

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:**  
WEDNESDAY, MAY 26, 1993  
10:00 A.M. AT 101 WILLOUGHBY ST.  
BROOKLYN, NEW YORK

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	C 920274 PQX	1	Scheduled to be Heard 6/9/93	23	C 910400 ZMK N O T I C E	6	Hearing Continued
2	C 910509 POK	6	" "	24	N 930431 PXX	14	Favorable Report Adopted
3	C 920232 POK	12	" "	25	C 920261 PQX	1	" "
4	C 920233 POK	16	" "	26	N 930421 PXM	4	" "
5	C 920241 POK	16	" "	27	N 930422 PXM	4	" "
6	C 920242 POK	16	" "	28	N 930424 PXM	1	" "
7	C 920243 POK	3	" "	29	N 930400 BDM	9, 10 & 11	Unqualified Approval
8	C 920365 POK	6	" "	30	N 930108 ZAM	4	Authorization Approved
9	C 920389 POK	3	" "	31	C 930109 PPQ	12	Favorable Report Adopted
10	C 920405 HOM	7	" "	32	N 930420 PXQ	2	" "
11	C 930070 HDM	7	" "	33	N 930423 PXQ	9	" "
12	C 930236 PPR	3	" "	ADDED ITEM FOR PUBLIC HEARING			
13	N 930410 BDM	2, 3	Hearing Closed	1	N 930475 PXQ	1	Hearing Closed
14	C 920262 PQQ	3	" "				
15	C 920652 PQQ	3	" "				
16	C 930242 PPR	2	" "				
17	N 930327 ZRY		Hearing Continued				
18	PROPOSED RULES FOR MAJOR CONCESSIONS		" "				
19	PLANNING ZONING REPORT		" "				
20	N 930073 ZRY		Hearing Closed				
21	C 910374 MMK	6	Hearing Continued				
22	C 910376 ZSK	6	" "				

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD: Calendar Numbers											In Favor - Y Oppose - N Abstain - AB		
		24	25	26	27	28	29	30	31	32	33				
Richard L. Schaffer, <i>Chalman</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Victor G. Alcea, <i>Vice Chalman</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Eugenie L. Birch, <i>A.I.C.P.</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Amanda M. Burden, <i>A.I.C.P.</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Anthony I. Glacobbe, <i>Esq.</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Maxine Griffith	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
James C. Jao, <i>R.A.</i>	A														
Brenda Levin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Joel A. Miele, <i>SR., P.E.</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Edward T. Rogowsky	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Ronald Shiffman, <i>A.I.C.P.</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Jacob B. Ward, <i>Commissioners</i>	P	Y	N	Y	Y	Y	Y	Y	Y	Y	Y				

MEETING ADJOURNED AT: 7:20 P.M.

**COMPREHENSIVE**  
**CITY PLANNING CALENDAR**  
**of**  
**The City of New York**  

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**CITY PLANNING COMMISSION**

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**WEDNESDAY, MAY 26, 1993**  

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**MEETING AT 10:00 A.M.**

**NEW YORK TELEPHONE CO. BLDG.**

**101 WILLOUGHBY STREET, (entrance on Bridge St.)**

**MAIN FLOOR AUDITORIUM**

**BROOKLYN, NEW YORK**



**David N. Dinkins, Mayor**

**City of New York**

**[No. 11]**

**Prepared by Lois McDaniel, Calendar Officer**

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**CITY PLANNING COMMISSION**

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**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.

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**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 Commission 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, A.I.C.P.  
AMANDA M. BURDEN, A.I.C.P.  
ANTHONY I. GIACOBBE, *Esq.*  
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, *Esq., 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**

**WEDNESDAY, MAY 26, 1993**

Roll Call; approval of minutes . . . . .	1
I. Scheduling June 9, 1993 . . . . .	1
II. Public Hearings . . . . .	6
III. Reports . . . . .	172

**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 June 9, 1993, The Bronx Museum of the Arts, 1040 Grand Concourse at 165th Street, Bronx, New York at 10:00 a.m.

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**GENERAL INFORMATION**

**HOW TO PARTICIPATE:**

**Signing up to speak:** Anyone wishing to speak on any of the items listed under "Public Hearing" 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: \_\_\_\_\_

# NOTICE

**THE CITY PLANNING COMMISSION  
PUBLIC MEETING OF JUNE 9, 1993  
WILL BE HELD  
in the  
BOROUGH OF THE BRONX  
THE BRONX MUSEUM OF THE ARTS  
(Upper Gallery)  
1040 GRAND CONCOURSE  
(Northeast corner, 165th Street)  
TIME: 10:00 A.M.**

**Directions:** By Subway- IRT/Lex. #4 to 161st. Street-Yankee Stadium, walk east to Grand Concourse, then North to 165th St. or BMT-D Train to 167th St.

**NOTE:** In addition to the above date, the public will have an opportunity to comment at public hearings on the *Planning and Zoning Report* at the locations indicated on the dates shown:

<b>Queens Borough President's Office</b> 120-55 Queens Boulevard, Kew Gardens	<b>-June 23, 1993</b> 10:00 a.m.
<b>Snug Harbor Cultural Center</b> 1000 Richmond Terrace, Staten Island	<b>-July 7, 1993</b> 12:00 noon
<b>Adam Clayton Powell State Office Bldg.</b> 163 West 125th Street, Manhattan	<b>-July 21, 1993</b> 12:00 noon

WEDNESDAY, May 26, 1993

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APPROVAL OF MINUTES OF Regular Meeting of May 12, 1993  
and Special Meeting of May 10, 1993

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, JUNE 9, 1993  
STARTING AT 10:00 A.M.  
IN THE BRONX MUSEUM OF THE ARTS  
1040 GRAND CONCOURSE, AT 165TH STREET  
THE BRONX, NEW YORK**

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**BOROUGH OF THE BRONX**

No. 1

CD 1

C 920274 PQX

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 629 Courtlandt Avenue (Block 2411, Lot 41), for continued use as a day care center.** (Philip H. Michaels Child Development Center).

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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**BOROUGH OF BROOKLYN**

No. 2

CD 6

C 910509 PQK

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 595 Clinton Street (Block 552, Lot 5), for continued use as a day care center.** (Pal-Miccio Day Care Center).

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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No. 3

CD 12

C 920232 PQK

**IN THE MATTER OF** an application submitted by the Human Resources Administration, the Department of General Services and the Department for the Aging pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 5901 13th Avenue (Block 5712, Lot 1), for continued use as a day care center and senior citizen center.** (Vincent J. Caristo Child Care and Amico Senior Citizen Center).

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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No. 4

CD 16

C 920233 PQK

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 69-71 Saratoga Avenue (Block 1498, Lot 6), for continued use as a day care center.** (Shirley Chisholm # 1 Day Care Center).

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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No. 5

CD 16

C 920241 PQK

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 265 Sumpter Street (Block 1520, Lot 51), for continued use as a day care center.** (Advent Community Services Day Care Center).

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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No. 6

CD 16

C 920242 PQK

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 33 Somers Street (Block 1538, Lot 46), for continued use as a day care center. (Love In Action # 2 Day Care Center).**

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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No. 7

CD 3

C 920243 PQK

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 34-52 Kosciusko Street (Block 1783, Lot 23), for continued use as a day care center. (Tabernacle Church of God Day Care Center).**

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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No. 8

CD 6

C 920365 PQK

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 292 Court Street (Block 326, Lot 58), for continued use as a day care center. (Court Street Day Care Center).**

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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## No. 9

CD 3

C 920389 PQQ

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 656 Willoughby Avenue (Block 1769, Lot 7), for continued use as a day care center. (Aquadilla Day Care Center).

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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**BOROUGH OF MANHATTAN**

Nos. 10 and 11

*(Applications for the construction of a federally-aided public housing project, the disposition, and designation of property as an Urban Development Action Area Project)*

No. 10

CD 7

C 920405 HOM

**IN THE MATTER OF** an application submitted by the New York City Housing Authority (NYCHA), pursuant to Section 197-c of the New York City Charter and Section 150 of the Public Housing Law of New York State for **the construction of a federally-aided public housing project** for low-income families.

The site, tentatively known as **the DOME SITE**, comprises property on the southerly side of West 84th Street, between Columbus and Amsterdam avenues; **152-156 West 84th Street** (Block 1214, Lots 55, 57 and 58).

The NYCHA proposes to build a 7-story public housing project of not more than 35 dwelling units for families of low-income. The project is being developed under the Turnkey method.

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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## No. 11

CD 7

C 930070 HDM

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter and the Urban Development Action Area Act of New York State for:

- 1) **The designation of property**, tentatively known as the DOME SITE, on the southerly side of West 84th Street, between Columbus and Amsterdam Avenues; **152-156 West 84th Street** (Block 1214, Lots 55, 57 and 58) as an **Urban Development Action Area Project**;
- 2) **An Urban Development Action Area Project for such property; and**
- 3) **The disposition of such property for the construction of a federally-aided public housing project.** The project will be sold to a builder/developer selected by the New York City Housing Authority (NYCHA). Upon completion of the project, it will be acquired and operated by the NYCHA.

The proposed public housing project would consist of a single 7-story building containing not more than 35 dwelling units for families of low-income.

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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**BOROUGH OF STATEN ISLAND**

## No. 12

CD 3

C 930236 PPR

**IN THE MATTER OF** an application submitted by the Department of General Services, 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 the west side of Sampson Avenue, 103 feet north of Katan Avenue** (Block 4621, Lot 14), pursuant to zoning.

**Resolution for adoption scheduling June 9, 1993 for a public hearing.**

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II. PUBLIC HEARINGS

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BOROUGH OF MANHATTAN

No. 13

CD 2,3

N 930410 BDM

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Business Services on behalf of The Village Alliance District Management Association, pursuant to Section 25-405 of the Administrative Code of the City of New York as amended, concerning the **establishment of The Village Alliance Business Improvement District**. The preparation of the plan was authorized by Mayor David N. Dinkins by resolution dated August 27, 1991.

The district plan is on file with the City Planning Commission and may be seen in Room 4N, 22 Reade Street, New York, New York 10007.

(On May 12, 1993, Cal. No. 4, the Commission scheduled May 26, 1993 for a public hearing which has been duly advertised.)

Close the hearing.

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BOROUGH OF QUEENS

No. 14

CD 3

C 920262 PQQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services, pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 31-20 77th Street** (Block 1147, Lot 19), for continued use as an **Agency Operated Boarding Home**.

(On May 12, 1993, Cal. No. 5, the Commission scheduled May 26, 1993 for a public hearing which has been duly advertised.)

Close the hearing.

