

DISPOSITION SHEET: CPC PUBLIC MEETING OF WEDNESDAY, OCTOBER 24, 1990 IN CITY HALL 10:00 A.M.

CAL. No.	C.P. No.	REPORTS TO CC.	CPC ACTION	CAL No.	C.P. No.	REPORTS TO CC.	CPC ACTION
1	C 890239 MMX		Scheduled to be heard 11/7	51			
2	C 900398 PQX			52			
3	C 900565 DMX			53			
4	C 900683 PQX			54			
5	C 900684 PQX			55			
6	C 900685 PQX			56			
7	C 900800 PQX			57			
8	C 880451 MMQ			58			
9	N 900562 POK			59			
10	C 900408 PCR			60			
11	C 830263 MMM		↓	61			
12	C 900790 PPX		Hearing Closed	62			
13	C 900791 PPX			63			
14	C 900577 PSX			64			
15	C 890211 ZMO			65			
16	C 850615 DMK			66			
17	C 900723 ZSM			67			
18	C 900261 DLM		↓	68			
19	C 880755 MMX		Laid Over	69			
20	C 900399 PQX		Favorable Report Adopted	70			
21	C 900686 PQX			71			
22	C 900426 HDX			72			
23	C 900244 PPX			73			
24	C 880391 MMQ			74			
25	C 880392 ZMO			75			
26	N 900302 HGK			76			
27	C 900303 HUK			77			
28	C 900304 HAK			78			
29	C 900596 POK			79			
30	C 900674 POK			80			
31	C 900675 POK			81			
32	C 900679 POK		↓	82			
33	N 900828 ZRY		Laid Over	83			
34				84			
35				85			
36				86			
37				87			
38				88			
39				89			
40				90			
41				91			
42				MEETING ADJOURNED AT: 11:55 A.M.			
43				COMMISSION ATTENDANCE:			
44				Richard L. Schaffer, Chairman	PRESENT/ABSENT	✓	
45				Victor G. Alicea, Vice-Chairman		✓	
46				Eugenie L. Birch		✓	
47				Amanda M. Burden			✓
48				Anthony I. Giacobbe		✓	
49				Maxine Griffith		✓	
50				James C. Jao		✓	
				Brenda Levin		✓	
				Joel A. Miele, Sr.		✓	
				Edward T. Rogowsky		✓	
				Ronald Shiffman		✓	
				Jacob Ward		✓	
				Deborah C. Wright, Commissioners		✓	

Lois McDaniel, Calendar Officer
 22 Reade Street, Room 2E
 New York, New York 10007-1216
 (212) 720-3370

Commissioner Levin voted "No" on Cal. Nos. 21, 24, 25, 29, 30, 31 & 32.
 Commissioner Miele voted "No" on Cal. Nos. 24 & 25

**COMPREHENSIVE
CITY PLANNING CALENDAR**

of

The City of New York

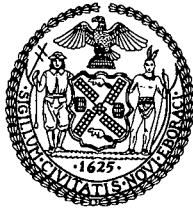
CITY PLANNING COMMISSION

WEDNESDAY, OCTOBER 24, 1990

MEETING AT 10:00 A.M.

in

CITY HALL



David N. Dinkins, Mayor

City of New York

[No. 19]

Prepared by Lois McDaniel, Calendar Officer

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing 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 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, 22 Reade Street, Room 2E, New York, N.Y. 10007. Any other individual or organization wishing to be placed on the calendar mailing list may do so by sending a certified check, made out to the **City of New York—Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216. The fee, including tax, is \$64.95 for a two year subscription.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address by writing to:

City Planning Commission
Calendar Information Office
22 Reade Street—Room 2E
New York, New York 10007-1216

B

CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

- RICHARD L. SCHAFFER, Chairman
VICTOR G. ALICEA, Vice-Chairman
EUGENIE L. BIRCH
AMANDA M. BURDEN
ANTHONY I. GIACOBBE
MAXINE GRIFFITH
JAMES C. JAO, R.A.
BRENDA LEVIN
JOEL A. MIELE, SR., P.E.
EDWARD T. ROGOWSKY
RONALD SHIFFMAN
JACOB B. WARD
DEBORAH C. WRIGHT, Commissioners
LOIS MCDANIEL, 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

OCTOBER 24, 1990

Roll Call; approval of minutes 1
I. Scheduling November 7, 1990 1
II. Public Hearings 6
III. Reports 10

Community Board Public Hearing Notices are available in the Calendar Information Office, Room 2E, 22 Reade Street, New York, N.Y. 10007

The next regular public meeting of the City Planning Commission is scheduled for November 7, 1990, in the City Hall, Room 16, Manhattan, New York 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 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does 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 2E
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ Identification No.: _____

CB No.: _____

Position:

Opposed _____

In Favor _____

Comments: _____

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

WEDNESDAY, October 24, 1990

APPROVAL OF MINUTES OF Regular Meeting of October 10, 1990

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, NOVEMBER 7, 1990
STARTING AT 10 A.M.
IN CITY HALL
NEW YORK, NEW YORK**

BOROUGH OF BRONX

No. 1

CD 10

C 890239 MMX

IN THE MATTER OF an application submitted by the Stevens-Miles Holding Corporation pursuant to Sections 197-c and 199 of the New York City Charter for a change in the City Map showing the elimination of a portion of Longstreet Avenue between Twiggs Place and Miles Avenue, in accordance with Map No. 13043, dated April 3, 1990 and signed by the Borough President.

Resolution for adoption scheduling November 7, 1990 for a public hearing.

No. 2

CD 12

C 900398 PQX

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for acquisition of property located at 3030 Bruner Avenue, (Block 4776, Lot 65), for continued use as an Agency Operated Group Foster Residence.

Resolution for adoption scheduling November 7, 1990 for a public hearing.

No. 3

CD 7

C 900565 DMX

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 (1) city-owned property located at 26 West 184th Street** (Block 3198, Lot 28).

Resolution for adoption scheduling November 7, 1990 for a public hearing.

No. 4

CD 1

C 900683 PQX

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 331 East 150th Street**, (Block 2410, Lot 56), for **continued use as a day care Center** (Marcus Garvey Day Care Center).

Resolution for adoption scheduling November 7, 1990 for a public hearing.

No. 5

CD 2

C 900684 PQX

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 888 Westchester Avenue**, (Block 2696, Lot 30), for **continued use as a day care center** (United Bronx Parents Day Care Center).

Resolution for adoption scheduling November 7, 1990 for a public hearing.

No. 6

CD 12

C 900685 PQX

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 4035 White Plains Road**, (Block 4829, Lot 6), **for continued use as a day care center** (North Bronx Council of Negro Women Day Care Center).

Resolution for adoption scheduling November 7, 1990 for a public hearing.

No. 7

CD 6

C 900880 PQX

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property at 1997 Bathgate Avenue** (Block 3044, Lot 24), **for continued use as a day care center** (Bathgate Day Care Center).

Resolution for adoption scheduling November 7, 1990 for a public hearing.

BOROUGH OF QUEENS

No. 8

CD 7

C 880451 MMQ

IN THE MATTER OF an application submitted by Metzger & Reichmann Realty pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for **a change in the City Map involving the elimination of 18th Avenue between 127th and 128th streets and the discontinuance and closing of a portion thereof**, all in accordance with Map No. 4868, dated January 10, 1990 and signed by the Borough President.

Resolution for adoption scheduling November 7, 1990 for a public hearing.

BOROUGH OF BROOKLYN**No. 9****CD 5****C 900562 PQK**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for acquisition of property located at 452 Pennsylvania Avenue, (Block 3805, Lot 26), for continued use as a day care center (Urban Strategies #2 Day Care Center).

Resolution for adoption scheduling November 7, 1990 for a public hearing.

BOROUGH OF STATEN ISLAND**No. 10****CD 3****C 900408 PCR**

IN THE MATTER OF an application submitted by the New York City Department of Parks and Recreation pursuant to Section 197-c of the New York City Charter for site selection and acquisition of property located at 70 Satterlee Street (Block 7966, Lots 75), for use as park land.

Resolution for adoption scheduling November 7, 1990 for a public hearing.

BOROUGH OF MANHATTAN**No. 11****CD 11****C 830263 MMM**

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for **a change in the City Map showing the elimination, discontinuance and closing of a portion of Sylvan Place and the establishment of a park in the proposed-to-be eliminated, discontinued and closed portion of Sylvan Place and the adjacent, existing but unmapped playground** (Block 1769, lot 29), in accordance with Map No. 30083, dated May 28, 1989 and signed by the Borough President.

Resolution for adoption scheduling November 7, 1990 for a public hearing.

**II. PUBLIC HEARINGS
BOROUGH OF BRONX**

No. 12

CD 1

C 900790 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 three (3) city-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On October 10, 1990 Cal. No. 1, the Commission scheduled October 24, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

No. 13

CD 2

C 900791 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 one (1) city-owned property located at 951-953 Whittier Street, Block No. 2755, Lot Nos. 109 and 110.**

(On October 10, 1990 Cal. No. 2, the Commission scheduled October 24, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

No. 14

CD 2

C 900577 PSX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the New York City Department of Correction, pursuant to Section 197-c of the New York City Charter, for **site selection of a city-owned property located on Ryawa Avenue, at the foot of Halleck Street (Block 2780, part of Lot 73), for temporary use as a floating detention facility.**

(On October 10, 1990 Cal. No. 3, the Commission scheduled October 24, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 15

CD 9

C 890211 ZMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Sheldon Lobel & Associates pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map**, Section No. 14b, changing from an M1-1 district to an M1-5 district **property bounded by Jamaica Avenue, a line midway between 121st Street and 123rd Street, and the northerly right-of-way line of the Long Island Rail Road (Montauk Division)**, as shown on a diagram dated July 23, 1990.

(On October 10, 1990 Cal. No. 4, the Commission scheduled October 24, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 16

CD 3

C 850615 DMK

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 four (4) city-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On October 10, 1990 Cal. No. 5, the Commission scheduled October 24, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN**No. 17****CD 5****C 900723 ZSM****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by Time Out Family Amusement Centers, Inc. and Mid-City Associates pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-47 of the Zoning Resolution for **the renewal of a previously approved special permit (C860927 ZSM)** to allow the continued operation of an existing amusement arcade on the Long Island Rail Road concourse level of **property located at One Penn Plaza.**

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, New York 10007.

(On October 10, 1990 Cal. No. 6, the Commission scheduled October 24, 1990 for a public hearing which has been duly advertised.)

Close the hearing.

No. 18**CD 4****C 900261 DLM****CONTINUED PUBLIC HEARING:**

IN THE MATTER OF the disposition of city-owned property pursuant to Section 197-c of the New York City Charter.

The property to be disposed, **347 West 37th Street** (Block 761, Lot 9) is a vacant five-story old tenement located on the northerly side of West 37th Street, between 8th and 9th Avenues.

The proposed project involves the rehabilitation of this building, which upon completion, is to be operated by Fountain House Inc., **as an emergency facility for 12 mentally disabled homeless individuals and 8 apartments providing transitional accommodations for 31 homeless single adults.**

(On September 26, 1990 Cal. No. 9, the Commission scheduled October 10, 1990 for a public hearing. On October 10, 1990 the hearing was continued.)

Close the hearing.

III. REPORTS**BOROUGH OF BRONX****No. 19****CD 12****C 880755 MMX**

IN THE MATTER OF an application submitted by the New York City Department of General Services, Division of Real Property, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for **an amendment to the City Map involving the elimination, discontinuance and closing of Lustre Street from Pratt Avenue to Dyre Avenue, and the adjustment of grades necessitated thereby**, in accordance with Map No. 13042 dated January 26, 1990, revised June 1, 1990, and signed by the Borough President.

(On September 12, 1990, Cal. No. 15, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 11 the hearing was closed.)

For consideration.

No. 20**CD 12****C 900399 PQX**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 3368 Holland Avenue, (Block 4631, Lot 17), for continued use as an Agency Operated Group Home (AOGH).**

(On September 12, 1990, Cal. No. 16, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 12 the hearing was closed.)

For consideration.

No. 21**CD 12****C 900686 PQX**

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 670-680 East 219th Street, (Block 4651, Lot 44), for continued use as a day care center (Williamsbridge NAACP Day Care Center.)**

(On September 12, 1990, Cal. No. 17, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 13 the hearing was closed.)

For consideration.

No. 22**CD 6****C 900426 HDX**

IN THE MATTER OF the disposition of city-owned property, pursuant to Section 197-c of the New York City Charter.

The property to be disposed, is **located on a southerly part of the block bounded by East Tremont Avenue, Crotona Avenue, East 176th Street and Belmont Avenue, (Block 2946, Lots 1, 5, 7, 9, 11, 13, 43, 44 and 62), and comprises the site for a seven-story, 92 unit project for the elderly and handicapped, tentatively known as the SEBCO VI project.**

The project's financing will be provided by a direct Federal Loan under Section 202 of the National Housing Act of 1957, as amended, with subsidy for 100% of the units provided under Section 8 of the National Housing Act of 1937, as amended.

