height Restrictions along Certain District Boundaries

R8B

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire [width] length of the *street line* of the *zoning lot* [fronting on] along a wide street.

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each *story*.

Option 3

A minimum of 75% of the aggregate area of the mandatory *street walls* at each *story* shall be within five feet of the *street line* provided that the mandatory *street walls* shall abut the *street line* at least once every 25 feet.

(b) A vertical *enlargement* in excess of one *story* or 15 feet to an existing *building* is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing *street wall*.

2. Height of Street Wall

C1-8A, C1-8X; C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A, C6-2A

[In the districts indicated the mandatory minimum height above *curb level* of a *street wall*, without a setback, shall be as set forth in Column A, or the height of the *building*, whichever is less; the maximum permitted height of a *street wall* without a setback at the *street line* shall be as set forth in Column B; and above such specified maximum height the *building or other structure* shall not penetrate the *sky exposure plane* as set forth in Column B in the table below:]

In the districts indicated a mandatory *street wall* shall rise to a height no less than that specified in Column A below, unless the height of the entire *building* is less than such minimum. If such *street wall* along a *narrow street* rises above such minimum height no setbacks shall be permitted below a height of 55 feet. The maximum permitted height of a mandatory *street wall* shall be as set forth in Column B. Above such maximum height the *building or other structure* shall not penetrate the *sky exposure plane* as set forth in Column B.

Column A		Column B	
<i>Sky exposure plane**</i>			
[Mandatory minimum]	Maximum permitted height of mandatory street wall (in feet)	Slope over <i>zoning lot</i> (expressed as a ratio of vertical to horizontal distance)	
Minimum height of mandatory street wall (in feet)	without setback [at the <i>street line</i>] (in feet)		
<i>Wide street*</i>	<i>Narrow street*</i>	Vertical	Horizontal
60	23	85	1.5 to 1 C6-2A
60	23[***]	100	1.5 to 1 C1-8A C2-7A
110	23[***]	110	2.0 to 1 C1-8X C2-7X
125	23[***]	150	2.5 to 1 C1-9A C2-8AC4-6AC4-7A

*The [mandatory] minimum height of a **mandatory street wall** [front wall] on *wide streets* shall apply to all *developments or enlargements on zoning lots on narrow streets* within 50 feet of the intersection with a *wide street*.

The *sky exposure plane* shall begin at the maximum permitted height of the **mandatory street wall at the *street line*.

[***No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(b) above.]

* * *

33-431

In C1 or C2 Districts with bulk governed by surrounding Residence District C1-1, C1-2, C1-3, C1-4, C1-5, C2-1, C2-2, C2-3, C2-4, C2-5

(a) In the districts indicated, the maximum height of a front wall and the required front setback of a *building or other structure* shall be determined by the *Residence District* within which such *Commercial District* is mapped, and, except as otherwise set forth in this section, shall be as set forth in the following table:

* * *

C1-1, C1-2, C1-3, C1-4, C1-5, C2-1, C2-2, C2-3, C2-4, C2-5

(b) In the districts indicated, where [When] mapped within R8A, R8B, R9A, R9X or R10A Districts the [maximum height of a] *street wall* [required front setbacks] and height and setback regulations shall be as set forth in Section 23-633 (Street wall and height and setback regulations in certain districts).

* * *

(On February 18, 1987, Cal. No. 4, the Commission scheduled March 4, 1987 for a public hearing. On March 4, 1987, Cal. No. 28, the hearing was continued to March 18, 1987).

Close the hearing.

III. REPORTS

BOROUGH OF STATEN ISLAND

No. 32

CD 2

N 850445 ZAR

(Request to construct one (1) single family dwelling and an in-ground swimming pool in the Special Natural Area District of Staten Island.)