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## No. 15

CD 3

C 920652 PQQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services, pursuant to Section 197-c of the New York City Charter **for acquisition of property located at 73-04 32nd Avenue (Block 1169, Lot 2), for continued use as an Agency Operated Boarding Home.**

(On May 12, 1993, Cal. No. 6, the Commission scheduled May 26, 1993 for a public hearing which has been duly advertised.)

**Close the hearing.**

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 BOROUGH OF STATEN ISLAND

## No. 16

CD 2

C 930242 PPR

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of General Services, Division of Real Property, pursuant to Section 197-c of the New York City Charter, **for the disposition of three (3) city-owned properties:**

1. Two (2) city-owned properties, pursuant to zoning; and
2. One (1) city-owned property, pursuant to AHOP. If AHOP disposition is unsuccessful, disposition would be pursuant to zoning.

A list and description of the properties can be seen at the Staten Island Office of the Department of City Planning, 56 Bay Street, 6th Floor, Staten Island, New York 10301.

(On May 12, 1993, Cal. No. 7, the Commission scheduled May 26, 1993 for a public hearing which has been duly advertised.)

**Close the hearing.**

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CITYWIDE

No. 17

*(Amendments to the Zoning Resolution concerning use, bulk, design and parking regulations for developments along the waterfront.)*

N 930327 ZRY

CONTINUED PUBLIC HEARING:

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **amendment of the Zoning Resolution of the City of New York**, relating to various sections and the establishment of Article VI, Chapter 2, as follows:

Matter in ~~Graytone~~ is new, to be added;  
Matter in ~~Strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10, or 62-11;  
... indicate unchanged text omitted within a paragraph;  
\*\*\* indicate where unchanged text appears in the Zoning Resolution

Article I - General Provisions

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

\* \* \*

11-12 Establishment of Districts

\* \* \*

Residence Districts

\* \* \*

R7-2 General Residence District

~~R7-3 General Residence District~~

R7A General Residence District

\* \* \*

R9 General Residence District

~~R9-1 General Residence District~~

R9A General Residence District

\* \* \*

**11-16 Pierhead and Bulkhead Lines**

The pierhead and bulkhead lines shown on the #zoning maps# shall be the lines adopted by the United States Army Corps of Engineers, except where a New York City pierhead or bulkhead line is adopted, in which case the New York City line shall be the governing line for the purposes of this Resolution.

In the event a provision of this Resolution refers to a pierhead or bulkhead line and no such line is shown on the #zoning map#, then the #shoreline# shall control.

**12-10 DEFINITIONS**

\* \* \*

**Accessory use, or accessory**

An "accessory use":

- (a) Is a #use# conducted on the same #zoning lot# as the principal #use# to which it is related (whether located within the same or an #accessory building or other structure#, or as an #accessory use# of land), except that, where specifically provided in the applicable district regulations or elsewhere in this Resolution, #accessory# docks, off-street parking or off-street loading need not be located on the same #zoning lot#; and

\* \* \*

**Base plane [Definition moved from Section 23-61]**

A "base plane" is a plane from which the height of a #building or other structure# is measured as specified in certain Sections 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#:

- (1) 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#.
- (2) 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#.
- (3) 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#.

- (4) 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#.

\* \* \*

#### Basement

A "basement", except in ~~R2X, R3, R4, and R5 Districts~~, where a #base plane# is used to determine #building# height, 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# (or portion of 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,~~ Where a #base plane# is used to determine #building# height, 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#.

\* \* \*

#### Cellar

A "cellar", except in ~~R2X, R3, R4, R5 Districts,~~ where a #base plane# is used to determine #building# height, 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,~~ Where a #base plane# is used to determine #building# height, 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#.

\* \* \*

**Curb level** [Definition moved from Section 23-61]

\* \* \*

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#.

\* \* \*

**Lot coverage**

\* \* \*

In R2X, R3, R4 or R5 Districts, and for #residential buildings# in other districts within the #waterfront area#, obstructions permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#.

\* \* \*

**Shoreline**

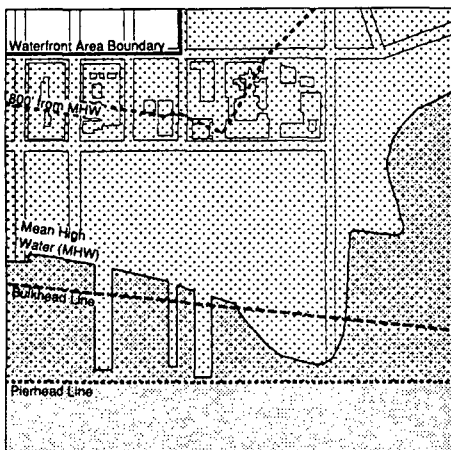
The "shoreline" is the intersection of the land with the water surface at the elevation of mean high water. The mean high water elevation shall be determined in accordance with the procedure set forth by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

\* \* \*

**Waterfront area**

The "waterfront area" is the geographical area comprising all #blocks# between the pierhead line and a line 800 feet landward from the #shoreline#. Where such line intersects a #block#, the entire #block# shall be included and the #waterfront area# boundary shall coincide with the centerline of the landward boundary #street# or other #block# boundary.

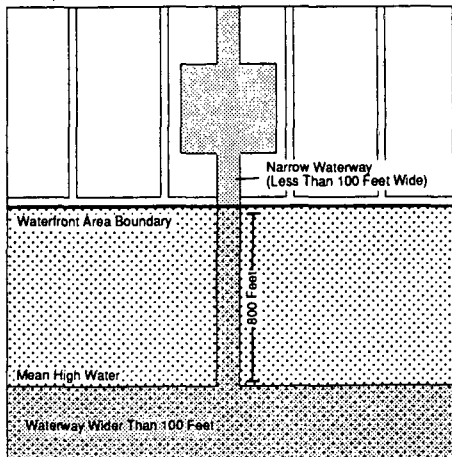
For the purposes of this definition, only #blocks# along waterways that have a minimum width of 100 feet between opposite #shores#, with no portion downstream less than 100 feet in width, shall be included within the #waterfront area#.



**Waterfront Area**



Waterfront Area



**Narrow Waterway Exclusion**



Waterfront Area

Article II - Residence District Regulations

Chapter 1 Statement of Legislative Intent

\* \* \*

21-15 R3-2, R4, R4B, R5, R6, R7, R8, R9 and R10 General Residence Districts

\* \* \*

R7-3 and R9-1 Districts may be mapped only within the waterfront area#.

\* \* \*

Chapter 2 Use Regulations

\* \* \*

22-22 By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4 or as otherwise indicated in this Section.

R3 R4 R5 R6 R7 R8 R9 R10

Docks for ferries or water taxis as listed in Use Group 6 pursuant to Section 62-732

Domiciliary care facilities for adults

\* \* \*

23-60 Height and Setback Regulations  
Definitions and General Provisions

23-61 Definitions

\* \* \*

**Base-plane**

[Entire definition deleted and incorporated into the definition of "base plane" in Section 12-10.]

**Gurb-level**

[Entire definition deleted and incorporated into the definition of "base plane" in Section 12-10.]

\* \* \*

**25-026 Applicability of regulations in R7-3 and R9-1 Districts**

R7-3 Districts shall be governed by the #accessory# off-street parking regulations of an R7-2 District; R9-1 Districts shall be governed by such regulations for an R9 District.

\* \* \*

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

**25-31 General Provisions**

\* \* \*

For Uses Permitted by Special Permit

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

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

**Docks for ferries (Parking Requirement - as provided in Section 62-53)**

Fire or police stations

\* \* \*

32-15 Use Group 6

C1 C2 C4 C5 C6 C8

\* \* \*

C. Retail or Service Establishments

\* \* \*

Clothing rental establishments...per establishment (Parking Category B)

Docks for ferries, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour (Parking Category H)

Docks for water taxis with vessel capacity limited to 10 passengers

Docks or mooring facilities for non-commercial pleasure boats (Parking Category - H)

Dry goods or fabric stores...per establishment (Parking Category B)

\* \* \*

32-18 Use Group 9

C2 C4 C5 C6 C8

\* \* \*

A. Retail or Service Establishments

\* \* \*

\*Clothing or costume rental establishments (Parking  
Category B)

Docks for sightseeing, excursion or sport fishing vessels  
limited to the following aggregate dock capacities per  
#zoning lot#:

200 in C2, C3 Districts;

500 in C4-1, C4-2, C4-3, C4-4, C7, C8-1, C8-2, C8-3  
Districts;

2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4  
Districts.

Capacity per dock shall be deemed to be the lesser of the U.S.  
Coast Guard certified capacity of the largest vessel using the dock  
or the New York City Department of Transportation operating permit  
capacity for such vessel (Parking Category H).

32-19 Use Group 10

C4 C5 C6 C8

A. Retail or Service Establishments

\* \* \*

Depositories for storage of office records...data processing  
(Parking Category G)

Docks for ferries, with no restriction on passenger load (Parking  
Category H)

Dry goods or fabric stores...per establishment (Parking Category B)

\* \* \*



## 32-23 Use Group 14

C2 C3 C7 C8

\* \* \*

## A. Retail or Service Uses

\* \* \*

Boat fuel sales...dock berth (Parking Category C)

~~Boat launching facilities for non-commercial pleasure boats.~~

Boat rentals, open or enclosed (Parking Category H)

\* \* \*

Coin-operated vending machines...self-contained machines

~~Docks for ferries, limited to an aggregate operational passenger load, per zoning lot, of 150 passengers per half hour (Parking Category H)~~~~Docks or mooring facilities for non-commercial pleasure boats less than 100 feet in length (Parking Category H)~~~~Docks for water taxis with vessel capacity limited to 10 passengers~~~~Docks for sightseeing, excursion or sport fishing vessels limited to the following aggregate dock capacities per #zoning lot#:~~~~200 in C2, C3 Districts;~~~~500 in C7, C8-1, C8-2, C8-3 Districts;~~~~2,500 in C8-4 Districts.~~~~Capacity per dock shall be deemed to be the lesser of the U.S. Coast Guard certified capacity of the largest vessel using the dock or the New York City Department of Transportation~~

operating permit capacity for such vessel.

Fishing tackle or equipment, rental or sales (Parking Category B1)

\* \* \*

**32-32 By the City Planning Commission**

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4 or as otherwise indicated in this Section

\* \* \*

Children's amusement parks...per establishment

**C6**

Docks for passenger ocean vessels pursuant to Section 62-731.

Domiciliary care facilities for adults.

\* \* \*

**36-027 Applicability of regulations in Commercial Districts governed by R7-3 or R9-1 regulations**

In #Commercial Districts# where #residential uses# are governed by the #bulk# regulations of R7-3 or R9-1 Districts, the #accessory# off-street parking regulations of R7-2 or R9 Districts shall apply.