(On September 12, 1990, Cal. No. 18, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 15 the hearing was closed.)

For consideration.

No. 23**CD 3****C 900244 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 (1) city owned property located on West Farms Road, Block No. 3015, Lot No. 87.**

(On September 12, 1990, Cal. No. 19, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 15 the hearing was closed.)

For consideration.

BOROUGH OF QUEENS**Nos. 24 and 25**

(Applications concerning city map and zoning map changes affecting Francis Lewis Boulevard.)

No. 24**CD 11****C 880391 MMQ**

IN THE MATTER OF an application filed by Anthony R. Clinco pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for **an amendment to the City Map involving the elimination, discontinuance and closing** of the northerly portion of 195th Street between Francis Lewis Boulevard and 37th Avenue, and a portion of Francis Lewis Boulevard at 195th Street, **and the establishment of a turnaround** at the northerly terminus of the proposed to be demapped portion of 195th Street, in accordance with Map No. 4848 dated December 12, 1989 and signed by the Borough President.

(On August 22, 1990, Cal. No. 4, the Commission scheduled September 12, 1990, for a public hearing. On September 12, 1990, Cal. No. 37 the hearing was closed.)

For consideration.

 No. 25

CD 11

C 880392 ZMQ

IN THE MATTER OF an application submitted by Anthony R. Clinco pursuant to Sections 197-c and 200 of the New York City Charter for **an amendment of the Zoning Map**, Section No. 10c, establishing within an existing R5 District, a C1-2 District bounded by Francis Lewis Boulevard, a line 100 feet north of 37th Avenue, 195th Street, a line 220 feet north of 37th Avenue, and 194th Street, as shown on a diagram dated June 25, 1990.

(Note: Portions of 195th Street are proposed to be eliminated and realigned and a portion of Francis Lewis Boulevard is proposed to be realigned under related mapping application C 880391 MMQ)

(On August 22, 1990 Cal. No. 5, the Commission scheduled September 12, 1990, for a public hearing. On September 12, 1990, Cal. No. 389 the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

Nos. 26, 27 and 28

(Concerning the designation of the Scholes Street Urban Renewal Area, the establishment of the Scholes Street Urban Renewal Plan and the disposition of city-owned property for the development of 18 two and three family homes.)

No. 26

CD 1

N 900302 HGK

PUBLIC HEARING:

IN THE MATTER OF an urban renewal designation pursuant to Section 504, Article 15 of the General Municipal Law (Urban Renewal Law) of New York State, for the area **comprising property on part of the block bounded by Stagg Street, Waterbury Street, Scholes Street and Bushwick Avenue for residential use** (Scholes Street Urban Renewal Area).

Site 1—Block 3037, Lots 12, 13 and 14

Site 2—Block 3037, Lots 18 and 19

Site 3—Block 3037, Lots 156 and 57

(On September 12, 1990, Cal. No. 1, the commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 17 the hearing was closed.)

For consideration.

No. 27

CD 1

C 900303 HUK

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

The proposed urban renewal plan provides for **the acquisition of the following three sites for the development of approximately 18 two and three family homes on the block** bounded by Stagg Street, Waterbury Street, Scholes Street and Bushwick Avenue:

Site 1—Block 3037, Lots 12, 13 and 14

Site 2—Block 3037, Lots 18 and 19

Site 3—Block 3037, Lots 56 and 57

(On September 12, 1990, Cal. No. 2, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 18 the hearing was closed.)

For consideration.

No. 28

CD 1

C 900304 HAK

IN THE MATTER OF an application for **the 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 required:

1) **Designation of three sites** as an Urban Development Action Area comprising the following properties tentatively designated as the Scholes Street project:

Site 1—Block 3037, Lots 12, 13 and 14

Site 2—Block 3037, Lots 18 and 19

Site 3—Block 3037, Lots 56 and 57

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

3) Disposition of the above noted property to the New York City Housing Partnership. The property to be disposed comprises three sites **for the development of approximately 18 two and three family homes** on the block bounded by Stagg Street, Waterbury Street, Scholes Street and Bushwick Avenue.

(On September 12, 1990, Cal. No. 3, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 18 the hearing was closed.)

For consideration.

No. 29

CD 1

C 900596 PQK

IN THE MATTER OF an application submitted by the Human Resources Administration (HRA) pursuant to Section 197-c of the New York City Charter for the **acquisition of space in a building located at 152 Manhattan Avenue** (Block 3043, Lot 1), for continued use as a day care center (**United Williamsburg Day Care Center.**)

(On September 12, 1990, Cal. No. 4, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 20 the hearing was closed.)

For consideration.

No. 30

CD 1

C 900674 PQK

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 349 Keap Street** (Block 2436, Lot 19), for continued use as a day care center (**Community and Parents Day Care Center.**)

(On September 12, 1990, Cal. No. 5, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 21 the hearing was closed.)

For consideration.

 No. 31

CD 4

C900675 PQK

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for acquisition of property located at 783 Knickerbocker Avenue (Block 3413, Lot 6), for continued use as a day care center (Martin De Porres Day Care Center.)

(On September 12, 1990, Cal. No. 6, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 22 the hearing was closed.)

For consideration.

 No. 32

CD 3

C 900679 PQK

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for acquisition of property located at 1005-07 Bedford Avenue (Block 1783, Lot 1), for continued use as a day care center (Association of Black Social Workers Day Care Center.)

(On September 12, 1990, Cal. No. 7, the Commission scheduled September 26, 1990 for a public hearing. On September 26, 1990, Cal. No. 23 the hearing was closed.)

For consideration.

 No. 33

(Amendments to the Lower Density Contextual Zoning regulations adopted on 6/30/89. Amendments resolve unintended restrictions and interpretation problems in the existing text and establish a new district: R3X).

N 900828 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **amendments of the Zoning Resolution** of the City of New York, relating to various sections as follows:

Matter in **bold** is new, to be added.

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

Matter in *oblique type* is defined in Section 12-10 of the Zoning Resolution.

ARTICLE I

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

* * *

R2X Single-Family Detached Residence District

R3A Detached Residence District

R3X Detached Residence District

R3-1 Detached and Semi-Detached Residence District

R3-2 General Residence District

R4A Detached Residence District

R4-1 Detached and Semi-Detached Residence District

R4B General Residence District

R4 General Residence District

R5 General residence District

R5B General Residence District

* * *

11-30 BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF RESOLUTION OR AMENDMENT

11-31

General Provisions

* * *

(c) As used in Sections 11-32 (Building Permits Issued Before Effective Date of Resolution) or 11-33 (Building Permits for Minor or Major Development Issued before Effective Date of Amendment),

* * *

(2) "Major Development" shall include:

- (a) A development of two or more *buildings* which will be *non-complying* under the provisions of this Resolution or any applicable amendment thereto, ~~with the exception of such a development designed for use as one-family or two-family detached residences;~~ or

* * *

12-10 DEFINITIONS

* * *

Base plane

The "base plane" is a horizontal plane that:

- (a) ~~within a distance of 100 feet from the *street line* extends over the *zoning lot* at either *curb level* or the mean natural grade level at the *front yard line*, whichever is higher. However, for *buildings developed* after June 30, 1989 in *Residence Districts* where the average elevation of the final grade adjoining the *street wall* of the *building*, excluding the entrance to the garage, is more than two feet below *curb level*, the *base plane* shall extend over the *zoning lot* at the average elevation of such final grade.~~
- (b) ~~beyond a distance of 100 feet from the *street line* extends over the portion of a *zoning lot* covered by a *building* at the average elevation of the final grade adjoining such *building*.~~

~~The average elevation of the final grade shall be determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation.~~

* * *

Base Plane

A "base plane" is a plane from which the height of a *building or other structure* is measured in R2X, R3, R4, and R5 Districts.

Basement

A "basement", **except in R2X, R3, R4, and R5 Districts**, is a *story* (or portion of a *story*) partly below *curb level*, with at least one-half of its height (measured from floor to ceiling) above *curb level*. On *through lots* the *curb level* nearest to a *story* shall be used to determine whether such *story* (or portion of a *story*) is a *basement*.

In R2X, R3, R4, and R5 Districts, a *basement* is a *story* (or portion of a *story*) partly below the *base plane*, with at least one-half its height (measured from floor to ceiling) above the *base plane*. In addition, the following rules shall apply:

- (a) When a sloping *base plane* is established, a *basement* is a *story* (or portion of a *story*) partly below the *street wall line level*, with at least one-half its height (measured from floor to ceiling) above the *street wall line level* used to establish such *base plane*. On *through lots*, the *street wall line level* nearest to a *story* shall be used to determine whether such *story* or portion of a *story* is a *basement*.
- (b) All of the floor space with at least one-half its height (measured from floor to ceiling) above *curb level* shall be considered to be a *basement* where, subsequent to (the effective date of this amendment), the level of any *yard* except that portion of a *yard* in front of the entrance to a garage on a *zoning lot* is lowered below the level of the *base plane*.

* * *

Building segment

A “building segment” is a portion of a *building* where such *building* consists of two or more contiguous portions, each comprised of one or more *dwelling units* having a separate *residential* entrance or entrances serving only those *dwelling units* within such portion. *Building segments* may share a common *cellar* or parking facility. However, a *building segment* may not be located above another *building segment*.

* * *

Cellar

A “cellar”, except in R2X, R3, R4, and R5 Districts, is a space wholly or partly below *curb level*, with more than one-half its height (measured from floor to ceiling) below *curb level*. On *through lots*, the *curb level* nearest to such space shall be used to determine whether such space is a *cellar*.

In R2X, R3, R4, and R5 Districts, a *cellar* is a space wholly or partly below the *base plane*, with more than one-half its height (measured from floor to ceiling) below the *base plane*.

In addition, the following rules shall apply:

- (a) When a sloping *base plane* is established, a “cellar” is a space wholly or partly below the *street wall line level*, with more than one-half its height (measured from floor to ceiling) below the *street wall line level* used to establish such *base plane*. On *through lots*, the *street wall line level* nearest to such space shall be used to determine whether such space is a *cellar*.

- (b) All of the floor space with at least one-half its height (measured from floor to ceiling) above *curb level* shall be considered to be a *basement* where, subsequent to (the effective date of this amendment) the level of any *yard* except that portion of a *yard* in front of the entrance to a garage on a *zoning lot* is lowered below the level of the *base plane*.

Curb level

"Curb level" is the mean level of the curb adjoining a *zoning lot*. ~~In R2X, R3, R4 or R5 Districts, where the base flood elevation is higher than curb level, such elevation shall be deemed to be curb level for residential buildings.~~

* * *

Floor area

"Floor area" is the sum of the gross areas of the several floors of a *building* or *buildings*, measured from the exterior faces of exterior walls or from the center lines of walls separating two *buildings*. In particular, *floor area* includes:

* * *

- (i) Floor space used for *accessory* off-street parking spaces provided in any *story* after June 30, 1989:

* * *

- (4) within a *group parking facility* with five or more required spaces in R3, R4 or R5 Districts that is located in a space with a ceiling height that is more than six feet above *curb level* within 100 feet of a *street line* or the *base plane* beyond 100 feet from a *street line* the *base plane*, or, if the *base plane* is a *sloping base plane*, six feet above the *street wall line level* used to establish such *base plane*. On *through lots* with *sloping base planes*, the *street wall line level* closest to a *street* shall be used to determine whether such space is *floor area*.

* * *

- (6) which is unenclosed and covered by a *residential building* or other *structure* for at least 50 percent of such *accessory* off-street parking space in R2X, R3, R4, and R5 Districts. Where such *accessory* off-street parking space is covered by a *residential building* other than a *single* or *two-family detached* or *semi-detached residence* in R3-2, R4, or R5 Districts, and not *developed* pursuant to the optional regulations applicable in a *predominantly built-up area*, such *floor area* shall include only that portion of the *accessory* off-street parking space in excess of 100 square feet per required space;

* * *

- (m) floor space used for mechanical equipment that exceeds 50 square feet for the first *dwelling unit*, an additional 30 square feet for the second *dwelling unit* and an additional 10 square feet for each additional *dwelling unit* in R2X, R3, R4 or R5 Districts. ~~For the purpose of calculating mechanical space, where rowhouses are developed on a single zoning lot, the Commissioner of Buildings may permit each such rowhouse to be considered a separate building.~~ For the purposes of calculating floor space used for mechanical equipment, ***building segments on a single zoning lot may be considered to be separate buildings; and***
- (n) Any other floor space not specifically excluded.