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Dennis Dell Angelo, A.I.A., for the **grant of authorizations** involving alteration of the botanic environment including the removal of six (6) trees and the addition of five (5) new 4-inch caliper trees and modification of topography on property located at **29 Milden Avenue**. (Block 837, Lot 422)

Plans for the **proposed single-family dwelling** and in-ground swimming pool are on file with the **City Planning Commission** and may be seen in Room 1517, Two Lafayette Street, New York.

For consideration.

No. 33

CD 2

N 870666 HKR

IN THE MATTER OF a communication dated February 19, 1987, from the Executive Director of the Landmarks Preservation Commission, submitting pursuant to the provisions of Section 207-2.0 of the Administrative Code 1 Landmark and Landmark Site designated by the Landmarks Preservation Commission on February 10, 1987. (List No. 187)

NAME: Ernest Flagg's Todt Hill Cottages:
Bowcot Cottage

LP: 1401

ADDRESS: 95 West Entry Road

Block No. 891, Lot No. 4

For consideration.

No. 34**CD 2****N 870667 HKR**

IN THE MATTER OF a communication dated February 19, 1987, from the Executive Director of the Landmarks Preservation Commission, submitting pursuant to the provisions of Section 207-2.0 of the Administrative Code 1 Landmark and Landmark Site designated by the Landmarks Preservation Commission on February 10, 1987. (List No. 187)

NAME: Ernest Flagg's Todt Hill Cottages:
Wallcot Cottage

LP: 1402

ADDRESS: 285 Flagg Place

Block No. 891, Lot No. 4**For consideration.****No. 35****CD 2****N 870668 HKR**

IN THE MATTER OF a communication dated February 19, 1987, from the Executive Director of the Landmarks Preservation Commission, submitting pursuant to the provisions of Section 207-2.0 of the Administrative Code 1 Landmark and Landmark Site designated by the Landmarks Preservation Commission on February 10, 1987. (List No. 187)

NAME: Ernest Flagg's Todt Hill Cottages:
McCall's Demonstration House

LP: 1407

ADDRESS: 1929 Richmond Road

Block No. 891, Lot No. 4**For consideration.**

BOROUGH OF THE BRONX

No. 36

CD 2

C 870101 HAX

IN THE MATTER OF the designation and disposition of city-owned property, pursuant to the Urban Development Action Area Act and Section 197-c of the New York City Charter.

Approval of three separate matters is requested:

1) The designation as an Urban Development Action Area:

<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>
2762	1	800-822 Hunts Point Avenue
2762	27	801 Faile Street
2762	29	1291-93 Lafayette Avenue

2) Approval of an Urban Development Action Area project for such property; and

3) Disposition of such property to a developer to be selected by the Department of Housing Preservation and Development.

The proposed project, tentatively known as Pio Mendez, will consist of 91 dwelling units for the elderly and handicapped and one unit for a superintendent. The project will have on-site parking, open space and special amenities as well as supportive services.

Financing will be provided by Section 202 of the National Housing Act, as amended, with subsidy for 100% of the units provided under Section 8 of the US Housing Act of 1937, as amended.

(On February 18, 1987, Cal. No. 6, the Commission scheduled March 4, 1987 for a public hearing. On March 4, 1987, Cal. No. 29, the hearing was closed.)

For consideration.

CD 3

C 870402 PPX

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of one City-owned property located at 1416 Prospect Avenue (Block 2963, Lot 8).**

(On January 28, 1987, Cal. No. 16, the Commission scheduled February 18, 1987 for a public hearing. On February 18, 1987, Cal. No. 22, the hearing was closed. On March 4, 1987, Cal. No. 35, the item was laid over.)

For consideration.

BOROUGH OF BROOKLYN

No. 38

CD 3

C 870266 PPK

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of eight (8) City-owned properties.**

<u>BLOCK</u>	<u>LOT</u>	<u>LOCATION</u>
1519	38	161 Saratoga Avenue
1607	25	538 Kosciusko Street
1761	74	659 Willoughby Avenue
1770	84	27 Pulasky Street
1899	37	74-76 Skillman Street
1954	102	329 Franklin Avenue
1968	51	157 Lexington Avenue
1985	43	400 Franklin Avenue

(On January 28, 1987, Cal. No. 4, the Commission scheduled February 18, 1987, for a public hearing. On February 18, 1987, Cal. No. 9, the hearing was closed. On March 4, 1987, Cal. No. 39, the item was laid over.)