\* \* \*

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

## 36-21 General Provisions

\* \* \*

Other commercial #uses# - #Uses# in parking requirement category H in Use Group 5, 6, 7, 8, 9, 10, 13, or 14, or when permitted by special permit.

\* \* \*

Camps...employees

Docks for non-commercial pleasure boats; rental boats; ferries; sightseeing, excursion or sport fishing vessels; or passenger ocean vessels (Parking Requirement - as provided in Section 62-53)

Hotels

\* \* \*

Funeral Establishments

~~Boat docks or boat rental establishments~~~~C2 C3 C7 C8~~~~1 per 2 boat berths~~

\* \* \*

42-12 Use Groups 3A, 6A, 6B, 6D, 6E, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16

M1 M2 M3

\* \* \*

Use Group 10A shall be limited to depositories for storage of office records, microfilm or computer tapes, or for data processing; docks for ferries; office or business machine stores,

sales or retail; photographic or motion picture production studios; and radio or television studios.

\* \* \*

42-13 Use Groups 6C, 9A and 12B

M2 M3

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists' supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis;...and watch or clock repair shops.

42-14 Use Group 17

M1 M2 M3

\* \* \*

C. Miscellaneous Uses

Agriculture...truck gardens.

Docks for passenger ocean vessels

Docks for sightseeing, excursion or sport fishing vessels, with no limitation on vessel or dock capacity

Docks for vessels not otherwise listed

Public transit...as to size.

\* \* \*

Trucking terminals...per establishment

~~Waterfront shipping~~

\* \* \*

44-20 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR  
MANUFACTURING, COMMERCIAL, OR COMMUNITY FACILITY USES

44-21 General Provisions

\* \* \*

Camps...employees

Docks for non-commercial pleasure boats; rental boats;  
ferries; sightseeing, excursion or sport fishing vessels;  
passenger ocean vessels; or vessels not otherwise listed  
(Parking Requirement - as provided in Section 62-53)

\* \* \*

Funeral Establishments

~~Boat docks or boat rental establishments~~  
~~M1 M2 M3~~  
~~1 per 2 boat berths~~

\* \* \*

**Article VI - Special Height Regulations Applying ~~Applicable~~  
~~Around Major Airports~~ to Certain Areas**

**Chapter 1 ~~Restrictions of Maximum Height of Buildings~~ ~~Special~~  
~~Regulations Applying Around Major Airports~~**

**61-00 General Provisions**

The maximum height of buildings or other structures shall be regulated by the special controls set forth in this ~~Article~~ ~~Chapter~~.

The definitions applicable to this ~~Article~~ ~~Chapter~~ are set forth in Section 61-30.

\* \* \*

**61-11 Designation of Major Airports**

The major airports are hereby designated to include ~~New York~~ ~~John F. Kennedy~~ International, LaGuardia and U.S. Naval Air Station (Floyd Bennett Field).

\* \* \*

**61-42 Runways for Major Airports**

\* \* \*

[RUNWAY DIAGRAM FOR JFK AIRPORT]

~~New York~~ ~~John F. Kennedy~~ International Airport

\* \* \*

[N.B. All of Article VI, Chapter 2, is new text.]

## Chapter 2 Special Regulations Applying in the Waterfront Area

### 62-00 GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to guide development along the City's waterfront and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to maintain and reestablish physical and visual public access to and along the waterfront;
- (b) To promote a greater mix of uses in waterfront developments in order to attract the public and enliven the waterfront;
- (c) To encourage water dependent uses along the City's waterfront;
- (d) To create a desirable relationship between new development and the water's edge, public access areas and adjoining upland communities;
- (e) To protect natural resources in environmentally sensitive areas along the shore.

### 62-10 GENERAL PROVISIONS

#### 62-11 Definitions

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

#### Development

For the purposes of this Chapter, a "development" shall also include:

- (a) an #enlargement# or any other alteration that increases the height or coverage of an existing #building or other structure#;
- (b) an #enlargement# that increases the portion of a tract of land occupied by an existing #use#;
- (c) an #extension#; or
- (d) a change of #use# from one Use Group to another, or from one #use# to another in the same Use Group, or from one #waterfront area use# classification to another.

#### Floating Structure

A "floating structure" is any vessel, barge or other water-supported structure that is permanently moored or otherwise attached to a #pier#, wharf, dock, #platform#, bulkhead or flotation system for a period of more than 180 consecutive days.

#### Pier

A "pier" is a structure at the water's edge, not otherwise defined as a #platform#, that is:

- (a) a pile-supported overwater structure, or a portion thereof, that projects from a #shoreline#, bulkhead or #platform#; or
- (b) a solid-core structure, or a portion thereof, constructed for the docking of water-borne vessels, that projects from the land or from a #platform#.

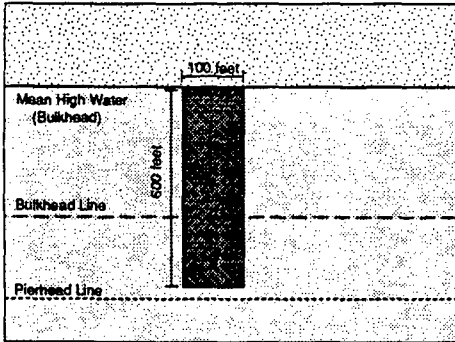
Projections from #platform#s shall be considered #piers# if their length, measured from the portion of the #platform# from which they project, exceeds 50 percent of their width at such portion. Any further extensions from such projections shall be considered #piers# regardless of their configuration.



**Platform**

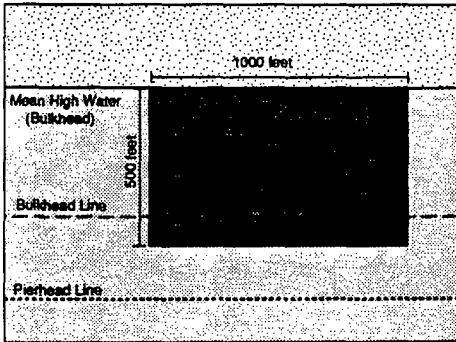
A "platform" is a pile-supported or solid-core structure at the water's edge, or a portion thereof, that:

- (a) is permanently connected to the land; and
- (b) has a seaward dimension that does not exceed 50 percent of its dimension along the land to which it is connected.



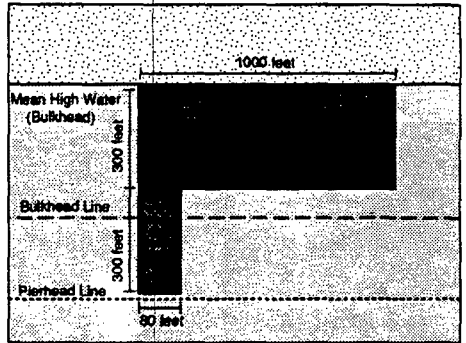
**Pier**

Length: 600 ft.  
 Width: 100 ft.  
 Ratio: 6:1 > 0.5:1 (length to width)



**Platform**

Length: 500 ft.  
 Width: 1000 ft.  
 Ratio: 0.5:1 ≤ 0.5:1 (length to width)



**Platform with Pier Portion**

**Platform**  
 Length: 300 ft.  
 Width: 1000 ft.  
 Ratio: 0.3:1 < 0.5:1 (length to width)

**Pier**  
 Length: 300 ft.  
 Width: 80 ft.  
 Ratio: 3.75:1 > 0.5:1 (length to width)

**Piers/Platforms: Configuration**



Land



Pier (or Pier Portion)



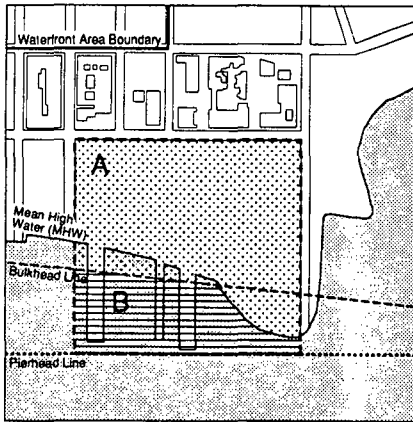
Platform

**Predominantly**

"Predominantly" shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or on the #zoning lot# or, in the case of open #uses#, the #lot area#.

**Seaward Lot**

A "seaward lot" is the portion of a waterfront #zoning lot# located seaward of the #bulkhead line#, except for any above water land included as part of the #upland lot#.



**Seaward/Upland Lots**



### Shore Public Walkway

A #shore public walkway# is a linear public access area running laterally along the shore or water edges of a #platform# on a waterfront #zoning lot#.

### Supplemental Public Access Area

A "supplemental public access area" is a waterview plaza, waterview park, waterview sitting area or residual area provided on a waterfront #zoning lot#, in addition to other required public access areas, in order to fulfill the waterfront access requirements.

### Upland Connection

An "upland connection" is a pedestrian way which provides a public access route from a #shore public walkway# or a #supplemental public access area# to a public #street#, #public park# or other public place.

### Upland Lot

An "upland lot" is the portion of a waterfront #zoning lot# located landward of the bulkhead line. Where a portion of the #shoreline# projects seaward of the bulkhead line, such above water land shall be included as part of the #upland lot#.

### Visual Corridor

A "visual corridor" is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, #public park# or other public place.

### Water Coverage

"Water coverage" is the portion of a #zoning lot# beyond the

#shoreline# that, when viewed directly from above, would be covered by a #pier#, #platform# or #floating structure#. #Water coverage# shall not include docking or navigational appurtenances which may project from the aforementioned structures.

For the purpose of applying #water coverage# to any provision of this Resolution relating to #lot area#, a #pier# or #platform# shall be structurally sound and physically accessible directly from the shore, with a surface capable of lawful occupancy.

### Waterfront Yard

A #waterfront yard# is that portion of a waterfront #zoning lot# extending open and unobstructed from the lowest level to the sky along the entire length of the #shoreline#, stabilized natural shore, bulkhead or water edge of a #platform#, as applicable, for a depth or width as set forth in this Chapter.

### 62-12 Applicability to Developments in the Waterfront Area

Within the #waterfront area#, all #developments# on #zoning lots# within waterfront #blocks# shall be subject to all provisions of this Chapter, unless stated otherwise. For the purposes of this Chapter, a #block# within the #waterfront area# that abuts a waterfront #public park# shall be deemed to be part of a waterfront #block#. #Developments# on other #zoning lots# within the #waterfront area# shall be subject to the regulations of this Chapter only when part of a large-scale development, any portion of which is within a waterfront #block#, or when on #zoning lots# located in an area designated as part of a Waterfront Access Plan in accordance with Section 62-80.