However, the *floor area* of a *building* shall not include:

* * *

- (f) Floor space used for *accessory* off-street parking spaces provided in any *story*:

* * *

- (3) within an *attached residential building*, ~~rowhouse building segment~~ or multiple dwelling in R3-2, R4 or R5 Districts if such floor space is within a *group parking facility* with five or more required spaces that is located in a space with a ceiling height not more than six feet above ~~curb level~~ *within 100 feet of a street line or the base plane* beyond 100 feet from a ~~street line~~; *the base plane*, or, if the *base plane* is a *sloping base plane*, not more than six feet above the *street wall line level* used to establish such *base plane*. On *through lots* with *sloping base planes*, the *street wall line level* closest to a *street* shall be used to determine whether such space is *floor area*.

* * *

- (5) in R3-2, R4, and R5 Districts, up to 100 square feet per required space which is unenclosed and covered by a *residential building* other than a *single- or two-family detached or semi-detached residence* for at least 50 percent of such *accessory* off-street parking space, except where such *residences* are *developed or enlarged* pursuant to the optional regulations applicable in a *predominantly built-up area*.

* * *

(h) floor space used for mechanical equipment except that in R2X, R3, R4, or R5 Districts, such exclusion shall be limited to 50 square feet for the first *dwelling unit*, an additional 30 square feet for the second *dwelling unit* and an additional 10 square feet for each additional *dwelling unit*. **For the purposes of calculating floor space used for mechanical equipment, *building segments* on a single *zoning lot* may be considered to be separate *buildings*;**

* * *

Rear wall line

A “rear wall line” is that portion of a line drawn parallel to a *front lot line* at a distance equal to the greatest depth between the rear wall of a *building* and the *front lot line*, from which, when viewed directly from above, lines perpendicular to a *street wall line* may be drawn.

Rear wall line level

“Rear wall line level” is the mean level of the natural grade at the *rear wall line*.

* * *

Street wall line

A “street wall line” is that portion of a line drawn parallel to a *front lot line* at a distance equal to the shallowest depth between the *street wall* of a *building* and the *front lot line*, from which, when viewed directly from above, lines perpendicular to the *front lot line* may be drawn to a *street wall*.

Street wall line level

“Street wall line level” is the mean level of the natural grade at the *street wall line*. *On corner lots, street wall line level is the average of the mean levels of the natural grade of each street wall line. On through lots, street wall line level is determined separately for each street frontage to a distance midway between such streets.*

* * *

21-10 PURPOSES OF SPECIFIC RESIDENCE DISTRICTS

* * *

21-13

R3A, R3X, R4A Detached Residence Districts

These districts are designed to provide for single or two-family detached dwellings on ~~narrow~~ zoning lots of **specified lot widths**. **R3A Districts also permit zero lot line buildings**. These districts also include community facilities and open uses which serve the residents of these districts or are benefited by a residential environment.

21-14

R3-1, R4-1 Detached and Semi-Detached Residence Districts

These districts are designed to provide for single- or two-family detached or semi-detached dwellings. **R4-1 Districts also permit zero lot line buildings**. These districts also include community facilities and open uses which serve the residents of these districts or are benefited by a residential environment.

21-15

R3-2, R4B, R4, R5, R6, R7, R8, R9 and R10

General Residence Districts

These districts are designed to provide for all types of residential buildings, in order to permit a broad range of housing types, with appropriate standards for each district on density, open space, and spacing of buildings. **However, R4B Districts are limited to single or two-family dwellings, and zero-lot line buildings are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B) Districts**. The various districts are mapped in relation to a desirable future residential density pattern, with emphasis on accessibility to transportation facilities and to various community facilities, and upon the character of existing development. These districts also include community facilities and open uses which serve the residents of these districts or are benefited by a residential environment.

Chapter 2 Use Regulations

22-00 GENERAL PROVISIONS

* * *

The following chart sets forth the Use Groups permitted in the *Residence Districts*.

USE GROUPS PERMITTED IN
RESIDENCE DISTRICTS

Districts		Use Groups			
		Residential		Community Facilities	
		1	2	3	4
<i>Single-family detached residence</i>	R1 R2	x		x	x
<i>Single- and two-family detached and zero lot line residence</i>	R3A	x	x	x	x
<i>Single- & two-family detached residence</i>	R3A R3X R4A	x	x	x	x
<i>Single- & two-family detached & semi-detached residence</i>	R4-1 R3-1	x	x	x	x
<i>Single- and two-family detached, semi-detached and zero lot line residences</i>	R4-1	x	x	x	x
<i>Single- and two-family residences of all types</i>	R4-B	x	x	x	x
General residence*	R3-2 R4 - R10	x	x	x	x

* *Zero lot line buildings* are not permitted in R3-2, R4 (except R4-1 and R4B), and R5 (except R5B) Districts.

22-10 USES PERMITTED AS OF RIGHT

* * *

22-12

Use Group 2

R3 R4 R5 R6 R7 R8 R9 R10

Use Group 2 consists of all other types of *residential development*.

A. *Residential Uses*

Residences of all kinds, including *apartment hotels* and *non-profit residences for the elderly*, except that:

- (1) in R3A, **R3X** and R4A Districts *residential uses* shall be limited to *single- or two-family detached residences* except that in R3A Districts *single- or two-family zero lot line buildings* are also permitted.

* * *

23-12

Permitted Obstructions in Open Space

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the following shall not be considered obstructions when located in any *open space* required on a *zoning lot*, except that no portion of such *open space* which is also a required *yard* or *rear yard equivalent*, or is needed to satisfy the minimum required area or dimensions of a *court*, may contain any obstructions not permitted in such *yard, rear yard equivalent, or court*:

- (a) Driveways, private streets, open *accessory* off-street parking spaces or open *accessory* off-street loading berths, provided that the total area occupied by all these items does not exceed the percent of the total required *open space* on the *zoning lot* as follows:
 - (1) 50 percent in R1, R2, R3, R6, R7, R8, R9 or R10 Districts. ~~In R3 Districts such open space, except in the front yard, shall have a minimum dimension of 15 feet;~~
 - (2) ~~33 66~~ percent in R4 or R5 Districts. ~~Such open space, except in the front yard shall have a minimum dimension of 12 feet. In R4B or R5B Districts the requirements for outdoor recreation space for R6B Districts in Section 28-30 (RECREATION SPACE AND PLANTING AREAS) may be substituted for the minimum dimension requirement.~~

* * *

23-13

Balconies

23-131

~~In R1 through R10 Districts~~ **Balconies in R1, R2, and R6 through R10 Districts**

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

In the districts indicated, **except R2X Districts**, 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:

* * *

23-132

Balconies in R6A through R10A Districts

R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A

- (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 as Quality Housing lot coverage. The area of such balcony~~ **The portion of such balcony enclosed by *building* walls shall be counted as *lot coverage* but shall be excluded from the definition of *floor area*.**

* * *

23-133

Balconies in R2X, R3, R4 and R5 Districts

R2X R3 R4 R5

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 above the floor level of the second *story* provided that such balcony is not lower than seven feet above *curb level* or 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 six feet, project into any required *front yard* except that where a *front yard* of 12 feet or less is provided, such projection shall not exceed one half the depth of such *front yard*; and may, by a distance not exceeding nine feet, project into any *rear yard*, *rear yard equivalent*, required distance between *buildings* as set forth in Section 23-71, or other *open space* as defined in Section 12-10. In addition, balconies may be enclosed by *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. The portion of such balcony enclosed by *building* walls shall be included as *lot coverage* but shall be not be included as *floor area* as defined in Section 12-10 (Definitions).

* * *

23-141

In R1, R2, R3, R4, or R5 Districts

R1 R2 R3 R4 R5

Except as otherwise provided in Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts), in the districts indicated, the minimum required *open space* or *open space ratio*, the maximum *lot coverage* and the maximum *floor area ratio* for any *building* on a *zoning lot* shall be as set forth in the following tables:

(a)	Minimum required <i>open space ratio</i>	Maximum <i>floor</i> <i>area ratio</i>	District
	150.0	0.50	R1 R2 ¹

¹R2X is subject to the provisions of paragraph (b).

(b)	Maximum <i>lot coverage</i> (in percent)	Minimum required <i>open space</i> (in percent)	Maximum <i>floor area</i> <i>ratio</i>	District
	governed by <i>yard</i> requirements	governed by <i>yard</i> requirements	.50*	R3A R3X
			.75*	R4A R4-1
			.85*	R2X
	35	65	.50*	R3-1 R3-2**
	45	55	.75*	R4**
			.90	R4B
			1.25	R5**
	55	45	1.35	R5B

*The *floor area ratio* in the table above may be increased by up to 20 percent provided that any such increase in *floor area* is located under a sloping roof which rises at least 3 1/2 inches in vertical distance for each foot of horizontal distance and the structural headroom of such *floor area* is between five and eight feet.

**The permitted *floor area* of a *single- or two-family detached or semi-detached residence developed* after June 30, 1989 may be increased by 100 square feet if at least one enclosed *accessory* off-street parking space is provided in a garage located in the *side lot ribbon* pursuant to Section 23-12(f) (Permitted Obstructions in Open Space), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).

(c) The maximum *floor area ratio*, and *lot coverage* and the minimum required *open space* for any *building or buildings* on a *zoning lot* utilizing the special optional regulations of a *predominantly built-up area* is set forth in the following table:

Maximum <i>lot coverage</i> (in percent)	Minimum required <i>open space</i> (in percent)	Maximum <i>floor</i> <i>area ratio</i>	District
55	45	1.35	R4
55	45	1.65	R5

- (d) In R3 Districts, except for zoning lots developed with single-, two-, or three-family residences, 50 percent of the required open space on a zoning lot, except such open space in a front yard, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed accessory off-street parking spaces or open or enclosed accessory off-street loading berths.
- (e) In R4 and R5 Districts, except for zoning lots developed with single-, two-, or three-family residences, 33 percent of the required open space on a zoning lot, except such open space in a front yard, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed accessory off-street parking spaces or open or enclosed accessory off-street loading berths.

* * *

23-22

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

* * *

23-222

In R3, R4 or R5 Districts

R3 R4 R5

Except as otherwise provided in Section 23-225 (Lot area requirements for non-profit residences for the elderly), in the districts indicated, the required lot area per dwelling unit shall not be less than as set forth in the following table and any dwelling unit shall contain at least 300 square feet of floor area.

REQUIRED LOT AREA PER DWELLING UNIT

Square feet	District
1,450	R3-2*
1,185	R3A**
1,040	R3-1**
1,660	R3X **
1,425	R4A**
970	R4-1** R4 R4B
666	R5B***
605	R5

*For a detached or semi-detached single- or two-family residence the required lot area per dwelling unit and minimum dwelling unit size for an R3-1 District shall apply.

**If a building has two dwelling units, one shall contain at least 925 gross square feet of floor area.

***In *buildings* subject to the provisions of Section 25-632 (Prohibition of curb cuts in certain districts) the required *lot area per dwelling unit* shall be 1,000 square feet.

In the case of a *development* in a *predominantly built-up area*, the required *lot area per dwelling unit* shall not be less than as set forth in the following table:

REQUIRED LOT AREA PER DWELLING UNIT

Square feet	District
666	R4
545	R5

* * *

23-32

Minimum Lot Area or Lot Width for Residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as provided in Section 23-33 (Special Provisions for Existing Small Lots), no *residence* is permitted on a *zoning lot* with a total *lot area* or *lot width* less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of residence	Minimum lot area (in square feet)	Minimum lot width (in feet)	District
<i>Single-family detached</i>	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2
	2,850	30	R2X
<i>Single- or two-family detached or zero lot line where permitted</i>	3,800	40	R3 R4 R5 R6 R7 R8 R9 R10
	3,325	35	R3X
	2,850	30	R4A
	2,375	25	R3A R4B R4-1 R5B
Any other permitted	1,700	18	R3 R4 R5 R6 R7 R8 R9 R10

23-33

Special Provisions for Existing Small Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, either one *single-family detached residence* or, where permitted, one *single- or two-family residence* may be built upon a *zoning lot* consisting entirely of a tract of land:

- (a) which has less than the prescribed minimum *lot area* or *lot width*, and
- (b) which was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit, or in R2X, R3A, **R3X** or R4A Districts both on the effective date of establishing such district on the *zoning maps* and on the date of application for a building permit, and
- (c) **which, if developed as a two-family residence, meets the applicable lot area per dwelling unit or lot area per room requirement of the zoning district in which such zoning lot is located.**

* * *

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*:

- (a) In any *yard* or *rear yard equivalent*:

* * *

Unenclosed balconies of a *residential building* ~~containing a maximum of three dwelling units and~~ subject to the applicable provisions of Section 23-13 (Balconies). ~~may, by a distance not exceeding six feet project over a required front yard.~~ Such balconies ~~may~~ are not be permitted in required *side yards*.

* * *

23-45

Minimum Required Front Yards

R1 R2 R3 R4 R5

- (a) 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 District one *front yard* may have a depth of 10 feet.

FRONT YARD	
Feet	District
20	R1
15	R2 R3-1 R3-2
10 (except as provided in paragraphs (b) and (c) below)	R3A R3X R4A R4-1

10*	R4 R5
5 (except as provided in paragraphs (b) and (c) below)	R4B R5B

~~*The depth of a front yard shall be at least 18 feet if it exceeds 10 feet, or the zoning lot is developed or enlarged pursuant to the optional regulations applicable in a predominantly built-up area. In either case, on a corner lot, one front yard may have a depth of at least 10 feet.~~

***If the depth of a front yard exceeds 10 feet or the zoning lot is developed pursuant to the optional regulations applicable in a predominantly built-up area, the depth of a front yard shall be at least 18 feet. However, on a corner lot, if one front yard has a depth of at least 18 feet the other front yard shall have a depth of at least 10 feet.**

Furthermore, if an opening to an accessory off-street parking space is located within the street wall of a residential building, there shall be an open area between the opening and the street line which is at least 8 1/2 feet in width by 18 feet in depth.

R3A **R3X** R4A R4-1 R4B R5B

(b) For the purpose of paragraphs (b) and (c) the area between the street line and the front building wall of adjacent buildings on the same or adjoining zoning lots shall be considered adjacent front yards.

Except as provided in (c) below, in the districts indicated, if adjacent residential buildings on the same or on adjoining zoning lots fronting on the same street have front yards greater than the minimum set forth in (a) above, then a front yard shall be provided which:

- (1) in R3A, **R3X**, R4A or R4-1 Districts is at least as deep as an adjacent front yard; and
- (2) in R4B or R5B Districts is no deeper than the deepest adjacent front yard and no shallower than the shallowest adjacent front yard;

However, a front yard need not exceed 20 feet in depth.

In determining the depth of the adjacent front yards, balconies, and projections from the front building wall that do not exceed 33 percent of the aggregate width of the building shall be disregarded.

For new developments or enlargements, projections into the required front yard are permitted provided that the aggregate width of all projections at the level of any story does not exceed 33 percent of the aggregate width of the building. The depth of such projections shall not exceed three feet into the front yard. **However, balconies shall be subject to the provisions of Sections 23-13 and 23-44.**

* * *

23-461

Side yards for single- or two-family residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, as indicated, for *single-family detached residences*, or where permitted, for *two-family detached residences*, *side yards* shall be provided as set forth in the following table:

MINIMUM REQUIRED SIDE YARDS

Number required	Required total width (in feet)	Required minimum width of any <i>side yard</i> (in feet)	District
2	35	15	R1-1
2	20	8	R1-2
2	13	5	R2 R3-1 R3-2 R4 R5 R6 R7 R8 R9 R10
2	10	2*	R2X R3X R4A
1	8	0*	R3A R4-1 R4B R5B

*An open area with a minimum width of eight feet, and parallel to the *side lot line*, is required along a common *side lot line* between a new *development, enlargement* or alteration and a *residential building* on an adjacent *zoning lot*, ~~except where such provision would require the total width of *side yards* on a *zoning lot* to exceed 13 feet.~~ **except that the total width of *side yards* on a *zoning lot* need not exceed 13 feet, with both *side yards* at least five feet wide.** However, where an adjacent *zoning lot* has an existing *detached residence* with *side yards* totaling 13 feet in width with one *side yard* at least five feet wide, or an existing *semi-detached residence* with a *side yard* at least eight feet wide, the open area shall have a minimum width of ten feet ~~except where such provision would require the total width of *side yards* on a *zoning lot* to exceed 13 feet.~~ **except that the total width of *side yards* on a *zoning lot* need not exceed 13 feet, with both *side yards* at least five feet wide.** Only chimneys, eaves, gutters, downspouts, open *accessory* off-street parking spaces, steps, and ramps for access by the handicapped shall be permitted obstructions in such open area and such obstructions may not reduce the minimum width of the open area by more than three feet.

R3-1 R3-2 R4 R4-1 R4B R5

- (b) In the districts indicated for *single- or two-family semi-detached residences*, a *side yard* shall be provided as set forth in the following table:

MINIMUM REQUIRED SIDE YARD

Feet	District
8	R3-1 R3-2 R4 R5
4*	R4-1 R4B R5B

*An open area with a minimum width of eight feet and parallel to the *side lot line* is required along a common *side lot line* between a new *development, enlargement* or alteration and a *residential building* on an adjacent *zoning lot*. However, where an adjacent *zoning lot* has an existing *detached residence* with *side yards* totaling 13 feet in width with one *side yard* at least five feet wide, or an existing *semi-detached residence* with a *side yard* at least eight feet wide, the open area shall have a minimum width of ten feet. ~~except where such provision would require the width of a side yard on a zoning lot to exceed eight feet.~~ Only chimneys, eaves, gutters, downspouts, open *accessory* off-street parking spaces, steps and ramps for access by the handicapped are permitted obstructions in such open area and such obstructions may not reduce the minimum width of the open area by more than three feet.

* * *

23-462

Side yards for all other residential buildings

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, for all other *residential buildings*, *side yards* shall be provided as follows:

R3-2 R4 R5

- (a) In the districts indicated, except R4B or R5B Districts, two *side yards*, each with a minimum required width of eight feet, shall be provided. However, if a *detached residential building* has an *aggregate width of street walls* of more than 80 feet, two *side yards* shall be provided, each equal to not less than 10 percent of such *aggregate width of street wall*. For *residential buildings* not exceeding two *stories* and *basement* in height, no such *side yard* need be more than 15 feet wide.

R4B R5B

- (b) In the districts indicated, no *side yards* are required; however, ~~if an open area extending along a *side lot line* is provided at any level, it shall measure at least eight feet wide between a new development or enlargement and a building on an adjacent zoning lot.~~ where a **residential building** on an adjacent zoning lot has a *side yard*, an open area with a minimum width of eight feet, and parallel to the *side lot line*, is required along the common *side lot line* between the new *development, enlargement* or alteration and the *residential building* on the adjacent zoning lot.

* * *

23-464

Side yards for buildings used for permitted non-residential uses

R1 R2 R3 R4 R5

- (a) In the districts indicated, ~~except in R4B or R5B Districts,~~ if a *building* used for permitted non-residential uses has an *aggregate width of street walls* equal to 60 feet or less, two *side yards* shall be provided, each with a minimum required width of eight feet. If such *building* has an *aggregate width of street walls* equal to more than 60 feet, two *side yards* shall be provided, each equal to not less than 15 percent of the *aggregate width of street walls*.

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, it shall be at least eight feet wide.

* * *

23-48

Special Provisions for Existing Narrow Zoning Lots

R1 R2 R3-1 R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, except R2X, R3A, **R3X**, R4A, R4-1, R4B or R5B Districts, the required total width of *side yards* for a ~~one~~ **single** or *two-family detached residence* may be reduced by four inches for each foot by which the width of a *zoning lot* is less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences) if such *zoning lot* consists entirely of a tract of land:

- (a) which has less than the prescribed minimum *lot width*; and
- (b) which was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit.

However, in no event shall the required width of a *side yard* be less than five feet.

* * *

23-60 HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions

23-61

Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

Base plane

A "base plane" is a plane from which the height of a *building or other structure* is measured in R2X, R3, R4, and R5 Districts. For *buildings*, portions of *buildings* with *street walls* at least 15 feet in width, or *building segments* within 100 feet of a *street line*, the level of the *base plane* is any level between *curb level* and *street wall line level*. Beyond 100 feet of a *street line*, the level of the *base plane* is the average elevation of the final grade adjoining the *building or building segment*, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation. In either case, where the *base flood elevation* is higher than grade, the *base flood elevation* may be the level of the *base plane*. In addition, the following regulations shall apply:

(a) Within 100 feet of a *street line*:

- (i) The level of the *base plane* for a *building or building segment* without a *street wall* shall be determined by the average elevation of the final grade adjoining such *building or building segment*.
- (ii) Where a *base plane* other than *curb level* is established, the average elevation of the final grade adjoining the *street wall* of the *building or building segment*, excluding the entrance to a garage within the *street wall*, shall not be lower than the level of the *base plane*, unless the *base plane* is also the *base flood elevation*.
- (iii) For *buildings developed* after June 30, 1989 in *Residence Districts*, where the average elevation of the final grade adjoining the *street wall* of the *building*, excluding the entrance to a garage within the *street wall*, is more than two feet below *curb level*, the level of the *base plane* shall be the elevation of such final grade, unless the *base plane* is also the *base flood elevation*.

- (iv) As an option, on sites which slope from the *street wall line level* to the *rear wall line level* by at least 10 percent to the horizontal, the level of the *base plane* may extend in a sloping plane from such *street wall line level* to such *rear wall line level*. When a sloping *base plane* is thus established, the average elevation of the final grade at the *rear wall line* shall not be lower than the *rear wall line level*.
- (b) For all *buildings*, where *base planes* of different elevations apply to different portions of a *building*, only that portion of the *building* to which such *base plane* applies may be used to determine such *base plane*.
- (c) For *buildings* located partially within and partially beyond 100 feet of a *street line*, or where *corner lot* or *through lot* regulations subject different portions of a *building* to *base planes* of different elevations, separate *base planes* may be determined for each such portion of the *building* or, as an option, the elevation of each such *base plane* may be multiplied by the percentage of the total *lot coverage* of the *building* to which such *base plane* applies. The sum of the products thus obtained may be the elevation of the adjusted *base plane* applicable to such *building*.

Curb level

In R2X, R3, R4 and R5 Districts, for the purposes of determining a *base plane*, "curb level" is the mean level at that portion of the curb adjoining a *zoning lot* from which, when viewed directly from above, lines perpendicular to the curb may be drawn to a *street wall*. On *corner lots*, *curb level* is the average of the mean levels of such portions of the curbs on intersecting *streets*. On *through lots*, *curb level* is determined separately for each *street* frontage to a distance midway between such *streets*.

* * *

23-621

Permitted obstructions in certain districts

R3 ~~R3A~~ R4 R4A R4-1

- (a) In the districts indicated, except R4B Districts, permitted obstructions are limited to those listed in paragraphs (a), (d) and (g) of Section 23-62.

R2X

- (b) In the district indicated, permitted obstructions are limited to those listed in paragraphs (a), ~~(b)~~, (d) and (g) of Section 23-62. **Dormers may be considered permitted obstructions if:**

- (i) **the aggregate width of dormers facing the *street line* is equal to not more than 50 percent of the width of the *street wall line*;**

- (ii) the aggregate width of dormers facing the *rear lot line* is equal to not more than 50 percent of the width of the *rear wall line*;
- (iii) the aggregate width of dormers facing a *side lot line* is equal to not more than 50 percent of the width of a straight line connecting and perpendicular to the *street wall line* and the *rear wall line*; and
- (iv) on a *corner lot*, the aggregate width of dormers facing a *side lot line* is equal to not more than 50 percent of the width of the *rear wall line* facing such *side lot line*.

23-63

Maximum Height of Walls and Required Setbacks

R1 R2 R6 R7 R8 R9 R10

In the districts indicated, **except R2X Districts**, the maximum height of a front wall of any portion of a *building or other structure* shall be as set forth in this Section, except as otherwise provided in Section 23-62 (Permitted Obstructions), Section 23-64 (Alternate Front Setbacks), Section 23-65 (Tower Regulations), Section 74-85 (Special Height and Setback Regulations) or Section 23-692 (Additional regulations for narrow buildings or enlargements).

R2X R3 R4 R5

In the districts indicated, the maximum height of a *building or other structure* shall be as set forth in this Section except as set forth in Section 23-62 (Permitted Obstructions).

23-631

Height and setback in R1, R2, R3, R4 and R5 Districts

R1 R2

- (a) In the districts indicated, other than R2X Districts, the front wall or any other portion of a *building or other structure* shall not penetrate the *sky exposure plane* set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL
AND REQUIRED FRONT SETBACKS

Sky exposure plane

Slope over *zoning lot*
(expressed as a ratio of vertical distance to
horizontal distance)

Height above

<i>front yard</i> <i>line</i> (in feet)	Vertical distance	Horizontal distance	District
--	----------------------	------------------------	----------

25	1	to	1	R1 R2
----	---	----	---	-------

* * *

R2X R3 R3A R4 R4A R4-1

- (b) In the districts indicated, the height and setback of a *building or other structure* shall be as set forth herein except where modified pursuant to paragraphs (f) (g) and (h) of this Section.

For the purposes of this Section, where *base planes* of different elevations apply to different portions of a *building or other structure*, each such portion of the *building* may be considered to be a separate *building*. Furthermore, for the purposes of this Section, *building segments* may be considered to be separate *buildings* and abutting *semi-detached buildings* may be considered to be one *building*.