For consideration.

CD 1,2,3,4,7,8

C 870395-400 PPK

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of forty-six (46) City-owned properties.**

<u>ULURP NO.</u>	<u>COM. BOARD</u>	<u>NO. OF PARCELS</u>
870395 PPK	1	3
870396 PPK	2	6
870397 PPK	3	32
870398 PPK	4	1
870399 PPK	7	2
870400 PPK	8	2

A list and description of the properties can be seen at the City Planning Commission, 2 Lafayette Street-Room 1614, New York, N.Y. 10007.

(On January 28, 1987, Cal. No. 5, the Commission scheduled February 18, 1987, for a public hearing. On February 18, 1987, Cal. No. 10, the hearing was closed. On March 4, 1987, Cal. No. 40, the itme was laid over.)

For consideration.

BOROUGH OF MANHATTAN

CD 2

C 831927 ZSM

IN THE MATTER OF an application, pursuant to Section 74-782 of Zoning Resolution from Shael Shapiro, WYS Designs, for the **grant of a Special Permit involving the conversion to joint living-work quarters for artists** of floors 4 and 7 of the loft building whose lot coverage exceeds 5,000 square feet located on the east side of Wooster Street between Spring and Broome Streets (**84 Wooster Street**) within the So Ho M1-5A district.

Plans for this proposed special permit are on file with the City Planning Commission and may be seen at Room 1514, 2 Lafayette Street, New York, New York 10007.

(On February 18, 1987, Cal. No. 1, the Commission scheduled March 4, 1987 for a public hearing. On March 4, 1987, Cal. No. 24, the hearing was closed.)

For consideration.

No. 41

CD 8

C 860650 ZSM

IN THE MATTER OF an application submitted by the MacArthur Tower Development Company, Inc. and 340 East 93rd Street Corporation pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-96 of the Zoning Resolution for the **grant of a special permit involving the modification of the provisions of Article II, Chapter 7, relating to residential plazas, for an existing residential plaza on property located at 336-340 East 93rd Street, on the westside of First Avenue between East 92nd and East 93rd Streets (Block 1555, Lot 23), within a C2-8 District.**

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 1514, 2 Lafayette Street, New York, NY 10007.

(On February 18, 1987 Cal. No. 2, the Commission scheduled March 4, 1987 for a public hearing. On March 4, 1987, Cal. No. 25, the hearing was closed.)

For consideration.

No. 42

CD 8

C 860657 PLM

IN THE MATTER OF an application submitted by the New York City Police Department pursuant to Section 197-c of the New York City Charter for the **disposition of real property** involving a three year lease for the first and second floors (approximately 23,750 square feet) of a building located at 312 East 94th Street (Block 1556, Lot 40) **for temporary occupancy by the 19th Precinct** during the reconstruction of its permanent precinct house at 153 East 67th Street.

(On January 28, 1987, Cal. No. 9, the Commission scheduled February 18, 1987, for a public hearing. On February 18, 1987, Cal. No. 14, the hearing was closed. On March 4, 1987, Cal. No. 31, the item was laid over.)

For consideration.

No. 43

CD 7

C 850337 ZSM

IN THE MATTER OF an application submitted by the Geloda/Briarwood Corp. pursuant to Sections 197-c and 200 of the New York City Charter and Sections 13-462 and 74-52 of the Zoning Resolution for the **grant of a Special Permit for a public parking garage** containing 47 parking spaces on property located at **100 West 89th Street**, bounded by West 88th Street, West 89th Street and Columbus Avenue (Block 1219, Lots 30-32 p/o 33).