Any #development# approved by special permit or authorization of the City Planning Commission or any #zoning lot# subject to a restrictive declaration in conjunction with a land use action by the City Planning Commission and City Council, or former Board of Estimate, as applicable, prior to (effective date of text amendment) may be started or continued pursuant to such special

permit, authorization or the terms of such restrictive declaration.

The Commission may authorize modifications of such special permit or authorization; or the terms of a restrictive declaration may be modified by the City Planning Commission and, if applicable, the City Council, provided such modifications do not:

- (a) increase the height or #lot coverage# of any #building# in a waterfront #block# beyond the maximum set forth in Section 62-30;
- (b) extend the location of the exterior walls of any #building# within a waterfront #block# above the maximum base height for the district as set forth in Section 62-35;
- (c) increase the total #floor area# on any #zoning lot# within a waterfront #block#;
- (d) obstruct a required #visual corridor# or increase any existing obstruction of such #visual corridor#;
- (e) increase the size of a #pier# or #platform# or the size of any #building or other structure# on a #pier# or #platform#; or
- (f) involve a change that would create a requirement for public access or #visual corridors# without complying with the provisions of Section 62-711 (Waterfront public access and visual corridors).

### 62-13 Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

In the event a special purpose district imposes a restriction on the height of a #building or other structure# that is lower than

the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following special purpose districts:

- #Special Battery Park City District#
- #Special South Street Seaport District#
- #Special Manhattan Landing District#

The #Special Sheepshead Bay District# shall be applicable, except that Section 94-061 (Uses permitted by right) shall be modified to permit all WD #uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

#### 62-131 Applicability of Chapter 3 of Article VII

The following special permits by the Board of Standards and Appeals shall not be applicable within waterfront #blocks#:

- Section 73-64 (Modification for Community Facility Uses)
- Section 73-68 (Height and Setback and Yard Modifications)

The following special permits by the Board of Standards and Appeals shall be applicable on waterfront #blocks# only as modified below:

- Section 73-12 (Community Facility Uses in R1 or R2 Districts) shall be applicable, except that:

- (a) all references to #floor area ratio# and #open space ratio# shall be modified in accordance with the provisions of Section 62-32 pertaining to #floor area ratio# and #lot coverage#, which provisions the Board may modify pursuant to Section 73-12; and
- (b) all findings involving the amount and distribution of #open space# shall be made

using the open area of the lot resulting from the maximum #lot coverage# set forth in Section 62-32.

Section 73-45 (Modification of Off-Site Parking Provisions) and Section 73-49 (Roof Parking) shall be applicable, except for those provisions expressly modified by Section 62-50 (Special Parking and Loading Regulations).

#### 62-132 Applicability of Chapters 4, 8 & 9 of Article VII

The following special permits by the City Planning Commission shall not be applicable on waterfront #blocks#:

Section 74-72 (Bulk Modification)  
 Section 74-75 (Educational Construction Fund Projects)  
 Section 74-82 (Through Block Arcades)  
 Section 74-84 (Developments with Existing Buildings)  
 Section 74-851 (Height and Setback Regulations for Certain Residential Buildings)  
 Section 74-852 (Height and Setback Regulations for Developments on Lots Divided by District Boundaries)  
 Section 74-87 (Covered Pedestrian Space)

The following special permits by the City Planning Commission shall be applicable on waterfront #blocks# only as modified below:

Section 74-51 (Public Parking Garages or Public Parking Lots Outside High Density Central Areas) and  
 Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable subject to the provisions of Section 62-26 and the special permit provisions of Section 62-735.  
 Section 74-53 (Accessory Group Parking Facilities for Uses in Large-Scale Residential or Large-Scale Community Facility Developments) shall be applicable, except that finding (d), relating to roof parking, shall

not apply. In lieu thereof, the provisions of Sections 62-511 and 62-521 shall apply.

Section 74-711 (Landmark Preservation in All Districts) shall be applicable, except that #bulk# modification shall also include modification of public access or #visual corridor# requirements. However, in no event shall modification of paragraph (a) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) be permitted.

Section 74-79 (Transfer of Development Rights from Landmarks Sites) shall be applicable, except that permissible modifications shall also include all #bulk# regulations set forth in Section 62-30 (Special Bulk Regulations), except for paragraph (a) of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) and maximum #floor area ratio# for the applicable district set forth in Section 62-32. Modifications may also include public access and #visual corridor# requirements set forth in Sections 62-40 and 62-60.

Section 74-74 (General Large-Scale Developments)

Section 78-00 (Large-Scale Residential Developments)

Section 79-00 (Large-Scale Community Facility Developments)

The large-scale development provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

- (a) In the event a large-scale development consists of a portion within a waterfront #block# and a portion within a non-waterfront #block#, all #zoning lots# within the development shall be subject to the #bulk# regulations of Section 62-30 (Special Bulk Regulations).



- (b) In the event a large-scale development is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the development and such #development# shall be deemed to be located entirely within the #waterfront area#.
- (c) Any height and setback modifications within a waterfront #block# shall not result in:
- (1) an increase in height for any portion of a #building or other structure# beyond 20 feet or 20 percent, whichever is greater, of the amount set forth in Section 62-35; or
  - (2) an increase in area of any portion of a #building# beyond 20% of the amount set forth in Section 62-35;

Such limitation on height and setback modifications shall not apply to #buildings or other structures# on non-waterfront #blocks#.

- (d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a waterfront #block# beyond 20 percent of the amount otherwise allowed by Section 62-32. In the event such #zoning lot# to which #bulk# is distributed is a waterfront #zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not

apply to #zoning lots# within non-waterfront #blocks#.

- (e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-722. In lieu of making finding (a)(1) or (2), the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-40 and 62-60.

### 62-133 Applicability of the Quality Housing Program

In R6, R7, R8, R9, and R10 Districts with a letter suffix, and in any C1 or C2 District mapped within such Districts, and in any other #Commercial District# with a letter suffix, any #residential building# or any #residential# portion of a #mixed building developed# on a #zoning lot# within a waterfront #block# shall comply with the applicable district #bulk regulations# as set forth in this Chapter, and shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program), except as modified in paragraphs (a) through (d), below.

In R6, R7, R8, R9, and R10 Districts and in any C1 or C2 District mapped within such Districts, and in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts, any #residential building# or any #residential# portion of a #mixed building developed# on a #zoning lot# on a waterfront #block# shall comply with the applicable district #bulk regulations# as set forth in this Chapter. The #bulk# regulations in Article II, Chapter 3, applicable to Quality Housing #developments# shall not apply. However, all other requirements of the Quality Housing Program set forth in Article II, Chapter 8 shall apply except as modified in paragraphs (a) through (d), below.

- (a) The requirements of Section 28-13 (Ground Floor Glazing) shall also apply to at least 30 percent of the frontage length of any building wall facing and within 15 feet of an #upland connection# or #shore public walkway#.
- (b) #Developments# that provide a #shore public walkway# in accordance with the requirements of Section 62-60 shall be deemed to have met the preferred standards for outdoor recreation space specified in Section 28-30 (Recreation Space and Planting Areas).
- (c) For the purposes of paragraph (a) of Section 28-351 (Location of Required Planting), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.
- (d) The requirements of paragraph (b) of Section 28-351 (Location of required planting) shall apply only to #developments# that increase the existing #floor area# on the #zoning lot# by at least 20 percent.
- (e) The visibility requirements of Section 28-42 (Entrance to Buildings) shall be met when the new main entrance of any #development# is directly visible from a #street# or public access area. The main lobby of such #development# need not comply with these visibility requirements.

#### 62-134 Applicability of Chapter 7 of Article VII

The provisions of Article VII, Chapter 7, (Special Provisions for Zoning Lots Divided by District Boundaries) shall be applicable on waterfront #blocks# as modified below:

Section 77-24 (Lot Coverage) shall be applicable, except that the method set forth in such Section shall apply to both #community facility buildings# and #residential buildings# in accordance with the #lot coverage# provisions set forth in 62-32.

Section 77-28 (Height and Setback Regulations) shall be applicable, except that all references to #street# frontage shall be inapplicable. In lieu thereof, the percentage of the #zoning lot# in each district shall be used to determine the quantitative requirements. The provisions in such Section for #developments# or #enlargements# built pursuant to the Quality Housing Program shall be inapplicable. Furthermore, the height and setback regulations applicable to the district in which more than 50 percent of the #lot area# on 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 the #zoning lot# in the district in which less than 50 percent of the area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

#### 62-14 Requirements for Recordation

All required #visual corridors#, #shore public walkways#, #supplemental public access areas# and #upland connections#, once certified in accordance with the provisions of Section 62-711 (Waterfront public access and visual corridors), shall be duly recorded by the Chairman of the City Planning Commission.

In addition, the above elements shall be recorded on the certificate of occupancy by the Department of City Planning reference number and shall be a condition of issuance of such certificate of occupancy.

#### 62-15 Integration of Waterfront Access Plans

Waterfront Access Plans shall be set forth in Section 62-80 of this Chapter. Such plans shall supersede, supplement or modify certain provisions of this Chapter. Except as expressly stated otherwise in

the plan, all provisions of this Chapter remain in effect in the area subject to such plan.

## 62-20 SPECIAL USE REGULATIONS

### 62-21 Classification of Uses in the Waterfront Area

The following #uses# shall be classified in accordance with their relationship to the water; "WD" (water dependent) or "WE" (waterfront enhancing).

#### 62-211 WD Uses (Water Dependent)

WD #uses# require direct access to a body of water in order to function or use waterways for transport of materials or products. WD #uses# shall be limited to the following:

##### From Use Group 4:

- Non-profit private beach clubs
- Non-profit private boat clubs

##### From Use Group 6:

- Docks for ferries limited as to passenger load\* (also listed in Use Group 14)
- Docks for water taxis\* (also listed in Use Group 14)
- Docks or mooring facilities for non-commercial pleasure boats (also listed in Use Group 14)
- Terminal facilities at river crossings for access to electric, gas or steam lines

##### From Use Group 7:

- #Boatels#

##### From Use Group 9:

- Docks for sightseeing, excursion or sport fishing vessels, limited as to dock capacity per #zoning lot#\* (also listed in Use Group 14)

## From Use Group 10:

Docks for ferries with no restriction on passenger load

## From Use Group 13:

Commercial beaches

Boat fuel sales establishments, open or enclosed, without restriction as to location

## From Use Group 14:

Boat fuel sales establishments, open or enclosed, restricted to location within ten feet of a boat dock berth

Boat launching facilities for non-commercial pleasure boats

Boat rental establishments, open or enclosed

Boat storage, repair, or painting establishments

## From Use Group 16:

Boat sales establishments, open or enclosed.

Public transit yards\*, trucking terminals\*, warehouses and wholesale establishments\*, provided such #uses# ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#.