The perimeter walls of a *building or other structure* are those portions of the outermost walls enclosing the *floor area* within a *building or other structure* at any level and height is measured from the *base plane*. Perimeter walls are subject to setback regulations at a maximum height above the *base plane* of:

21 feet	R2X R3 [‡] R4A [‡]
25 feet	R4 R4-1

~~* Non-profit residences for the elderly in these districts may use the height and setback regulations applicable in R4 districts.~~

(Above these heights, sloping planes control the maximum height of the *building or other structure* requiring either a setback or a pitched roof. These planes start at the maximum permitted height of the perimeter walls and meet at a ridge line of 35 feet above the *base plane*. The exact locations of these planes are flexible and are determined in the steps set forth in paragraphs (1) through (7)(5) as follows:

- ~~(1) At a height of 35 feet above and parallel to the *base plane*, a plane is projected above the area enclosed by and including the perimeter walls of the *building or other structure*. (See Figure A).~~
- ~~(2) Each perimeter wall of the *building or other structure* with a horizontal dimension of 8 feet or more may have an apex point directly above it on the 35 foot high plane. (See Figure B). The horizontal location of the apex point is flexible as long as it is directly above its perimeter wall subject to the maximum angle of pitch in paragraph (6). An apex point is not required for each qualifying perimeter wall; however, the maximum number of apex points above each such wall is one.~~
- ~~(3) One ridge line is extended in a straight line from each apex point along the 35 foot high plane. Ridge lines which connect 2 apex points may cross other ridge lines. Otherwise, ridge lines which extend from only one apex point must terminate at a point of intersection with another ridge line. (See Figure C)~~

- (4) Lines are drawn from the points of intersection of the perimeter walls at the level of their maximum height (21 or 25 feet) to the apex point directly above that particular perimeter wall. (See Figure D)
- (5) The perimeter wall envelope is extended vertically up to the height of the lines thus generated. (See Figure E)
- (6) Sloping planes bounded by the lines drawn in paragraphs (3) and (4) are extended in a straight line outward and downward from each ridge line until they reach the 21 or 25 foot high maximum permitted height of the perimeter wall or intersect another sloping plane extended in a similar fashion from a second ridge line. (See Figure F). The maximum angle of pitch for any sloping plane may not exceed 80 degrees in relation to a plane drawn parallel to the *base plane* at the maximum permitted height of the perimeter wall. (See Figure H)
- (7) The maximum height of the permitted perimeter walls, the perimeter wall extensions generated in paragraph (4), and the sloping planes generated in paragraph (6) define the building envelope. No portion of the *building or other structure* may penetrate this envelope except as set forth in section 23-621 (Permitted obstructions in certain districts). Eaves may extend the roof lines 18 inches beyond the exterior walls. Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies) may be provided below the maximum height of the permitted perimeter walls.
- (1) At a height of 35 feet above and parallel to the *base plane*, a plane is projected above the area enclosed by and including the perimeter walls of the *building or other structure*. A second plane (the perimeter wall plane) is projected in the same manner at a height of 21 or 25 feet above the *base plane*. (See Figure A).
- (2) Each perimeter wall of the *building or other structure* with a horizontal dimension of 8 feet or more which projects from an adjacent perimeter wall at least 18 inches may have an apex point directly above it on the 35 foot high plane. (See Figure B). The location of the apex point is flexible provided it is directly above its perimeter wall and provided a line drawn from the intersection of two perimeter walls to such an apex point does not exceed 80 degrees to the horizontal. An apex point is not required for each qualifying perimeter wall; however, the maximum number of apex points above each such wall is one.
- (3) One "ridge line" is extended in a straight line from each apex point along the 35 foot high plane. Ridge lines which connect two apex points may cross other ridge lines. Otherwise, ridge lines which extend from only one apex point must terminate at a point of intersection with another ridge line. (See Figure C).

- (4) Sloping planes are extended in a straight line outward and downward from each ridge line until they intersect the perimeter wall plane. Every sloping plane generated must intersect the perimeter wall plane for the full width of the ridge line from which it extends. (See Figure D). The maximum angle of pitch for any sloping plane may not exceed 80 degrees to the horizontal. Sloping planes extended from ridge lines perpendicular or within 45 degrees of being perpendicular to each other may intersect, in which case the higher plane defines the limit of the envelope. Sloping planes extended from ridge lines parallel or within 45 degrees of being parallel to each other must intersect the perimeter wall plane without intersecting each other.
- (5) The perimeter walls are then extended vertically beyond the perimeter wall plane, up to the heights defined by the sloping planes generated in step 4. (See Figure E). The perimeter walls of the *building*, the sloping planes and the perimeter wall extensions define the building envelope. (See Figure F). The building envelope may be penetrated above the maximum permitted perimeter wall height by those items set forth in Section 23-621 (Permitted obstructions in certain districts). Those items listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and roofed porches and porticoes subject to all applicable provisions, may penetrate the building envelope below the maximum permitted perimeter wall height. Eaves may extend the roof lines 18 inches beyond the exterior walls.

(8)

(6) Special Situations

R2X R3 ~~R3A~~ R4 R4A R4-1

- (i) For convex curved perimeter walls the *building or other structure* must be within a plane curve tapering uniformly to a vertex located at a height of 35 feet. For concave curved perimeter walls, the *building or other structure* must lie within a plane curve extending from the maximum perimeter wall height to a ridge line parallel to the prolongation of the perimeter wall at the 35 foot level. Such plane curves may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the *base plane* at the maximum height of the permitted perimeter wall. (See Figure JG).

R2X

- (ii) In the district indicated, at the 21 foot maximum permitted height of a perimeter wall, sloping planes are projected inwards and upwards. From a permitted front perimeter wall and from 21 feet above the *base plane* and 20 feet from and parallel to a *rear lot line*, such sloping plane shall not exceed a pitch of 45 degrees in relation to a plane drawn parallel to the *base plane* at a height of 21 feet. (See Figure KH). Other sloping planes slope toward a ridge line at 35 feet and may not exceed a pitch of 80 degrees in relation to a plane drawn parallel to the *base plane* at a height of 21 feet.

R4B

- (c) In the district indicated, no portion of the *building or other structure*, including the apex of a roof, shall penetrate a plane 24 feet in height above the base plane except for permitted obstructions as set forth in Section 23-62.

R5-R5B

- (d) In the districts indicated, except R5B Districts, no portion of a *building or other structure*, including the apex of a roof, may penetrate a plane 40 feet above the *base plane*, except for permitted obstructions as set forth in Section 23-62 or paragraph (f) of this Section. In addition, the maximum height of a *street wall* above the *base plane* shall be 30 feet. In the *Special Ocean Parkway District*, the *Special Coney Island Mixed Use District*, and the *Special Hunters Point Mixed Use District*, the maximum height of a *street wall* shall be 32 feet. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the *building or other structure*, including the apex of a roof, may penetrate a plane rising from the maximum *street wall* height, at 20 degrees to the horizontal, except for permitted obstructions as set forth in Section 23-62 or paragraph (f) of this Section.

~~Developments or enlargements which utilize the optional regulations of Section 23-141 applying to a predominantly built-up area shall be subject to the height and setback requirements for an R5B District. In the *Special Ocean Parkway District*, the *Special Coney Island Mixed Use District*, and the *Special Hunters Point Mixed Use District*, for developments or enlargements which utilize the optional regulations of Section 23-141 applying to a predominantly built-up area, the maximum height of a residential building shall not exceed 32 feet except for permitted obstructions as set forth in Section 23-62. Furthermore in these special districts for developments or enlargements with pitched roofs, the midpoint of such pitched roof shall not exceed a height of 32 feet.~~

In R5B Districts, no portion of a *building or other structure*, including the apex of a roof, may penetrate a plane 33 feet above the *base plane*, except for permitted obstructions as set forth in Section 23-62. Furthermore, the maximum height of a *street wall* above the *base plane* shall be 30 feet. Above such height, no portion of the *building or other structure*, including the apex of a roof, may penetrate a plane rising from the maximum *street wall* height, at 20 degrees to the horizontal, to a maximum height of 33 feet above the *base plane* except for permitted obstructions as set forth in Section 23-62.

As an alternative front setback regulation for *non-profit residences for the elderly* in R5 Districts the maximum height of the front wall before setback may be 35 feet if a *front yard* with a depth of 18 feet is provided. Above this height, no portion of a *building or other structure* shall penetrate a *front sky exposure plane* which begins at a height of 35 feet above the *front yard line* and rises over the *building* at a slope of one foot of vertical distance for each foot of horizontal distance. No portion of the *building or other structure*, including the apex of a roof, shall penetrate a plane 40 feet in height above the *base plane*.

R5

- (d) In the district indicated, except R5B Districts, no portion of a *building or other structure*, including the apex of a roof, may penetrate a plane 40 feet above the *base plane*. In addition, the maximum height of a *street wall* above the *base plane* shall be 30 feet. On *corner lots*, the 30 foot maximum *street wall* height shall apply to only one *street* frontage. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the *building or other structure*, including the apex of a roof, may penetrate a plane rising from the maximum *street wall* height, at 20 degrees to the horizontal. *Developments or enlargements* which utilize the optional regulations of Section 23-141 applying to a *predominantly built-up area* shall be subject to the height and setback regulations for an R5B District. The provisions of this paragraph may be modified pursuant to Section 23-62 (Permitted Obstructions) and paragraphs (g) and (h) of this Section.

R5B

- (e) In the district indicated, no portion of a *building or other structure*, including the apex of a roof, may penetrate a plane 33 feet above the *base plane*. In addition, the maximum height of a *street wall* above the *base plane* shall be 30 feet. Above such height, no portion of the *building or other structure* shall penetrate a plane rising from the maximum *street wall* height, at 20 degrees to the horizontal, to a maximum height of 33 feet above the *base plane*. On *corner lots*, the 30 foot maximum *street wall* height shall apply to only one *street* frontage. The provisions of this paragraph may be modified pursuant to Section 23-62 (Permitted Obstructions), and paragraph (g) of this Section.

R3A R4A R4-1 R4B R5B

(e)

- (f) In the districts indicated, a second *story* line-up is required as follows:

Where at least 75 percent of the *residential buildings* within 150 feet of the *side lot lines* of the *zoning lot* have a first *story* front projection that is at least 50 percent of the width of the *building*, the *street wall* of the *development or enlargement* shall be no closer to the *street line* than the second *story street wall* of an adjacent *residential building* facing on the same *street*.

One *story* projections in front of the *building* are permitted for new *developments or enlargements* provided that such projections are no closer to the *street line* than an adjacent ~~one-story projection~~, *front yard line* and such projections are no higher than 13 feet above the ~~front yard line~~. *street wall line level*. Projections from the second *story street wall* are permitted for new *developments or enlargements* provided that the aggregate width of all projections at that level does not exceed 33 percent of the aggregate width of the *building* at the second *story*, and the depth of the projections does not exceed three feet.

- (g) The height and setback regulations of this Section are modified as follows:

- (1) In R3-1 and R3-2 Districts, *single or two-family detached residences on zoning lots* of at least 9,500 square feet in area and at least 100 feet of frontage along a *street* may use the height and setback regulations applicable in an R2 District.
- (2) In R3 and R4A Districts, *non-profit residences for the elderly* may use the height and setback regulations applicable in an R4 District.
- (3) In R5 Districts, as an alternative front setback regulation for *non-profit residences for the elderly*,

no portion of the *building or other structure* shall penetrate a *sky exposure plane* which begins at a height of 27 feet above an *initial setback distance* of 10 feet and rises over the *zoning lot* at a slope of one foot of vertical distance for each foot of horizontal distance to a maximum height of 40 feet above the *base plane*. On *corner lots*, the *sky exposure plane* shall apply to only one *street frontage*. The provisions of this subparagraph may be modified pursuant to Section 23-62 (Permitted Obstructions), and paragraph (h) of this Section.

- (4) In the *Special Ocean Parkway District*, the *Special Coney Island Mixed Use District*, and the *Special Hunters Point Mixed Use District*, for *buildings or other structures developed or enlarged* pursuant to the regulations of an R5 District, no portion of a *building or other structure*, including the apex of a roof, may penetrate a plane 40 feet above the *base plane*. In addition, the maximum height of a *street wall* above the *base plane* shall be 32 feet. On *corner lots*, the 32 foot maximum *street wall* height shall apply to only one *street frontage*. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the *building or other structure*, including the apex of a roof, may penetrate a plane rising from the maximum *street wall* height at 20 degrees to the horizontal.

In these special districts, for *developments or enlargements* which utilize the optional regulations applicable to a *predominantly built-up area*, the maximum height of a *residential building* shall not exceed 32 feet above the *base plane*. Furthermore, for such *developments or enlargements* with pitched roofs, the midpoint of such pitched roof shall not exceed a height of 32 feet above the *base plane*. The provisions of this paragraph may be modified pursuant to Section 23-62 (Permitted Obstructions) and paragraph (h) of this Section.

- (5) In accordance with Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setback), *development* wholly within a *large-scale residential development* may use the alternate height and setback regulations set forth in Section 78-31(b), (1) through (3).

R3-2 R4 R5

(f)

- (h) In R3-2 Districts, R4 Districts other than R4A, R4B and R4-1, and in R5 Districts other than R5B, the City Planning Commission may authorize a *building or other structure* that penetrates the height and setback regulations set forth in paragraphs (b) and (d) above except for *buildings* utilizing the optional regulations for *predominantly built-up areas*. As a condition for granting such authorizations the Commission shall find that:

- (1) by concentrating permitted *floor area* in a *building* or *buildings* of greater height the preservation of an existing *building*, topography, vegetation, or view corridors having environmental, historic or aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower *buildings* containing the same permitted *floor area*; or, for ***non-profit residences for the elderly***, the additional ***floor area*** permitted for such ***developments*** is accommodated in an **efficient manner**;
- (2) such modification is the least modification required to achieve the purpose for which it is granted;
- (3) the proposed modification does not impair the essential character of the surrounding area; and
- (4) that the proposed modification will not have adverse effects upon light, air, and privacy of adjacent properties and of any existing *buildings* on the *zoning lot*.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

* * *

23-661

Required side and rear setbacks for tall residential buildings in low bulk districts
R1 R2 R5

~~In the districts indicated, no portion of any residential building which is more than 30 feet or more than three stories, whichever is lower, above the level of a side yard or rear yard shall be nearer to a side lot line or rear lot line bounding such yard than a distance equal to one-half the height above yard level of such portion of the residential building~~

In R1 and R2 Districts, any portion of a *residential building* bounding a *side yard* or a *rear yard* which is more than 30 feet above the mean level of adjacent natural grade shall be set back from such *side yard line* or *rear yard line* for a distance equal to one-half the height of that portion of the *residential building* which is higher than 30 feet above the mean level of adjacent natural grade.

In an R5 District, any portion of a *residential building* bounding a *side yard* or a *rear yard* which is more than 33 feet above the level of the *base plane* shall be set back from such *side yard line* or such *rear yard line* for a distance equal to one-half the height of that portion of the *residential building* which is higher than 33 feet above the level of the *base plane*.

The following are permitted to project into any open area required under the provisions of this Section:

- (a) Parapet walls not more than four feet high.
- (b) Chimneys or flues with a total width not exceeding 10 percent of the width of the *building's* walls facing such open area.

* * *

23-711

Standard minimum distance between buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In R2X, R3, R4 and R5 Districts, the minimum distance between two such buildings shall be 30 feet.

~~In all districts, as indicated,~~ **In R1, R2, R6, R7, R8, R9 and R10 Districts,** except as provided in Section 23-712 (Minimum distance between *buildings* in high bulk districts), the minimum distance between two such *buildings* (referred to as *building A* and *building B*) shall vary according to the length and height of such *buildings*. Such minimum distance shall be either 30 feet or the distance required under the following formula, whichever is the greater distance:

* * *

23-86

Minimum Distance Between Legally Required Windows and Walls or Lot Lines

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, the minimum distance between *legally required windows* and walls or *lot lines* shall be as set forth in this Section, except that this Section shall not apply to *legally required windows* in *residential buildings*:

- (a) in R2X, R3 or R4 Districts, with a maximum height of 35 feet and with a maximum of three units; and
- (b) in other districts either:
 - (1) with a maximum height of 32 feet and with a maximum of three units; or
 - (2) with three *stories* if the lowest *story* is either a *basement* or is excluded from *floor area* by definition.

23-861

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section 23-862 (Minimum distance between legally required windows and lot lines on small corner lots in R9 and R10 Districts) or Section 23-863 (Minimum distance between legally required windows and any wall in an inner court), the minimum distance between a *legally required window* and:

- (a) Any wall
- (b) A *rear lot line*, or vertical projection thereof, or
- (c) A *side lot line*, or vertical projection thereof,

shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening; provided, however, that a *legally required window* may open on any *outer court* meeting the requirements of Section 23-84 (Outer Court Regulations)

In R3, R4 and R5 Districts, the minimum dimension between a *legally required window* and a *side lot line* shall be 15 feet. Such 15 foot dimension shall be measured in a horizontal plane perpendicular to the *side lot line* [or vertical projection thereof. Furthermore, such area with a 15 foot dimension shall be open to the sky from ground level up for the entire length of the *side lot line*. Only chimneys, eaves, gutters, downspouts, open *accessory off-street parking spaces*, steps, and ramps for access by the handicapped shall be permitted obstructions in such open area and such obstructions may not reduce the minimum width of the open area by more than three feet.

* * *

Chapter 4 Bulk Regulations for Community Facility Buildings in Residence Districts

24-00 APPLICABILITY, GENERAL PURPOSES, AND DEFINITIONS

24-01

Applicability of this Chapter

The *bulk* regulations of this Chapter apply to any *community facility building* or any *building* used partly for a *community facility use* on any *zoning lot* located in any *Residence District* in which such *building* is permitted. As used in this Chapter, the term "any" *building* shall therefore not include a *residential building*, the *bulk* regulations for which are set forth in Article II, Chapter 3. In addition, the *bulk* regulations of this Chapter or of specified sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

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 24-21 to 24-23, inclusive, relating to Lot Area Requirements for Buildings Used Partly for Residential Uses, shall apply as if such *buildings* were a single *building* used partly for *community facility use*.

However, in R3A, **R3X**, R3-1, R4A, R4-1, R4B or R5B Districts, except for *community facility uses* which have received tax exempt status from the New York City Department of Finance or its successor pursuant to Section 420 of the New York State Real Property Tax Law or its successor, the *bulk* regulations of this Chapter shall apply only to a *building* which is used entirely for *community facility uses* and the *bulk* regulations of Article II, Chapter 3 shall apply to any *building* which is used partly for *community facility use* and partly for *residential uses* except as otherwise permitted in Section 24-04 (Modifications of Bulk Regulations in Certain Districts).

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24-04

Modification of Bulk Regulations in Certain Districts

R3A **R3X** R3-1 R4A R4-1 R4B R5B

In the districts indicated, the City Planning Commission may, upon application, authorize *developments* pursuant to the *bulk* regulations of this Chapter provided that the Commission finds that:

- (a) the design of the *development* ensures adequate separation of *uses* and sufficient independent access to each *use*;
- (b) the *floor area* designated for *community facility use* is designed in a manner that is consistent with such *use* and physically distinguishes such space from that designated for *residential use*.

The Commission may prescribe additional safeguards to prevent the conversion of such *community facility use* to *residential use*. Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

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

* * *

25-62

Size and Location of Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

In no event shall the dimensions of any parking stall be less than 18 feet long and eight feet, six inches wide.

~~However, where accessory off-street parking for single- or two-family residences in detached, semi-detached or zero lot line buildings is subject to the provisions of Section 25-621 (Location of parking spaces in certain districts), the width of a parking stall may be reduced to eight feet.~~

However, the width of a parking stall may be reduced to eight feet for *detached, semi-detached, or zero lot line buildings* on a *zoning lot* where not more than four *accessory* parking spaces are required if such *accessory* parking spaces are located in a *side lot ribbon* and are subject to the provisions of Section 25-621 (Location of parking spaces in certain districts).

25-621

Location of parking spaces in certain districts

R2X R3 R4 R5

- (a) In the districts indicated, except R4B or R5B Districts, on a *zoning lot* with a *residential building* where no more than two *accessory* parking spaces are required, *accessory* off-street parking spaces shall be permitted only in the *side lot ribbon*, within a *building*, or in any open area on the *zoning lot* which is not between the *street line* and the *street wall of the building or its prolongation, or prolongation thereof of the building*. Access to *accessory* spaces through the *front yard* shall be only through the *side lot ribbon*. However, for *zoning lots* which have a minimum of 35 feet of *street* frontage along one *street*, are occupied by a *single- or two-family detached residence*, and maintain a minimum of 18 feet of uninterrupted curbside space along the *street* frontage, access to *accessory* spaces need not be through a *side lot ribbon*, **provided that on a zoning lot with less than 50 feet of frontage along a street**, no more than one enclosed *accessory* parking space is provided within the *residential building*.

R2X R3 R4 R5

- (b) In the districts indicated, except R4B or R5B Districts, on a *zoning lot* with a *residential building* where more than two *accessory* parking spaces are required, *accessory* off-street parking spaces shall be permitted only within a *building* or in any open area on the *zoning lot* which is not between the *street line* and the *street wall of the building or its prolongation*, unless:
- (1) no more than two such unenclosed spaces are accessed from a single curb cut, and the parking area for these spaces is not more than 17 20 feet in width measured parallel or within 30 degrees of being parallel to the *street line*; or
 - (2) a *group parking facility* with five or more spaces is provided and is screened in accordance with the requirements of Section 25-66 (Screening)(a) or (b).

* * *

25-631

Location and width of curb cuts in certain districts

R2X R3 R4 R5

(a) In the districts indicated, except as otherwise provided in Section 25-632 (Prohibition of curb cuts in certain districts) *residential buildings on zoning lots* where not more than two *accessory* parking spaces are required shall comply with the following paragraphs (1) through ~~(4)~~(6):

~~(1) only one curb cut on each street frontage, having a maximum width, including splays, of 10 feet for an interior or through lot or 15 feet for a corner lot shall be permitted for each zoning lot;~~

(1) for *zoning lots* with less than 50 feet of frontage along a *street*, only one curb cut, having a maximum width, including splays, of 10 feet, shall be permitted;

(2) for *zoning lots* with at least 50 feet of frontage along a *street*, no more than two curb cuts shall be permitted along such *street* frontage. If one curb cut is provided, such curb cut shall have a maximum width, including splays, of 15 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be 10 feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;

~~(2)~~(3) where access to *accessory* parking spaces is only through a *side lot ribbon*, all curb cuts shall be a continuation of the *side lot ribbon*;

~~(3)~~(4) wherever *accessory* parking spaces are provided in adjacent *side lot ribbons* on *zoning lots* subdivided after June 30, 1989, the curb cuts giving access to such *side lot ribbons* shall be contiguous (paired), so that only one curb cut, having a maximum width of 15 feet including splays, shall serve both *side lot ribbons*;

~~(4)~~(5) except for *attached residential buildings and rowhouses* in R4B or R5B Districts and multiple dwellings in R5B Districts, new *residential developments* shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989, **provided, that this requirement may be waived if the Commissioner of Buildings certifies that due to the location of curb cuts on adjacent *zoning lots*, there is no way to locate the curb cut in compliance with this requirement and that at least 16 feet of uninterrupted curb space is maintained along the *street* in front of the *zoning lot*;**

~~(5)~~(6) for *attached residential buildings and rowhouses* in R4B or R5B Districts and multiple dwellings in R5B Districts, new *residential developments* shall provide a minimum distance of 34 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.

R2X R3 R4 R5

(b) In the districts indicated, except as otherwise provided in Section 25-632 (Prohibition of curb cuts in certain districts), *residential buildings* on *zoning lots* where more than two *accessory* parking spaces are required shall comply with the following paragraphs (1) through (4):

- (1) *zoning lots* with ~~40~~ 35 feet or more of frontage along a *street* shall maintain a minimum distance of 16 feet of uninterrupted curb space along such *street*;
- (2) except for *attached residential developments* and ~~rowhouses~~ in R4B or R5B Districts and multiple dwellings in R5B Districts, new *residential developments* shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts on the same or adjoining *zoning lots* developed after June 30, 1989. For *attached residential developments* and rowhouses in R4B or R5B Districts and multiple dwellings in R5B Districts, a minimum distance of 34 feet between curb cuts shall be maintained;
- (3) the maximum width of a curb cut serving a *group parking facility* shall be as set forth in the following table:

Size of facility (in spaces) (in number of spaces provided)	Maximum width of curb cuts including splays (in feet)
up to 4	15
5 to 24	22
25 and over	30

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width than listed in the chart above, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

- (4) where one or more *group parking facilities* with five or more spaces are provided, the aggregate width of all curb cuts, including splays, along a *street* serving such spaces shall not exceed the greater of 20 percent of the *street* frontage or the maximum width set forth in the table above. Such *group parking facilities* may be located on the same *zoning lot* as other *accessory* off-street parking spaces permitted pursuant to paragraphs (2) and (3) above. In such cases, plans shall be submitted to the Department of Buildings that designate the segments of the *zoning lot* containing other *accessory* off-street parking spaces permitted pursuant to paragraphs (2) and (3) above, and segments subject to this paragraph.