Plans for this public parking garage are on file with the City Planning Commission and may be seen in Room 1514, 2 Lafayette Street, New York, New York 10007.

(On January 28, 1987, Cal. No. 8, the Commission scheduled February 18, 1987, for a public hearing. On February 18, 1987, Cal. No. 13, the hearing was closed. On March 4, 1987, Cal. No. 30, the item was laid over.)

For consideration.

CITYWIDE

No. 44

Citywide

N 870443 ZRY

IN THE MATTER OF an amendment to the Zoning Resolution, pursuant to Section 200 of the New York City Charter, to **clarify the definition of "a landmark building or other structure"** for the purpose of transfer of development rights from a landmark as permitted in Section 74-79.

Proposed Text Amendment to Section 74-79

Matter in [brackets] is old, to be deleted;

Matter in **BOLD TYPE** is new, to be added;

Matter in *italics* is defined in Section 12-10 of the Zoning Resolution.

Transfer of Development Rights from 3^{**} Landmark Sites

In all districts except R1, R2, R3, R4, or R5 Districts, or C1 or C2 Districts mapped within such districts, for new *developments or enlargements*, the City Planning Commission may permit development rights to be transferred to adjacent lots from lots occupied by landmark *buildings or other structures*, may permit the maximum permitted *floor area* on such adjacent lot to be increased on the basis of such transfer of development rights, may permit in the case of *residential developments or enlargements*, the minimum required *open space* or the minimum *lot area per room* to be reduced on the basis of such transfer of development rights, may permit variations in the front height and setback regulations and the regulations governing the size of required loading berths, and minor variations in *plaza, arcade and yard* regulations, for the purpose of providing a harmonious architectural relationship between the *development or enlargement* and the *landmark building or other structure*.

Where a *zoning lot* occupied by a landmark *building or other structure* is located in a *residence district*, the Commission may modify the applicable regulations of primary business entrances, show windows, *signs* and entrances and exits to *accessory* offstreet loading berths on the "adjacent lot" in a *commercial* district provided that such modifications will not adversely affect the harmonious relationship between the *building* on the "adjacent lot" and the landmark *building or other structure*.

For the purposes of this Section, the term "adjacent lot" shall mean a lot which is contiguous to the lot occupied by the landmark *building or other structure* or one which is across a *street* and opposite to the lot occupied by the landmark *building or other structure*, or, in the case of a *corner lot*, one which fronts on the same *street* intersection as the lot occupied by the landmark *building or other structure*. It shall also mean in the case of lots located in a C5-3, C5-5, C6-6, C6-7 or C6-9 Districts a lot contiguous or one which is across a *street* and opposite to another lot or lots which except for the intervention of *street* or *street* intersections form a series extending to the lot occupied by the landmark *building or other structure*. All such lots shall be in the same ownership (fee ownership or ownership as defined under *zoning lot* in Section 12-10). A "landmark *building or other structure*" shall include any *building or other structure* designated as a landmark by the Landmarks Preservation Commission and the Board of Estimate pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code, but shall not include [any] *buildings or other* [any] structures for which cemetery purposes is the primary use, [*public parks,*] *buildings or other structures* within [public parks or] historic districts, [those portions of *zoning lots*

use for cemetery purposes,] statues, monuments and bridges. **No transfer of development rights is permitted pursuant to this Section from zoning lots occupied by buildings or other structures within historic districts, those portions of zoning lots for which cemetery purposes is the primary use, or those portions of zoning lots occupied by statues, monuments or bridges.**

The grant of any special permit authorizing the transfer and use of such development rights shall be in accordance with all the regulations set forth in Sections 74-791 (Requirements for application), 74-792 (Conditions and limitations), and 74-793 (Transfer instruments and notice of restrictions).

(On January 28, 1987, Cal. No. 14, the Commission scheduled February 18, 1987, for a public hearing. On February 18, 1987, Cal. No. 22, the hearing was closed.)

For consideration: