

CITY PLANNING COMMISSION DISPOSITION SHEET

SPECIAL MEETING:
MONDAY, MAY 10, 1993
1:00 P.M. IN SPECTOR HALL

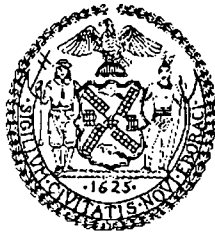
Lois McDaniel, Calendar officer
 22 Reade Street, Room 2E
 New York, New York 1000-1216
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO.	C.P.C. ACTION	CAL NO.	ULURP NO.	CD NO.	C.P.C. ACTION
1	N 930073 ZRY		Scheduled to be Heard 5/26/93	23			
2				24			
3				25			
4				26			
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COMMISSION ATTENDANCE:	Present (P)	Absent (A)	COMMISSION VOTING RECORD: Calendar Numbers												In Favor - Y	Oppose - N	Abstain - AB	
Richard L. Schaffer, <i>Chairman</i>	P																	
Victor G. Alcea, <i>Vice Chairman</i>	P																	
Eugene L. Birch, <i>A.I.C.P.</i>	P																	
Amanda M. Burden, <i>A.I.C.P.</i>	P																	
Anthony I. Giacobbe	A																	
Maxine Griffith	P																	
James C. Jao, <i>R.A.</i>	P																	
Brenda Levin	P																	
Joel A. Miele, <i>SR., P.E.</i>	P																	
Edward T. Rogowsky	P																	
Ronald Shiffman, <i>A.I.C.P.</i>	A																	
Jacob B. Ward, <i>Commissioners</i>	P																	

MEETING ADJOURNED AT: 3:22 P.M.

**COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York**
—
CITY PLANNING COMMISSION
—
MONDAY, MAY 10, 1993
—
SPECIAL MEETING AT 1:00 P.M.
in
**SPECTOR HALL
22 READE STREET, NEW YORK, N.Y.**



**David N. Dinkins, Mayor
City of New York
Prepared by Lois McDaniel, Calendar Officer**

CITY PLANNING COMMISSION

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

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

CITYWIDE

No. 1

N 930073 ZRY

[An amendment of the Zoning Resolution to permit recessed balconies in R6 through R10 districts and to change the dimensions of projecting balconies in R2X, R3, R4 and R5 districts.]

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York relating to Sections 12-10, 23-131, 23-132, 23-133, 23-146, 24-175, 24-176, as follows:

Matter in ~~Greytone~~ is new to be added;

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

Matter in italics or # # is defined in Section 12-10

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

12-10 DEFINITIONS

* * *

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:

* * *

- (f) floor space in open or roofed terraces, ~~exterior balconies~~, bridges, breezeways or porches, if more than 50 percent of the perimeter of such terrace, ~~balcony~~, breezeway, or porch is enclosed, and provided that a parapet not higher than three feet, eight inches, or a railing not less than 50 percent open and not higher than four feet, six inches, shall not constitute an enclosure;

* * *

- (n) ~~floor space in exterior balconies if more than 57 percent of the perimeter of such balcony is enclosed and provided that a parapet not higher than three feet, eight inches, or a railing not less than 50 percent open and not higher than four feet, six inches, shall not constitute an enclosure.~~

- (o) any other floor space not specifically excluded.

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

* * *

- (e) floor space in open or roofed terraces, ~~exterior balconies~~, bridges, breezeways or porches, provided that no more than 50 percent of the perimeter of such terrace, ~~balcony~~, breezeway, or porch is enclosed, and provided that a parapet not higher than three feet, eight inches, or a railing not less than 50 percent open and not higher than four feet, six inches, shall not constitute an enclosure;

* * *

~~(f) floor space in exterior balconies provided that not more than 67 percent of the perimeter of such balcony is enclosed and provided that a parapet not higher than three feet, eight inches, or a railing not less than 50 percent open and not higher than four feet, six inches, shall not constitute an enclosure.~~