R2X R3 R4 R5

(c) In the districts indicated, the location of curb cuts as required by the provisions of this Section may be modified if the Commissioner of Buildings certifies that the specified curb cut locations would require the removal of shade trees maintained by the City of New York. The Commissioner of Buildings may refer such matter to the Department of Parks and Recreation and the Department of Highways for reports and may base the determination on such report.

* * *

25-65

Surfacing

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all open off-street parking spaces shall be surfaced with asphaltic or portland cement concrete, or other hard surfaced dustless material, at least four inches thick except that in R2X, R3, R4 or R5 Districts, hard surface ribbons may be permitted. ~~if the Commissioner of Buildings determines that such ribbon surface is adequate.~~

* * *

Article III**Commercial District Regulations**

* * *

Chapter 4 Bulk Regulations for Residential Buildings in Commercial Districts

* * *

34-23

Modification of Height and Setback Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Sections 23-61 to 23-68, inclusive, relating to Height and Setback Regulations, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

Except as set forth in Section 34-223(a) (Special provisions applying along district boundaries), no *front yard* is required for any *residential building* in a *Commercial District*. Therefore, in applying the height and setback regulations in a *Commercial District*, a *sky exposure plane* (which in a *Residence District* would be measured from a point above the *front yard line*) may be measured from a point above the *street line*. In cases where the provisions of Section 34-223(a) apply, the *sky exposure plane* is measured from a point above the *front yard line*.

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for *residential buildings*.

In C1 or C2 Districts mapped within R4, R4B, or R4-1 Districts, the height and setback regulations applicable to an R5B District may be used for *residential buildings*.

* * *

35-60 MODIFICATION OF HEIGHT AND SETBACK REGULATIONS FOR MIXED BUILDINGS

35-61

Height and Setback Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements), no *front yard* is required for any portion of a *mixed building* in a *Commercial District*. Therefore, in applying the height and setback regulations, a *sky exposure plane* (which in a *Residence District* would be measured from a point above the *front yard line*), may be measured from a point above the *street line*.

In cases where the provisions of Section 34-223(a) apply, as set forth in Section 35-51, the *sky exposure plane* is measured from a point above the *front yard line*.

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for *mixed buildings*. In C1 or C2 Districts mapped within R4, R4B, or R4-1 Districts, the height and setback regulations applicable to an R5B District may be used for *mixed buildings*.

* * *

Article V

Non-Conforming Uses and Non-Conforming Buildings

* * *

52-40 ENLARGEMENTS OR EXTENSIONS

52-41

General Provisions

A *non-conforming use* may be *enlarged* or *extended* within the district in which such *non-conforming use* is located only in accordance with the provisions of this Chapter. **However, a *non-conforming single- or two-family residence* in an R3, R4, or R5 District may be *enlarged* or *extended* in accordance with the *bulk regulations* specified for the district in which it is located. ~~except that.~~ Furthermore, *enlargements* or *extensions* designed exclusively to permit conformity with the regulations on performance standards or in order to provide required *accessory* off-street parking spaces or off-street loading berths on the same *zoning lot* as the use to which such spaces or berths are *accessory* are not subject to the restrictions set forth herein.**

* * *

52-50 DAMAGE OR DESTRUCTION

* * *

52-51

General Provisions

Except as set forth in Sections 52-81 to 52-83, inclusive, relating to Regulations Applying to Non-Conforming Signs, if a *non-conforming building or other structure* is damaged, destroyed or demolished, the provisions set forth in Sections 52-52 to 52-55, inclusive, shall apply. **However, if a *non-conforming single- or two-family residence* in an R3, R4, or R5 District is damaged, destroyed or demolished, such *building* may be continued in *use* and reconstructed provided that such reconstruction shall not create a new *non-compliance* nor increase the pre-existing degree of *non-compliance* with the applicable *bulk regulations*.**

* * *

Chapter 4 Non-Complying Buildings

* * *

54-313

One *Single- or two-family residences* with non-complying front yards or side yards

For an existing *single- or two-family residence* in R4 Districts except R4A, R4-1, and R4B Districts, and R5 Districts except R5B Districts with a *non-complying front yard*, an *enlargement* involving a vertical extension of existing *building walls* facing such *non-complying front yard* is permitted, provided the following conditions are met:

- (a) the portion of the *building* which is being vertically extended complies with the height and setback regulations specified for the district in which it is located; and

- (b) **the *non-complying front yard* where the *building wall* is being vertically extended is at least 10 feet in depth.**

For an existing ~~one- or two-family~~ **single- or two-family** residence with a *non-complying side yard*, an *enlargement* involving a vertical extension of existing *building walls* facing such *non-complying side yard* is permitted, provided the following conditions are met:

- (a) ~~The height of the *enlarged building* does not exceed two stories;~~
- (a) **the portion of the *building* which is being vertically extended complies with the height and setback regulations applicable to an R3-2 District;**
- (b) ~~The *non-complying side yard* where the *building wall* is being vertically extended is at least four~~ **three feet in depth width** and the minimum distance between such *building wall* and the nearest *building wall* or **vertical prolongation thereof** on an adjoining *zoning lot* across the common *side lot line* is eight feet;
- (c) ~~The *enlargement* does not involve an increase in the number of *dwelling units*;~~ **the enlarged *building* does not contain more than two *dwelling units*;**
- (d) ~~That~~ **that** there is no encroachment on the existing *non-complying side yard* except as set forth in this Section; and
- (e) ~~The~~ **the** *enlargement* does not otherwise result in the creation of a new *non-compliance* or in an increase in the degree of *non-compliance*.

* * *

Article VII Chapter 7 Special Provisions for Zoning Lots
Divided by District Boundaries

* * *

77-10 USE REGULATIONS

77-11

Conditions for Application of Use Regulations to Entire Zoning Lot

Whenever a *zoning lot* existing at the effective date of this resolution or any applicable subsequent amendment thereto is divided by a boundary between districts in which different *uses* are permitted, the *use* regulations applicable to the district in which more than 50 percent of the *lot area* of the *zoning lot* is located may apply to the entire *zoning lot*; provided, that the greatest distance from the mapped district boundary to any *lot line* of such *zoning lot* in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

Whenever the *use* regulations are so applied, the district boundary may be assumed to be relocated accordingly, and the *bulk*, off-street parking and loading, and all other regulations applying to such expanded district shall apply to the entire *zoning lot*. However, when the *zoning lot* is divided by a district boundary between a district limited to *single* or *two-family residences* and a district permitting multiple dwellings, the *use* and *bulk* regulations of an R3-2 District shall apply in the R1, R2, R3A, R3X or R3-1 portion, and the *use* and *bulk* regulations of an R4 District shall apply in the R2X, R4A, R4-1 or R4B portion.

Except as specifically provided by the provisions of a special purpose district, the provisions of this Section shall apply to *zoning lots* which are divided by a special purpose district boundary line.

77-20 BULK REGULATIONS

* * *

77-211

Conditions for application of bulk regulations to entire zoning lot

Whenever a *zoning lot* existing at the effective date of this resolution or any applicable subsequent amendment thereto is divided by a boundary between:

- (a) *two Residence Districts* limited to *single- or single- and two-family residences*;
- (b) *two Commercial Districts* or *two Manufacturing Districts* in which the same *uses* are permitted, but different *bulk* regulations apply,

the *bulk* regulations applicable to the district in which more than 50 percent of the *lot area* of the *zoning lot* is located may apply to the entire *zoning lot*; provided, that the greatest distance from the mapped district boundary to any *lot line* of such *zoning lot* in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

Whenever the *bulk* regulations are so applied, the district boundary may be assumed to be relocated accordingly, and the off-street parking and loading and all other regulations applying to such expanded district shall apply to the entire *zoning lot*.

Except as specifically provided by the provisions of a special purpose district, the provisions of this Section shall apply to *zoning lots* which are divided by a special purpose district boundary line.

77-22

Floor Area Ratio

The maximum *floor area ratio* permitted on each portion of such *zoning lot* for the applicable type of *building* or *buildings* on such *zoning lot* shall be determined under the applicable regulations of the Chapters indicated below. Each such *floor area ratio* shall be multiplied by the percentage of the *zoning lot* to which such *floor area ratio* applies. The sum of the products thus obtained shall be the adjusted maximum *floor area ratio* applicable to such *zoning lot*.

In applying this provision, the *floor area* bonus permitted for *plazas*, *plaza-connected* open areas, or *arcades* under the applicable regulations of this resolution shall apply to only such *plazas*, *plaza-connected* open areas, or *arcades*, or portions thereof, as are located in a district in which such bonus is granted.

* * *

77-221

Quality Housing buildings and residential buildings in certain R3, R4 or R5 Districts

For residential developments or enlargements in R3-2 Districts, R4 Districts, except R4A, R4-1 and R4B Districts, R5 Districts, and equivalent Commercial Districts, and for developments or enlargements where permitted, pursuant to the Quality Housing Program in R6, R7 and R8 Districts and equivalent Commercial Districts outside 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 permitted 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 does not exceed the adjusted maximum residential floor area ratio applicable to such zoning lot.

77-222

~~Other Buildings~~ Buildings other than Quality Housing 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.

However, for portions of zoning lots within an R2X, R3-1, R3A, R3X, R4-1, R4A, or R4B District not subject to the provisions of Section 77-11, the floor area ratio for such portion of the zoning lot shall not exceed the maximum floor area ratio specified for that district.

* * *

77-25

Lot Area or Floor Area Requirements

* * *

~~In all residential districts, if the~~ **In all Residence Districts, the lot area per dwelling unit or per room, floor area per room, or lot area for commercial or community facility uses required for the building or buildings on the zoning lot shall be computed separately for that portion of the zoning lot located in each district under the applicable regulations of the Chapters indicated below. The total lot area of the zoning lot shall not be less than the sum of such required lot areas so computed.**

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 the *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 portions of zoning lots within an R2X, R3-1, R3A, R3X, R4-1, R4A, or R4B District not subject to the provisions of Section 77-11, the number of dwelling units in such portion shall not exceed the maximum density permitted by the applicable district regulations.**

* * *

77-28

Height and Setback Regulations

* * *

In R2X, R3, R4 or R5 Districts, for *residential buildings*, each portion of the *zoning lot* shall be governed by the height and setback regulations specified for the district in which it is located as set forth in Article II, Chapter 3.

For the purposes of defining a building envelope pursuant to Section 23-631(b), (Height and setback in R2X, R3, R4, R4A, and R4-1 Districts), apex points may be located on a zoning district boundary which divides a building.

Furthermore, if any portion of a zoning lot is located in an R2X, R3, R4, R4A, or R4-1 District, the height and setback regulations specified for such district may apply to the entire zoning lot provided that such district comprises more than 50 percent of such zoning lot, and the greatest distance from the mapped district boundary to any lot line of such zoning lot in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

* * *

Article VII Chapter 8 Special Provisions Applying to
Large Scale Residential Developments

* * *

78-045

Previously granted authorizations and special permits

Large-scale residential developments granted an authorization by the City Planning Commission or special permit by the Board of Estimate pursuant to the provisions of this Chapter prior to June 30, 1989 may be started or continued pursuant to said special permit or authorization subject to the zoning regulations in effect prior to June 7, 1989, and the provisions of Section 78-07 (Lapse of Authorization or Special Permit).

Modifications to such *large-scale residential developments* which exceed the limitations imposed by the previously granted authorization or special permit shall be subject to the *bulk and use* regulations of the underlying zoning district regulations.

* * *

78-31

Location of Buildings, Distribution of Bulk and Open Space, and Modification of Height and Setbacks

(a) General provisions

For the purposes of this Section the term "periphery" shall mean any *street line* bounding a *large-scale residential development* or any *lot line* abutting a *zoning lot* that is

not part of the *large-scale residential development*. The term "wholly within" shall therefore mean any area of the *large-scale residential development* which is not within the area designated as "periphery". However, in R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts, the "periphery" shall also include all portions of a *large-scale residential development* within 100 feet of a peripheral *street line* or within 30 feet of any other peripheral *lot line* except for portions directly opposite:

- (1) a tract of land of at least 1.5 acres in a *Residence District* that is either vacant or *land with minor improvements*; or
- (2) a *large-scale residential development* developed pursuant to the provisions of paragraph (b) below; or
- (3) a *Commercial* or a *Manufacturing District*.

All *development* in the periphery of a *large-scale residential development* shall comply with the height and setback regulations of Article II, Chapter 3 except as otherwise provided in this Section.

Special provisions applying to *large-scale residential developments* in R3, R4 or R5 Districts are set forth in paragraphs (b) and (c) below. The provisions of paragraph (b) shall apply to any *large-scale residential development* in R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts. The provisions of paragraph (c) shall apply only to *large-scale residential developments* in all R3, R4 or R5 Districts that utilize the bonus provisions of Section 78-32 through 78-35.