## From Use Group 17:

Boat building or repair establishments, open or enclosed, for boats less than 200 feet in length\*

Docks for passenger ocean vessels

Docks for sightseeing, excursion or sport fishing vessels, with no restriction on vessel or dock capacity

Docks for vessels not otherwise listed

All other #uses# in Use Group 17 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

## From Use Group 18:

Marine transfer stations for garbage

Sewage disposal plants

Ship or boat building establishments or repair yards, for vessels 200 feet in length or over.

All other #uses# in Use Group 18 that ship or receive materials or products by water as evidenced by operational docking facilities on the #zoning lot#

Other Uses:

Airports

Heliports

Seaplane bases

#Uses accessory# to the above listed uses

\*Refer to Use Groups for detailed description of this use.

62-212 WE uses (Waterfront Enhancing)

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group 3:

Art galleries, non-commercial

Colleges or universities\*

Libraries

Museums

#Schools#

From Use Group 4:

Churches

Community Centers

Non-commercial clubs, with restrictions\*

Parks or playgrounds

Recreation centers, non-commercial

Philanthropic or non-profit institutions without sleeping accommodations\*

Golf courses

Tennis courts, outdoor

## From Use Group 5:

#Transient Hotels#

## From Use Group 6:

All #uses# in Use Group 6A and 6C, not otherwise listed as  
WD #uses# (some uses also listed in Use Group 14)

Non-commercial clubs, without restrictions\* (also listed in  
Use Group 14)

## From Use Group 7:

Bicycle rental or repair shops (also listed in Use Group 14)

#Motels or tourist cabins#\*

Refreshment stands, drive-in (also listed in Use Group 13)

Sailmaking establishments

## From Use Group 8:

Ice vending machines, coin-operated\* (also listed in Use  
Group 14)

Theaters\*

## From Use Group 9:

Boat showrooms or sales establishments\*

Catering establishments (also listed in Use Group 13)

Gymnasiums\*

Wedding chapels or banquet halls (also listed in Use Group 13)

## From Use Group 10:

Eating or drinking places without restrictions on  
entertainment or dancing, but limited to location in  
hotels

## From Use Group 12:

Arenas, auditoriums, or stadiums, with capacity limited to  
2,500 seats

Eating or drinking establishments with entertainment or  
dancing\*

Historical exhibits\*

Skating rinks, enclosed



## From Use Group 13:

Camps, overnight or outdoor day  
 Children's amusement parks, limited to 10,000 square foot  
 #zoning lot#\*  
 Circuses, carnivals or fairs of a temporary nature  
 Commercial swimming pools  
 Golf driving ranges  
 Miniature golf courses  
 Outdoor ice or roller skating rinks  
 Outdoor skateboard parks\*

## From Use Group 14:

Boat showrooms or sales establishments, restricted to boats  
 less than 100 feet in length\*  
 Fishing tackle or equipment, rental or sales  
 Sporting goods sales or rental establishments\*

## From Use Group 15: All uses listed

## From Use Group 16:

Riding academies, open or enclosed  
 Stables for horses

#Uses accessory# to the above listed #uses#

\* Refer to Use Group for detailed description of this use.

**62-22 Commercial Docking Facilities**

Commercial docking facilities are listed in Use Groups 6, 9, 10, 14 and 17 in Sections 32-10 and 42-10.

**62-23 Accessory Residential Docking Facilities**

The definition of #accessory use# in Section 12-10 (Definitions) is modified in accordance with the provisions of this Section.

**62-231 Rental of accessory berths to non-residents**

Berths or moorings for non-commercial pleasure boats provided as an #accessory use# to a #residential use# may be rented to persons who are not occupants of the #residences# to which such berths or moorings are #accessory#, for the accommodation of the non-commercial pleasure boats used by such non-residents, provided that:

- (a) not more than 40 percent of such berths or moorings are so occupied by non-residents;
- (b) except in Community Boards 1 through 8 in Manhattan, an additional off-street parking space, in a location adjacent to the docking facility, is provided for each berth or mooring so occupied.
- (c) such off-street parking spaces comply with all other provisions of this Resolution for the district in which they are located; and
- (d) the total number of #accessory# berths or moorings does not exceed the total number of #dwelling units# to which they are #accessory#.

**62-232 Off-site accessory residential berths**

#Accessory# berths or moorings may be provided on a #zoning lot# other than the same #zoning lot# as the #residences# to which such berths or moorings are #accessory#, provided that:

- (a) both #zoning lots# are contiguous or would be contiguous except for their separation by a #street# or #street# intersection; and
- (b) both #zoning lots# are in common ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10).

## 62-24 Uses on Piers and Platforms

#Piers# and #platforms# shall be classified as either existing or new for the purposes of the #waterfront area# regulations. A #pier# or #platform# shall be classified as existing only if the pile-supported or solid-core structure, or its supporting piles, is visible in the aerial photographs of New York City flown by Lockwood, Kessler and Bartlett in April 1988.

#Uses# on existing #piers# or #platforms# shall be subject to the provisions of Section 62-241. #Uses# on new #piers# or #platforms# shall be subject to the provisions of Section 62-242.

### 62-241 Uses on existing piers and platforms

The #use# of an existing #pier# or #platform# may be continued or such #use# may be changed, #enlarged# or #extended# in accordance with the #use# regulations of the applicable district unless specifically provided otherwise in this Chapter. However, no #residential use# shall be permitted within a #building# on a #pier# unless 50 percent or more of the #floor area# of the lowest #story# is occupied by WE uses.

### 62-242 Uses on new piers and platforms

New #piers# and #platforms# shall be limited to WD and WE #uses#. Any enclosed WE #use#, not #accessory# to a WD #use#, shall be limited to 2,500 square feet of #floor area# per establishment and the coverage of all enclosed structures for WE #uses# on a #pier# or #platform# shall not exceed, in aggregate, 25 percent of the #water coverage# of the #pier# or #platform#.

Conversions from the above permitted #uses# to any other #use# are permitted only by special permit pursuant to Section 62-734. In no event shall #bulk# distribution to the #upland lot# be permitted from portions of a new #pier# or #platform# located within the #seaward lot#.

## 62-25 Uses on Floating Structures

WD #uses# shall be permitted on #floating structures# in accordance with the applicable district regulations.

The following WE #uses# shall be permitted on a floating structure, in accordance with the applicable district regulations, only if the #water coverage# of such #floating structure# does not exceed 5,000 square feet:

- (a) eating or drinking establishments as listed in Use Groups 6 or 12;
- (b) theaters as listed in Use Group 8; and
- (c) any other WE #use#, provided such #use# is open to the sky except for minor #accessory# structures of less than 150 square feet.

Other #uses# shall be permitted on #floating structures# only by special permit pursuant to Section 62-633.

The applicable district #sign# regulations are modified as follows:

- (1) No #advertising signs# shall be permitted in any district.
- (2) No #flashing signs# shall be permitted in any district.
- (3) The regulations pertaining to roof signs shall be inapplicable.
- (4) The maximum height of a sign shall be measured from water level in lieu of #curb level#.
- (5) The maximum dimension of the floating structure on each side shall be used in lieu of #street# frontage of the #zoning lot# to determine the permitted area of #signs#.

- (6) Each side of the #floating structure# shall be deemed to be a #street# frontage for the purposes of maximum size of #sign# computations and the maximum area of #signs# for each side shall be as set forth for each #street# frontage of a #corner lot#.

#### 62-26 Special Use Regulations for Public Parking Facilities

#Public parking lots# and #public parking garages# shall be permitted in the waterfront #blocks# only as provided in this Section.

In C8 and #Manufacturing Districts#, public parking facilities shall be permitted in accordance with the applicable district regulations. In other districts, public parking facilities shall be permitted within waterfront #blocks# only by special permit pursuant to Section 62-735. The requirement for such special permit shall be in addition to any special permit or authorization requirements of the applicable district.

#### 62-30 SPECIAL BULK REGULATIONS

All #zoning lots# within waterfront #blocks# shall comply with the #bulk# regulations of this Section. Existing #non-complying buildings or other structures# shall be subject to the provisions of Article V (Non-conforming Uses and Non-complying Buildings).

#### 62-31 Bulk Computations on Waterfront Zoning Lots

On waterfront #zoning lots#, the areas of the #upland lot# and the #seaward lot# shall be computed separately.

- (a) Within the #seaward lot#, only the #water coverage# of #piers# or #platforms# shall be deemed to be #lot area# for the purpose of determining allowable #floor area, dwelling units# or #rooming units# on such structures or to satisfy any other #bulk# regulations, unless expressly stated otherwise. #Lot coverage# provisions shall not apply to the #seaward lot#.

Except for #piers#, platforms# or #floating structures# occupied #predominantly# by WD #uses#, the maximum #water coverage# permitted on a #zoning lot# shall not exceed 50 percent and the #water coverage# of an existing #pier# or platform# may not be increased by more than ten percent.

All #bulk# regulations pertaining to the #upland lot# shall be satisfied entirely on such portion of the #zoning lot#. All #floor area, dwelling units# or #rooming units# generated by such portion shall be located within the #upland lot# and all #lot coverage# computations shall be based solely on the area of the #upland lot#.

- (b) #Floor area, dwelling units# or #rooming units# generated by existing #piers# or #platforms# within the #seaward lot# may be located anywhere on the #zoning lot# provided the amount on the #upland lot# does not exceed the maximum for the district on such portion of the #zoning lot# by more than 20 percent. No #bulk# distribution from the #seaward lot# shall be permitted for new #piers# or #platforms#.

**62-32 Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks**

**62-321 Residential development In R3, R4, and R5 Districts**

The maximum #floor area ratio# and #lot coverage# for #residential buildings# in R3, R4, and R5 Districts shall be in accordance with the applicable district regulations, except as provided in Section 62-323.

**62-322 Residential development In R1, R2, R6, R7, R8, R9, and R10 Districts**

For #residential buildings# in R1, R2, R6, R7, R8, R9, and R10 Districts, the regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage, Maximum Quality Housing Lot Coverage and Maximum Floor Area Ratio) through Section 23-18 (Floor Area Bonus for Arcades) shall not apply, except as provided in Section 62-323. The maximum #floor area ratio# and #lot coverage# for any #building or other structure# on a #zoning lot# within a waterfront #block# shall as specified in the following table:

TABLE 62.322

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE  
FOR RESIDENTIAL BUILDINGS

District	Maximum floor area ratio	Maximum lot coverage (in percent)
R1 R2	.50	35
R6B	2.00	60
R6	2.43	65
R6A R7B	3.00	65
R7-1 R7-2	3.44	65
R7A R8B	4.00	70
R7-3 R7X	5.00	70
R8 R8A R8X	6.02	70
R9, R9A	7.52	70
R9-1 R9X	9.00	70
R10 R10A	10.00*	70

\* In R10 Districts, the #floor area ratio# for any #building# on a #zoning lot# within a waterfront #block# may be increased to a maximum of 12 pursuant to Section 23-90 (INCLUSIONARY HOUSING).