* * *

12-10 DEFINITIONS

Lot coverage

"Lot coverage" is that portion of a #zoning lot# which, when viewed directly from above, would be covered by a #building# or any part of a #building#. However, for purposes of computing a #height factor#, any portion of such #building# covered by a roof which qualifies as #open space#, or any terrace, balcony, breezeway, or porch or portion thereof not included in the #floor area# of a #building#, shall not be

included in #lot coverage#. ~~In R2X, R3, R4 or R5 Districts, obstructions permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#.~~

~~When a #height factor# is not computed for a #residential building# or #residential# portion of a #building#, the portion of any balcony which does not project from the face of the #building# shall be counted as #lot coverage#, but other obstructions permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#.~~

* * *

R1 R2 R6 R7 R8 R9 R10

23-131

Balconies in R1, R2, and R6 through R10 Districts

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:

(1) #open space#, as defined in Section 12-10 (DEFINITIONS);

(2) #plazas#, as defined in Section 12-10 (DEFINITIONS);

(3) #rear yards#, as defined in Section 12-10 (DEFINITIONS);

(4) #initial setback distances#, or #sky exposure planes#, as set forth in Section 23-63 (Maximum Height of Frontal Walls and Required Front Setbacks);

(5) alternate front setbacks or #sky exposure planes#, as set forth in Section 23-64 (Alternate Front Setbacks);

(6) open areas not occupied by towers, as set forth in Section 23-65 (Tower Regulations);

(7) required side and rear setbacks, as set forth in Section 23-66 (Required Side and Rear Setbacks);

(8) required distances between #buildings#, as set forth in Section 23-71 (Minimum Distance Between Buildings on a Single Zoning Lot);

(9) #pedestrian mall#.

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 a balcony enclosed by building walls shall not exceed six feet in depth.

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

**R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A
23-132**

Balconies in R6A through R10A Districts

(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. The portion of a balcony enclosed by building walls shall not exceed six feet in depth. 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#.

(b) In no event shall balconies:

- (1) project by a distance greater than seven feet as measured from the plane surface of the building wall from which it projects;
- (2) penetrate the #front or rear sky exposure planes#;
- (3) project into the minimum required distance between #buildings# on the same #zoning lot#;
- (4) cover more than 10 percent of the area designated as outdoor recreation space pursuant to Section 28-30 (RECREATION SPACE AND PLANTING AREAS).

**R2X R3 R4 R5
23-133**

Balconies in R2X, R3, R4 and R5 Districts

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; and

(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 the 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 (Standard minimum distance between buildings), or other #open space# as defined in Section 12-10 (DEFINITIONS), may, as permitted in this Section, project into or over any required open area set forth in the following sections:

- (1) #front yards# as defined in Section 12-10 (DEFINITIONS);
- (2) #rear yards# or #rear yard equivalents# as defined in Section 12-10;
- (3) #open space# as defined in Section 12-10, excluding:
 - (i) #side yards# as defined in Section 12-10;
 - (ii) required minimum dimensions of #courts# as defined in Section 12-10; and as set forth in Section 23-80 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES);
 - (iii) required distances between #buildings# as set forth in Section 23-71 (Minimum Distance Between Buildings on a Single Zoning lot).

If the depth of the #front yard# is greater than 12 feet, balconies may project six feet into such #front yard# provided that in R2X or R3 Districts, the aggregate length of such balconies does not exceed 50 percent of the length at that level of the plane surface of the building wall from which they project, and in R4 or R5 Districts, such aggregate length does not exceed 67 percent.

If the depth of the #front yard# is 12 feet or less, balconies may project to a distance equal to one-half the depth of such #front yard# provided the aggregate length of such balconies does not exceed 50 percent of the length at that level of the plane surface of the building wall from which they project.