(b) Alternate height and setback regulations for certain districts

In R3-2 Districts, R4 Districts except R4A, R4-1 and R4B Districts, or R5 Districts except R5B Districts, *development* wholly within a *large-scale residential development* may use the alternate height and setback regulations set forth in paragraphs(1) ~~and (2)~~ **through (3)** below.

- (1) In R3-2 Districts the height and setback regulations applicable to R4 Districts except R4A and R4B Districts may be used;
- (2) ~~In R4 or R5 Districts, where front yards are required along streets wholly within the development, if a front yard with a depth of 10 feet is provided the height and setback regulations in Section 23-631 shall apply. If a front yard with a depth of 18 feet is provided, the front wall or any other portion of a building or other structure shall not penetrate the sky exposure plane set forth in the table below.~~

**MAXIMUM HEIGHT OF FRONT WALL
AND REQUIRED FRONT SETBACKS**

Sky exposure plane
Slope over *zoning lot*
(expressed as a ratio of vertical distance
to horizontal distance)

Height above <i>front yard line</i> (in feet)	Vertical distance	to	Horizontal distance	District
25	1	to	1	R4
35	1	to	1	R5

Where *front yards* are not required the height and setback regulations of Section 23-631 are not required.

However, in R4 or R5 Districts no portion of any *building* including the apex of a roof shall penetrate a plane 35 feet in height above the *base plane* in R4 Districts or 40 feet in height above the *base plane* in R5 Districts except as otherwise provided in this Section.

- (2) In R4 Districts, no portion of any *building* including the apex of a roof shall penetrate a plane 35 feet in height above the *base plane*.
 - (3) In R5 Districts, no portion of any *building* including the apex of a pitched roof shall penetrate a plane 40 feet in height above the *base plane*.
- (c) Alternate floor area, open space and density regulations in R3, R4 or R5 Districts

In *large-scale residential developments* that utilize the bonus provisions of this Chapter, the *floor area ratio*, the *open space ratio* and the density controls set forth below shall apply in lieu of the *floor area ratio*, *lot coverage* and *lot area per dwelling unit* controls of Article II, Chapter 3.

<i>Open Space Ratio</i>	<i>Floor Area Ratio</i>	Density Controls (in square feet)	District
150	.50*	375 square feet of lot area per room	R3
80	.75*	205 square feet of floor area per room	R4
40	1.25	215 square feet of floor area per room	R5

*The *floor area ratio* in the table above may be increased by up to 20 percent provided that any such increase in *floor area* is located under a sloping roof which rises at least 3 1/2 inches in vertical distance per each foot of horizontal distance and the structural headroom of such *floor area* is between five and eight feet. Any such additional *floor area* under a sloped roof shall not be used to compute the *open space ratio*.

- (d) Authorizations may be granted for *buildings* to be located, *bulk* and *open space* distributed, and height and setback modified in accordance with the provisions of this Section.

* * *

78-311

Authorizations by the Planning Commission

* * *

In the case of a *large scale residential development*, for that portion of the *development* which is located in an R5 or R6 District, the Commission may authorize the permitted *floor area ratio*, required *open space ratio*, and the required *lot area per room* to be determined on the basis of a *height factor* which is different than the actual *height factor* of such portion of the *development*, for the purposes of achieving better site planning and community planning.

* * *

~~In R3, R4 or R5 Districts, the City Planning Commission may, upon application, authorize modifications of the height and setback regulations set forth in Section 23-631 and paragraph (b) of Section 78-31 for buildings wholly within the development for the purposes of introducing variety or preserving natural features or view corridors.~~

For any large scale residential development, the City Planning Commission may, upon application, authorize in R3, R4, and R5 Districts modifications of the height and setback regulations set forth in Section 23-631 and paragraph (b) of Section 78-31 for buildings wholly within the development for the purposes of introducing variety or preserving natural features or view corridors.

* * *

Article XI
Special Purpose Districts
(Continued)

* * *

Chapter 4 Special Sheepshead Bay District

* * *

94-10

Special Requirements for Building Height and Setbacks

The height and setback regulations set forth in Section 23-631 (Height and Setback in R1, R2, R3, R4 and R5 Districts), Section 34-23 (Modification of Height and Setback Regulations), and Section 35-61 (Height and Setback Regulations), shall not apply to buildings in the *Special Sheepshead Bay District*. In lieu thereof, height and setback regulations set forth in this Section shall apply. For buildings in *Residence Districts*, building height is measured from the *base plane*. For buildings in *Commercial Districts* building height is measured from *curb level*.

In Areas G and H, a *building* shall not exceed 3 stories or 35 feet, whichever is less.

* * *

Article X
Special Purpose Districts
(Continued)

* * *

Chapter 7 Special South Richmond Development District

* * *

107-322

Tree Requirements

All *developments* within the Special District shall provide new trees in accordance with the table set forth in Appendix B. ~~Any existing tree of 6-inch caliper which is preserved shall be credited as an additional tree.~~ **For any existing tree of at least 6 inch caliper which is preserved, credit for one tree shall be given for the first 6 inches of caliper, and for each additional 4 inches of caliper, credit for an additional tree shall be given.**

* * *

107-40 SPECIAL USE, BULK AND PARKING REGULATIONS

107-41

Type of Residence

Semi-detached or attached single-family residences in R2 Districts and *attached single or two-family residences* in R3-1 Districts may be permitted by special permit of the City Planning Commission in accordance with the provisions of Section 107-74. Such *residences* shall comply with the minimum *lot area* and *lot width* requirements as set forth in Table A.

Zero lot line buildings are not permitted in the Special South Richmond District.

TABLE "A"

District	Type of Residence	Minimum Lot Area (in sq. ft.)	Minimum Lot Width (in feet)	Height (in stories)
R1-1	detached	9,500	100	1-4
R1-2	detached	5,700	40	1-2
			50	3
			60	4
R-2	detached	3,800	40	1-4
R3-1	detached	3,800	40	1-2
	detached	3,800	45	3-4
R3-1, R3-2	semi-detached	2,375	24	1-2
	semi-detached	3,800	40	3-4
R3-2	detached	3,800	40	1-2
	detached	4,275	45	3-4
R3-2	attached	1,700	18	1-2
	attached	2,280	24	3-4
R3A, R3X	detached	3,325	35	1-3
R4A	detached	3,325	35	1-3
R4-1	detached	3,325	35	1-3
	semi-detached	2,375	24	1-3

* * *

107-46

Yard and Court Regulations

* * *

107-462

Side yards

In all districts, except R1 Districts, for all *single- or two-family detached* and *semi-detached residences*, the *side yards* shall relate to the height of the *building* as set forth in the following table:

Number Required	Type of Residence	Required Side Yard		Height in Stories
		Required Total Width	Required Minimum Width of any Side Yard	
2	Detached	15	5	1-2
2	Detached	20	5	3-4
1	Semi-Detached	9	9	1-2
1	Semi-Detached	15	15	3-4

In R3A, R3X, R4A or R4-1 Districts for any *detached residence* the required total width of *side yards* shall be 15 feet and the required minimum width of any *side yard* shall be five feet; in R4-1 Districts for any *semi-detached residence* the required minimum width of a *side yard* shall be nine feet.

* * *

107-483

Planting and Screening for
Open Parking Areas

* * *

~~Trees provided pursuant to the provisions of this paragraph may be counted for purposes of meeting the requirements of paragraph (a) in 107-322 (Tree requirements).~~

For developments in Residence Districts, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of Section 107-322, paragraph (a). Furthermore, for developments in Commercial or Manufacturing Districts which provide trees in accordance with the provisions of this Section, the requirements of Section 107-322, paragraph (a) shall not apply.

* * *

ARTICLE XI
Special Purpose Districts
(Continued)

Chapter 2 Special City Island District

* * *

112-10 SPECIAL HEIGHT REGULATIONS

In order to preserve the unique character of the Special District and to protect the views of and to the water ~~no new development or enlargement within Areas A or B shall exceed a height of three stories or 35 feet, whichever is less.~~ **new developments or enlargements within Areas A or B shall be subject to both the height and setback regulations of Section 23-631 and a maximum height of 35 feet.** However, the City Planning Commission, by special permit after public notice and hearing ~~and subject to Board of Estimate action,~~ may permit within Area A modifications of the height restrictions set forth in this Section, or in Section 23-631 (Height and setback in R1, R2, R3, R4, or R5 Districts); and in Area B the Commission may authorize modifications of the regulations set forth in Section 23-631 subject to a maximum *building* height of 35 feet ~~or three stories whichever is less.~~ As a condition for such modification the Commission shall find that:

- (a) the distribution of the *bulk of development or enlargement* permits adequate access of light and air to the surrounding *streets* and properties and does not impair the views of and to the water;
- (b) the modification of the *building* height permits better site planning and distribution of *open space*; and
- (c) the height of the new *development or enlargement* does not exceed ~~5 stories or~~ 50 feet, ~~whichever is less.~~

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any *development or enlargement* used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

* * *

Chapter 3 Special Ocean Parkway District

* * *

113-12
Special Front Yard Regulations

For all *developments* with frontage along Ocean Parkway there shall be a 30 foot *front yard*. No obstructions including porches either open or enclosed, canopies or stairs are permitted within the *front yard*. Any driveway within such *front yard* shall be perpendicular to the *street line* or in the case where the ~~*building line street wall*~~ is not parallel with the *street line* the driveway shall be perpendicular to the ~~*building line street wall*~~.

Balconies pursuant to Section 23-13 may, by a depth of not more than six feet, penetrate front yards except along Ocean Parkway.

* * *

Chapter 9 Special Hillside Preservation District

119-02

General Provisions

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~~When computing *floor area* within the *Special Hillside Preservation District*, *floor area* shall include floor space within a floor to ceiling volume that has at least one-half the area of its exterior walls above adjoining grade level.~~

* * *

119-20 PROVISIONS REGULATING TIER II DEVELOPMENTS, ENLARGEMENTS AND SITE ALTERATIONS

* * *

119-212

Height limit controls

~~For any *development or enlargement* the maximum height of a *building or other structure or portion thereof* shall be that which is shown in Table II.~~

For the purposes of this Chapter, the height of a *building* is to be measured at all points adjacent to the *building* from the adjoining ground up (i.e. footprint of the *building*) and at no point shall it exceed the maximum height permitted in table II.

~~Any *development, enlargement or site alteration* which receives an authorization pursuant to Section 119-312 (Authorization of certain uses within the *Special Hillside Preservation District*) and is located in a *Commercial District* shall be exempt from the provisions of this Section. Any *development* which utilizes the regulations applying to a *predominantly built up area* of Section 23-141 shall be subject to the height limitations of Section 23-691.~~

TABLE II
MAXIMUM HEIGHT OF A
BUILDING OR OTHER STRUCTURE

Residence District*	Maximum Height
R1, R2, R3, R4**	36 feet
R5**	60 feet
R6	70 feet

*or *Residence District* equivalent when *zoning lot* is located within a *Commercial District*

119-212

Height and setback regulations

The height and setback regulations set forth in Section 23-631 (Height and Setback in R1, R2, R3, R4, and R5 Districts), Section 23-632 (Front setbacks in districts where front yards are not required), Section 34-23 (Modification of Height and Setback Regulations), and Section 35-61 (Height and Setback Regulations) shall not apply to *buildings or other structures* in *Tier II developments or enlargements* within the *Special Hillside Preservation District*. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

For any *development or enlargement*, no portion of a *building or other structure* shall penetrate a plane drawn parallel to the *base plane* at a height which is shown in Table II. For *developments or enlargements* with pitched roofs, height shall be measured to the midpoint of such pitched roof. For the purposes of this Section, the *base plane*, which is a plane from which the height of a *building or other structure* is measured in R2X, R3, R4, and R5 Districts, shall also be established in accordance with the provisions of Section 23-61 for *buildings or other structures* in R1, R2, and R6 Districts.

TABLE II
MAXIMUM HEIGHT OF A
BUILDING OR OTHER STRUCTURE

Residence District*	Maximum height above <i>base plane</i>
R1, R2, R3, R4**	36 feet
R5**	60 feet
R6	70 feet

*or *Residence District* equivalent when *zoning lot* is located within a *Commercial District*

****developments or enlargements which utilize the regulations of Section 23-141 applying to a predominantly built-up area shall not exceed a maximum height of 32 feet above the base plane.**

* * *

119-315

~~Modification of height limit controls~~

Modification of height and setback regulations

For any *development or enlargement* on a *zoning lot* having an *average percent of slope* of 10 percent or greater, the City Planning Commission may authorize variations in the ~~height limit controls~~ **height and setback regulations** set forth in Section 119-212 (~~Height limit controls~~) (**Height and setback regulations**).

* * *

(On August 22, 1990 Cal. No. 19, the Commission scheduled September 12, 1990 for a public hearing. On September 12, 1990, Cal. No. 39 the hearing was continued. On September 26, 1990, Cal. No. 30 the hearing was closed.)

For consideration.