**62-323 Non-profit residences for the elderly in R3, R4, R5, R6,  
and R7 Districts**

In the districts indicated, the maximum #floor area ratio# and #lot coverage# for #non-profit residences for the elderly# on a #zoning lot# within a waterfront #block# shall be as specified in the following table:

TABLE 62.323

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE  
FOR NON-PROFIT RESIDENCES FOR THE ELDERLY  
IN R3, R4, R5, R6, AND R7 DISTRICTS

District	Maximum Floor Area Ratio	Maximum Lot Coverage (in percent)
R3	.95	55
R4	1.29	55
R5 R6B	1.95	60
R6 R6A R7B	3.90	65
R7 R7A R7X	5.01	70

**62-324 Community facility buildings in Residence Districts**

In #Residence Districts#, for any #community facility building# or any #building# used partly for #community facility use# on a #zoning lot# within a waterfront #block#, the following regulations shall apply:

- (1) The maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall apply.



(2) The maximum percent of #lot coverage# specified in Section 24-11 (Maximum Floor Area Ratio and Percent of Lot Coverage) shall not apply. In lieu thereof, the following #lot coverage# regulations shall apply:

TABLE 62.324

## MAXIMUM LOT COVERAGE FOR COMMUNITY FACILITY BUILDINGS

District	Maximum lot coverage (in percent)
R1 R2 R3 R4 R5	60
R6B	65
R6 R6A R7B R7-1	70
R7-2 R7-3 R7X R8 R8A R8X R9A	75
R9 R9-1 R9X R10 R10A	80

Any portion of a #building# at any height up to but not exceeding 23 feet above the #base plane# may be excluded in determining the percent of #lot coverage# set forth in the table above.

## 62-325 For buildings in Commercial Districts

In #Commercial Districts#, for any #commercial# or #community facility building# or #building# used for both #commercial# and #community facility uses# on a #zoning lot# within a waterfront #block#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except:

- (a) no #floor area# bonuses shall be permitted; and
- (b) the #floor area ratio# on a #zoning lot# shall not exceed 10.

The maximum #floor area ratio# and #lot coverage# applicable to #residential buildings# set forth in Sections 62-321 through 62-323 shall apply to all #residential buildings, residential# portions of #mixed buildings# and #buildings# used for both #residential and #community facility uses#.

#### 62-326 Buildings in Manufacturing Districts

In #manufacturing districts#, for any #building# on a #zoning lot# on a waterfront #block#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall be permitted.

#### 62-33 Residential Density Regulations on Waterfront Blocks

The maximum number of #dwelling units# or #rooming units# on a #zoning lot# within a waterfront #block# shall be in accordance with the provisions of this Section.

R1 R2 R3 R4 R5 R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A

(a) In the districts indicated, the maximum number of #dwelling units# or #rooming units# shall be in accordance with the applicable district regulations.

R6 R7-1 R7-2 R7-3 R8 R9 R9-1 R10

(b) In the districts indicated, without a letter suffix, the regulations of Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) pertaining to #lot area per room# shall not apply. In lieu thereof, the

maximum number of #dwelling units# or #rooming units# shall be as specified in the following table:

TABLE 62.33

REQUIRED AREA LOT AREA PER DWELLING OR ROOMING UNIT  
(in square feet)

District	Required Lot Area per Dwelling Unit	Required Lot Area per Rooming Unit
R6	278	206
R6 #non-profit residences for the elderly#	183	146
R7-1 R7-2	198	138
R7-1, R7-2 #non-profit residences for the elderly#	143	114
R7-3	135	100
R8	123	88
R9	98	78
R9-1	88	66
R10	79	60

#### 62-34 Special Yard Regulations Within Waterfront Blocks

#Yard# regulations for #zoning lots# within waterfront #blocks# shall be governed by the provisions of this Section. However, the provisions of Sections 62-341 and 62-342 shall not apply to WD #uses# or, in C8 or #Manufacturing Districts#, to #developments# comprised #predominantly# of #uses# in Use Groups 16, 17 or 18.

No #yard# regulations shall be applicable on #piers# or #floating structures# nor may #piers# or #floating structures# be used to satisfy any #yard# requirements

#### 62-341 Front yards and side yards

#Front yards# and #side yards# shall be provided on #zoning lots# within waterfront #blocks# in accordance with applicable district

regulations, except that any #rear lot line# that intersects the #shoreline# shall be deemed to be a #side lot line# and be subject to #side yard# regulations.

#### 62-342 Rear yards and waterfront yards

#Rear yard# regulations shall be inapplicable on waterfront #zoning lots#. In lieu thereof, a #waterfront yard# shall be provided along the entire length of the #shoreline# with a depth as set forth in Table 62.342. The minimum depth shall be measured from the edge of the bulkhead, landward edge of stabilized natural shore or, in the case of natural #shorelines#, the mean high water line, whichever is further landward.

Where a #platform# projects from the #shoreline# or bulkhead, such #waterfront yard# shall continue along the water edge of such #platform# until it again intersects the #shoreline# or bulkhead, at which point it shall continue to follow the #shoreline# or bulkhead.

No #building or other structure# shall be erected above ground level or #platform# level in a #waterfront yard#. Permitted obstructions in #waterfront yards# in all districts shall be limited to those allowed for #rear yards# as listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), except that the following obstructions shall not be permitted:

- \*#Accessory# swimming pools
- \*#Accessory# off-street parking spaces, open or enclosed
- \*Open terraces or porches
  - Walls exceeding 3 feet 6 inches in height
- \*Unenclosed balconies
- \*#Accessory# non-commercial greenhouses.

\* Except when #accessory# to #single or two-family residences# in #detached, semi-detached# or #zero lot line buildings#. However, only open #accessory off-street parking spaces shall be permitted.

TABLE 62.342

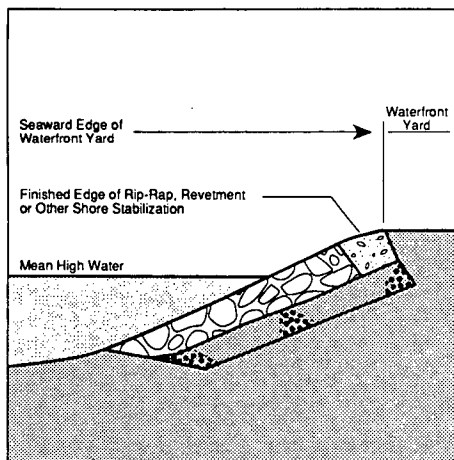
## WATERFRONT YARD DEPTH FOR ALL DISTRICTS

<u>Column A</u>					<u>Column B</u>				
Districts with 30 foot requirement					Districts with 40 Foot Requirement				
R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
C1	C2	mapped in above districts			C1	C2	mapped in above districts		
C3					C1-6	C1-7	C1-8	C1-9	
					C2-6	C2-7	C2-8		
					C4	C5	C6	C7	C8
					M1 M2 M3				

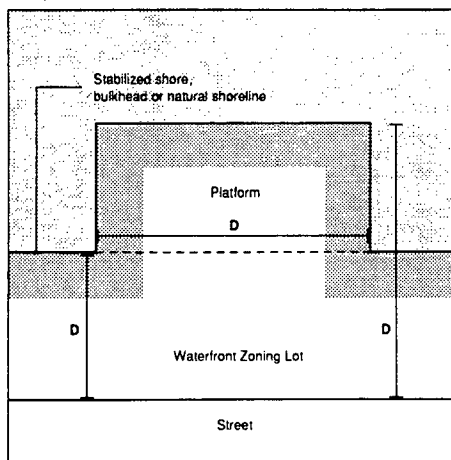
The minimum depth set forth in the table above may be reduced at the following locations:

- (a) along those portions of the landward edge of stabilized shore, bulkhead or natural #shoreline# having a lot dimension, measured perpendicular and landward from such edge, that is less than 70 feet in the case of districts in column A or 80 feet in the case of districts in column B; and
- (b) along those portions of the water edge of a #platform# having a dimension, measured perpendicular to such water edge to either an opposite water edge or a landward #lot line#, that is less than 70 or 80 feet, as applicable for the district in paragraph (a).

For such narrow portions of lots or #platforms#, the minimum depth may be reduced by one foot for each foot that the lot or platform dimension is less than 70 or 80 feet, as applicable. However, in no event shall the #waterfront yard# be reduced to less than ten feet.



Waterfront Yard at Stabilized Natural Shoreline



Waterfront Yard



Waterfront Yard

D

Dimension for Determining Minimum Width of Waterfront Yard on Narrow/Shallow Lots and Platforms

## 62-35 Height and Setback Regulations On Waterfront Blocks

Height and setback regulations for #zoning lots# within waterfront #blocks# shall be governed by the provisions of this Section. However, airports, heliports, seaplane bases and, in C8 and #Manufacturing Districts, developments# comprised #predominantly# of #uses# in Use Group 16, 17 or 18 shall be exempt from the requirements of this Section.

The height of all #buildings or other structures# on waterfront #blocks# shall be measured from the #base plane#. For #buildings# with pitched roofs, maximum building height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section 23-631. For #developments# subject to Sections 62-351 and 62-352, the obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 shall apply.

**62-351 Developments on waterfront blocks**

All #developments#, except those on #piers# or #floating structures# shall be subject to the height and setback provisions of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-352 and 62-353.

(a) In R1, R2, R3, R4, and R5 Districts, and in C1 and C2 Districts mapped within such districts; in C3, C4-1, and C8-1 Districts; and in M1-1 Districts, the applicable district height and setback regulations are applicable or modified as follows:

(1) #Residential buildings#

(i) In R1 and R2 Districts, the height and setback regulations of Section 23-60 and 24-50 shall not apply. In lieu thereof, no #residential building# shall exceed a height of 35 feet.

(ii) In R3, R4, and R5 Districts, the height and setback regulations for #residential buildings# shall be in accordance with the applicable district regulations.

(2) #Predominantly community facility buildings#

The height and setback regulations of Sections 24-50, 33-40 and 43-40 shall not apply. In lieu thereof, any portion of a #predominantly community facility building# that exceeds a height of 35 feet shall be set back at least 25 feet from a #front yard line# or #street line#, where applicable, and no portion of such #building# shall exceed a height of 60 feet. However, within a #large-scale community facility development#, for portions of a #building# that are located at least 100 feet from a #street line#, and from a #waterfront yard# on a

waterfront #zoning lot#, the maximum height may be 100 feet.