Balconies may, by a distance not to exceed eight feet, project into a #rear yard# or other #open space# not specifically excluded above. At the level of the second #story# the aggregate length of such balconies is not limited but at the level of the third #story# or higher such aggregate length shall not exceed 50 percent of the length at that level of the plane surface of the building wall from which the balconies project.

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 a balcony enclosed by building walls shall not exceed six feet in depth. The portion of such-

balcony enclosed by #building# walls shall be included as #lot coverage# but shall not be included as floor area as defined in Section 12-10.

* * *

23-146

Optional provisions for certain R5 and R6 Districts in Brooklyn

R5 R6

Within the area bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway in Community Board 12, in the Borough of Brooklyn, special optional regulations as set forth in this Section are applicable for a #development# or #enlargement# involving a #building# used exclusively as a one-, #two-#, or three-#family residence#, provided such #development# or #enlargement# complies with all of the provisions of this Section. Except as modified by the express provisions of this Section, the regulations of R5 and R6 Districts remain in effect.

* * *

(f) — Balconies

~~Unenclosed balconies shall comply with the provisions of Section 23-13 and 23-44 except to the extent modified in this Section. Balconies may project a maximum of five feet into the #front yard# and a maximum of six feet into the #rear yard#, provided that for #corner lots# a balcony may project a maximum of six feet into the 20 foot #side yard#. Such a balcony may be located at or higher than the floor level of the second #story# provided that it is located not lower than seven feet above #curb level# or seven feet above the adjacent natural grade, whichever is higher.~~

(g) Off-Street Parking in R5 and R6 Districts

No #accessory# off-street parking is required in R5 and R6 Districts.

* * *

R3 R4 R5 R6 R7 R8 R9 R10

24-175

Balconies in R3 through R10 districts

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

Balconies which:

- (a) are unenclosed except for a parapet not exceeding three feet, eight inches in height or a railing not less than 50 percent open and not exceeding four feet, six inches in height;
- (b) are located at or higher than the floor level of the fourth #story# of a #building#;
- (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:
 - (1) #open space#, as defined in Section 12-10 (DEFINITIONS);
 - (2) #plazas#, as defined in Section 12-10 (DEFINITIONS);
 - (3) #rear yards#, as defined in Section 12-10 (DEFINITIONS);
 - (4) #initial setback distances# or #sky exposure planes#, as set forth in Section 24-52 (Maximum Height of Front Wall and Required Front Setbacks);
 - (5) alternate front setbacks or #sky exposure planes#, as set forth in Section 24-53 (Alternate Front Setbacks);
 - (6) open area not occupied by towers, as set forth in Section 24-25 (Tower Regulations);
 - (7) required side and rear setbacks, as set forth in Section 24-55 (Required Side and Rear Setbacks);
 - (8) #pedestrian mall#.

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 a balcony enclosed by building walls shall not exceed six feet in depth.

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

R6A R6B R7A R7B R7X R8A R8X R9A R9X R10A

24-176

Balconies R6A through R10A Districts

- (a) In the districts indicated, the regulations set forth in this Section shall apply to the ~~#residential#~~ portion of a ~~#building#~~ used partly for ~~#residential use#~~ and partly for ~~#community facility use#~~ or to any portion of a ~~#building#~~ used for living or sleeping accommodations. Balconies may be provided as set forth in Section 24-175 paragraphs (a) through (d) except that projections shall conform to the provisions of paragraph (b) below. In addition, balconies may be enclosed by the building walls provided that at least 33 percent of the perimeter of such balcony is unenclosed except for a parapet not exceeding three feet, eight inches in height or a railing not less than 50 percent open and not exceeding four feet, six inches in height. ~~The portion of a balcony enclosed by building walls shall not exceed six feet in depth, and such balcony is counted as #Quality Housing lot coverage#. The area of such balcony shall be excluded from the definition of #floor area#. The portion of such balcony enclosed by #building# walls shall be included as #lot coverage#.~~

* * *

Resolution for adoption scheduling MAY 26, 1993 for a public hearing.