(3) #Commercial buildings#

The height and setback regulations of Sections 33-40 and 43-40, and Section 23-60 for #commercial uses# permitted in #Residence Districts# by special permit, are modified as follows: no portion of a #building# containing #commercial uses# shall exceed a height of 30 feet.

(4) Other #buildings#

#Buildings# containing #residential uses# that do not qualify as #predominantly community facility buildings#, and #mixed buildings# shall comply with the applicable #residential# height and setback regulations.

- (b) In R6, R7, R8, R9 and R10 Districts, and in C1 and C2 Districts mapped within such districts; and in other #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, the applicable height and setback regulations shall not apply. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

For the purposes of this Section, a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area# shall be considered a #wide street#, as well as any other #street#, #visual corridor#, or #upland connection# within 70 feet of its intersection with a #wide street#, as amended for the purposes of this Section. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.



(1) In R6, R7, R8, R9, and R10 Districts with a letter suffix, and in C1 and C2 Districts mapped within such districts; and in other #Commercial Districts# with a letter suffix in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, the following height and setback regulations shall apply:

- (i) No #building or other structure# shall exceed the maximum building heights specified in Table 62.351b.
- (ii) Setbacks are required for all portions of #buildings# that are higher than the maximum base heights specified in Table 62.351b, except that a dormer or other structure may exceed such maximum base heights without setback in accordance with the provisions of paragraph (3) of this Section.

Building walls facing a #wide street# shall provide a setback at least ten feet in depth from such wall of the #building# at a height not lower than the minimum base height specified in Table 62.351b. Building walls facing a #narrow street# shall provide a setback at least 15 feet in depth from such wall of the #building# at a height not lower than the minimum base height specified in Table 62.351b.

These setback provisions are optional for any building wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.

TABLE 62.351b  
 HEIGHT AND SETBACK FOR ALL BUILDINGS  
 IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Building Height
R6B / C1 or C2 mapped within R6B	30	40	50
R6A / C1 or C2 mapped within R6A C4-2A C4-3A	40	60	70
R7B / C1 or C2 mapped within R7B	40	60	75
R7A / C1 or C2 mapped within R7A C1-6A C2-6A C4-4A C4-5A	40	65	80
R7X / C1 or C2 mapped within R7X C4-5X	60	85	125
R8B / C1 or C2 mapped within R8B	55	60	75
R8A / C1 or C2 mapped within R8A C1-7A C6-2A	60	85	120
R8X / C1 or C2 mapped within R8X	60	85	150
R9A** / C1 or C2 mapped within R9A** C1-8A** C2-7A** C6-3A**	60	95	135
R9A* / C1 or C2 mapped within R9A* C1-8A* C2-7A* C6-3A*	60	102	145
R9X** / C1 or C2 mapped within R9X** C1-8X** C2-7X**	60	120	160
R9X* / C1 or C2 mapped within R9X* C1-8X* C2-7X*	105	120	170
R10A** / C1 or C2 mapped within R10A** C1-9A** C4-6A** C5-1A** C6-4A** C2-8A** C4-7A**	60	125	185
R10A* / C1 or C2 mapped within R10A* C1-9A* C4-6A* C5-1A* C6-4A* C2-8A* C4-7A*	125	150	210

\* denotes district mapped on #wide street#

\*\* denotes district mapped on #narrow street#

- (2) In R6, R7, R8, R9, and R10 Districts without a letter suffix, and in C1 and C2 Districts mapped within such districts; and in other #Commercial Districts# without a letter suffix in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, the height and setback regulations set forth in this Section shall apply.

For the purposes of this Section, an #initial setback distance# is a horizontal distance measured for a depth of 15 feet from a #narrow street line# and 10 feet from a #wide street line#. However, an #initial setback distance# shall have a depth of 30 feet from the boundary of a #shore public walkway#.

- (i) The height of a #building# or portion of a #building# located within an #initial setback distance# may not exceed the maximum base height specified in Table 62.351c except in accordance with the dormer provisions of paragraph (3) of this Section. Beyond the #initial setback distance#, the gross area of any #story# of a #building# located either partially or wholly above the maximum building height specified in Table 62.351c shall not exceed 80 percent of the gross area of the #story# directly below. No portion of a #building or other structure# shall exceed the maximum building height by more than 40 feet.
- (ii) Each #residential story# of a #building# located wholly above the maximum base height specified in Table 62.351c shall not exceed a gross area of 7,000 square feet except for a dormer or other structure permitted in accordance with the provisions of paragraph (3) of this Section.
- (iii) Any #story# of a #building# located either partially or wholly above a height of 150 feet shall not exceed 85 percent of the gross area of the highest #story# of the same #building# located wholly below a height of 150 feet.

- (iv) At least 50 percent of the #floor area# on the #zoning lot# shall be located in #stories# located wholly below the #bulk# distribution height specified in Table 62.351c.
  
- (v) The maximum length of any building wall that faces a #shoreline# and is located wholly above the maximum base height specified in Table 62.351c shall not exceed 100 feet. Such length shall be measured by inscribing, within a rectangle, the outermost walls at the level of each #story# located wholly above the maximum base height. Any side of such rectangle from which perpendicular lines may be drawn to a #shoreline# shall not exceed 100 feet.

TABLE 62.351c  
 HEIGHT AND SETBACK FOR ALL BUILDINGS  
 IN MEDIUM AND HIGH DENSITY NON-CONTEXTUAL DISTRICTS\*

District	Maximum Height (in feet)		
	Maximum base height	Maximum building height	Bulk distribution height
R6 / C1 or C2 mapped within R6 C7 C8-2 M1-2 M2-1 C8-3 M1-4 M2-3 M3	60	110	40
R7-1 R7-2 C1 or C2 mapped within R7-1 or R7-2 C1-6 C2-6 C4-2 C6-1 C4-3 C4-4 C4-5	60	135	50
R7-3 / C1 or C2 mapped within R7-3 C8-4 M1-3 M2-2 M1-5 M2-4	65	185	65
R8 / C1 or C2 mapped within R8 C1-7 C6-2	70	210	70
R9 / C1 or C2 mapped within R9 C1-8 C2-7 C6-3	80	225	80
R9-1 / C1 or C2 mapped within R9-1	90	280	90
R10 / C1 or C2 mapped within R10 C1-9 C2-8 C4-6 C5-1 C6-4 M1-6 C4-7 C5-2 C6-5 C5-3 C6-6 C5-4 C6-7 C5-5 C6-8 C6-9	110	350	110

\* See Table 62.351d for #predominantly community facility buildings#.

(vi) The height and setback regulations for #predominantly community facility buildings# shall be determined in accordance with the following table:

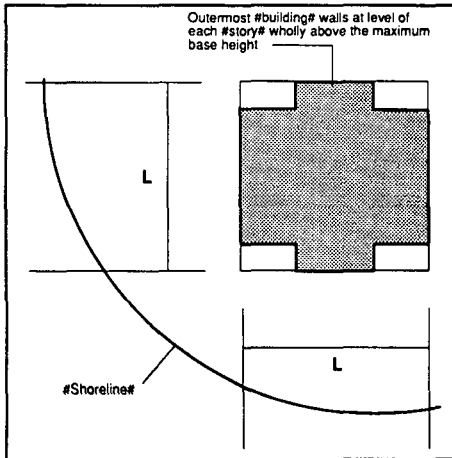
TABLE 62.351d

APPLICABLE HEIGHT AND SETBACK REGULATIONS  
FOR PREDOMINANTLY COMMUNITY FACILITY BUILDINGS

<u>Column A</u>	<u>Column B</u>
<u>District in which building is located</u>	<u>Applicable district regulations</u>
R6	R7-3
R7-1 R7-3	
C1 or C2 mapped within R6, R7-1 or R7-3	
C4-2 C4-3	
C8-2	
M1-2	
R7-2	R9
R8	
C1 or C2 mapped within R7-2 or R8	
C1-6 C1-7	
C2-6	
C4-4 C4-5	
C6-1 C6-2	
C8-3 C8-4	
M1-3 M1-4 M1-5	
R9-1	R9-1
C1 or C2 mapped within R9-1	
R9	R10
R10	
C1 or C2 mapped within R9 or R10	
C1-8 C1-9	
C2-7 C2-8	
C4-6 C4-7	
C5-1 C5-2 C5-3 C5-4 C5-5	
C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	
M1-6	

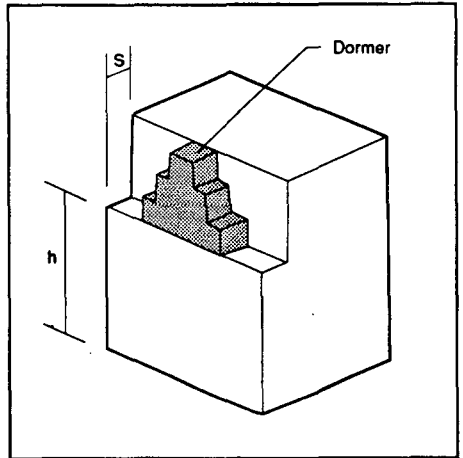
- (3) a dormer or other structure may exceed the maximum base height specified in Table 62.351b or penetrate the maximum base height of a front wall or portion of a #building# within the #initial setback distance# specified in Table 62.351c provided the frontage length of such dormer on any given #street line# does not exceed 60 percent of the length of such #street# frontage of such part of the #building# at the highest #story# wholly

below the maximum base height. Such frontage length of dormer at any given level shall be decreased by an amount equal to one percent of the length of such #street# frontage of such part of the #building# for every foot such level is above the maximum base height. If there is more than one such dormer, the aggregate frontage of dormers shall not exceed the frontage length permitted above at any level.



**Maximum Length of Building Wall Facing Shoreline**

L = 100 feet maximum length of building wall



**Dormer**

h = maximum base height

S = required setback or #initial setback distance#

**62-352 Developments on piers**

In all districts, the height and setback regulations of Sections 23-60, 33-40 and 43-40 shall be inapplicable to #developments# on #piers#. In lieu thereof, the provisions of this Section shall apply.

The #base plane# of a #pier# shall be the elevation of the finished surface of the #pier#, below which no portion of a #building or other structure# penetrates, except for supporting structure, plumbing or utility lines. In the event portions of a #pier# have different surface elevations, the lowest surface elevation shall be used to establish the #base plane#.

**(a) Height and Setback Regulations on Piers**

The total height of any #building or other structure# on a #pier# shall not exceed the maximum for the district as set forth in Column A of Table 62.352. In addition, a minimum setback of 15 feet shall be provided for any portion exceeding the maximum height before setback as set forth in Column B. Such required setback depth may be reduced to ten feet for any portion of the #building or other structure# fronting on an open area of the #pier# having a dimension of at least 40 feet measured perpendicular to such fronting portion.



TABLE 62.352  
HEIGHT LIMITS FOR BUILDINGS ON PIERS

Res. District	Comm. District	Mfg. District	Column A	Column B
			Maximum height of building	Maximum height before setback
R1 thru R6	C1 or C2 mapped in R1 thru R6	M1-1 M1-2 M1-4	40 ft.	30 ft.
	C3	M2-1 M2-3		
	C4-1	M3-1 M3-2		
	C7			
	C8-1 C8-2 C8-3			
R7 R8	C1 or C2 mapped in R7 or R8	M1-3 M1-5	70 ft.	50 ft.
	C1-6 C1-7	M2-2 M2-4		
	C2-6			
	C4-2 C4-3 C4-4 C4-5			
	C6-1 C6-2			
	C8-4			
R9 R10	C1 or C2 mapped in R9 or R10	M1-6	150 ft.	60 ft.
	C1-8 C1-9			
	C2-7 C2-8			
	C4-6 C4-7			
	C5			

C6-3 C6-4  
 C6-5 C6-6  
 C6-7 C6-8  
 C6-9

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(b) Building length and spacing regulations on piers

The maximum length or width of any #building or other structure# on a #pier# shall be 200 feet. The minimum distance between any two #buildings or other structures# on a #pier# shall be 100 feet. However, such limitations shall not apply to any #building or other structure# that does not exceed 30 feet in height.

(c) Modification of pier bulk regulations

Modification of the regulations of this Section involving the height and setback or length and spacing of #buildings or other structures# on #piers# shall only be allowed by special permit of the City Planning Commission pursuant to Sections 62-734, 74-711 or 74-79.

**62-353 Developments on floating structures**

In all districts, the height and setback regulations of Sections 23-60, 33-40 and 43-40 shall be inapplicable to #developments# on #floating structures#, except for WD #uses# in C8 and #Manufacturing Districts#. In lieu thereof, the provisions of this Section shall apply.

#Base plane# shall be inapplicable for #floating structures#. Height shall be measured from the water line of the #floating structure# to the highest point of the roof or uppermost open deck. However, the following obstructions are permitted to penetrate a height limit:

- chimneys, flues or stacks;
- flagpoles, aerials or masts;
- parapet walls or safety enclosures not more than four feet high; and
- wire, chain link or other transparent fences.

#Developments# permitted as-of-right pursuant to Section 62-25 shall not exceed the height limits set forth in Column A of Table 62-353 except for navigational vessels being converted to #floating structures# in accordance with such special permit provisions. Converted vessels shall be subject to the height limits set forth in Column B of the table.

TABLE 62.353  
HEIGHT LIMITS FOR FLOATING STRUCTURES

Res. District	Comm. District	Mfg. District	Column A	Column B
			Maximum Structure height	Maximum height of converted vessels
R1 thru R5	C1 or C2 mapped in R1 thru R5		23 ft.	40 ft.
	C3			
R6	C1 or C2 mapped in R6	M1-1 M1-2 M1-4	40 ft.	60 ft.
	C4-1	M2-1 M2-3		
	C7			
	C8-1 C8-2 C8-3	M3-1 M3-2		
R7 R8	C1 or C2 mapped in R7 or R8	M1-3 M1-5	50 ft.	70 ft.
	C1-6 C1-7	M2-2 M2-4		
	C2-6			
	C4-2 C4-3 C4-4 C4-5			
	C6-1 C6-2			
	C8-4			

R9 R10	C1 or C2 mapped in R9 or R10	M1-6	60 ft.	150 ft.
	C1-8 C1-9			
	C2-7 C2-8			
	C4-6 C4-7			
	C5			
	C6-3 C6-4			
	C6-5 C6-6			
	C6-7 C6-8			
	C6-9			

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### 62-36 Minimum Distance Between Buildings on Waterfront Blocks

The provisions of Section 23-70 (Minimum Required Distance Between Two or More Buildings on a Single Zoning Lot) shall be inapplicable on waterfront #blocks#. In lieu thereof, the provisions of this Section shall apply.

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

- (a) space between a #single-family, two-family#, or three-family #residence# and a garage #accessory# thereto; or
- (b) #development# on #piers#.

The minimum distance between such two #buildings# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing walls. Such minimum distance shall be as indicated in the table below:

TABLE 62.36  
STANDARD MINIMUM DISTANCE BETWEEN BUILDINGS

Maximum Building Height (in ft.)

Wall Condition*	25 ft.	35 ft.	40 ft.	50 ft.	Over 50 ft.
Wall to Wall	20	25	30	35	40
Wall to Window	30	35	40	45	50
Window to Window	40	45	50	55	60

\* Wall condition shall be defined as:

- (a) "wall to wall" is a condition where two walls of #buildings# face each other and neither wall contains a #legally required window#;
- (b) "wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#; or
- (c) "window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

In addition, the following rules shall apply:

- (a) The minimum distances set forth in the table above shall apply between any two #buildings# where, when viewed directly from above, lines drawn perpendicular to any wall of one #building# intersect any wall of the other #building#.
- (b) Any portion of a #building# which qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#.
- (c) Where two #buildings# of different heights face each other, the average height of such #buildings# shall determine the minimum distance required between them.

- (d) The minimum distance required between two #buildings# shall be provided at the closest point between such two #buildings#, except as provided in paragraph (g).
- (e) Where two or more portions of #buildings# rise above a common base, the minimum distance between such #building# portions shall be governed by this section, and the height of such #building# portions shall be measured from the roof of the common base.
- (f) Projections having a maximum height of 25 feet, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the #building# wall from which they project may penetrate the minimum spacing requirements.
- (g) Portions of #buildings# above 125 feet that exceed, in aggregate, a lot coverage of 40 percent, shall be spaced at least 80 feet apart.

#### 62-40 Requirements for Waterfront Public Access and Visual Corridors

All #developments# on #zoning lots# within waterfront #blocks# shall be subject to the provisions of this Section. For the purpose of determining requirements for public access pursuant to Section 62-41 or #visual corridors# pursuant to Section 62-42, the #lot area# of waterfront #zoning lots# shall be deemed to be the area of the #upland lot# and #water coverage# of #piers# and #platforms# within the #seaward lot#.

All public access areas and #visual corridors# shall comply with the provisions of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA).

#### 62-41 Requirements for Waterfront Public Access

Waterfront public access shall be provided for all #developments# on waterfront #zoning lots# in accordance with the provisions of

this Section. However, the following shall be exempted:

airports, heliports, seaplane bases;

#developments# comprising #predominantly# WD #uses#, except for the following: docks for non-commercial pleasure boats; ferries; sightseeing, excursion or sport fishing vessels; #boatels#; or commercial beaches;

#developments# comprising #predominantly uses# other than WD #uses# in Use Groups 16, 17 or 18 in C8 or #Manufacturing Districts#;

#developments# in R1 or R2 districts;

#developments# in any other district comprising exclusively #single-# or #two-family residences# within #detached, semi-detached# or #zero lot line buildings#. (See footnote in Table 62.411 for "exclusively residential");

#enlargements# which in the aggregate involve an increase in #floor area# (or for open #uses#, #lot area#) of less than 50 percent of the amount existing on (effective date of text amendment) and not more than 20,000 square feet;

#extensions# which in the aggregate involve an increase in the amount of #floor area# occupied by such existing #uses# of less than 50 percent of the amount existing on (effective date of text amendment) and not more than 20,000 square feet; and

changes of #use#, provided that if such changes involve changes from exempt #uses#, as listed in this Section to non-exempt #uses#, the aggregate amount of #floor area# or #lot area# involved is less than 50 percent of the amount existing on (effective date of text amendment) and not more than 20,000 square feet.

#### 62-411 Requirements for shore public walkways

- (a) Except for #developments# on #piers# or #floating structures#, or #developments# subject to the provisions of Section 62-415b, all #developments# on waterfront #zoning lots# meeting the criteria set forth in Table 62.411 shall provide a #shore public walkway# along the entire length of the #shoreline#,

including the water edge perimeter of a #platform# projecting from a portion of the #shoreline#. Such #shore public walkway# shall be:

- (1) located along the seaward edge of the #waterfront yard# as established in Section 62-342 with a minimum width measured from such edge as set forth in Table 62.411 unless relocation or modification of width is permitted pursuant to this Section or Section 62-60; and
- (2) permitted to be reduced in width on shallow portions of the #zoning lot# or narrow portions of #platforms# using the same method as set forth for #waterfront yards# in Section 62-342, except that a reduction shall be permitted below a 150 foot dimension in lieu of a 70 or 80 foot dimension. The reduction factor shall be one foot for each two feet that the dimension is less than 150 feet.

TABLE 62.411

Developments in the following Districts	Zoning lot threshold	Required shore public walkway width
For exclusively residential use* in R3, R4, R5 Districts; C1 or C2 in R1 thru R5 Districts; C3 District	#Lot area# of 1.5 acres or #shoreline# length of 600 ft.	30 ft.
In above districts for any other use or mixed use	#Lot area# of 10,000 sq. ft. and #shoreline# length of 100 ft.	30 ft.
In all other Districts (except R1 and R2)	#Lot area# of 10,000 sq. ft. and #shoreline# length of 100 ft.	40 ft.

\* Up to 2% #commercial use# and 2% #community facility use# shall be permitted in #developments# classified "exclusively residential." Such percentage shall be computed as the ratio of #floor area# of such #use# to total #floor area# on #zoning lot#.



- (b) In the case of a natural #shoreline# within New York State designated wetlands, the #shore public walkway# shall be permitted to be relocated using either of the following methods:
- (1) further landward within the designated wetlands or its adjacent regulated area in accordance with an approval from the New York State Department of Environmental Conservation, in which case the width shall be determined by such agency; or
  - (2) immediately adjacent and contiguous to the landward boundary of the wetlands area and any State-regulated adjacent area, in which case its width shall be measured from the seaward edge as relocated.
- (c) #Shore public walkways# on a #zoning lot# shall be accessible from a public #street#, #public park# or other public place in accordance with the provisions of Section 62-414 (Requirements for upland connections). Such walkways shall also connect with #shore public walkways# on adjoining #zoning lots#.
- (d) Whenever a #zoning lot# is divided by a boundary between districts in which different thresholds apply pursuant to Table 62.411 and if:
- (1) the #lot area# or length of #shoreline# in either district is less than the minimum threshold for which a #shore public walkway# is required; and
  - (2) the total #lot area# or length of #shoreline# for the entire #zoning lot# is greater than the lowest threshold for which a #shore public walkway# is required for either district; then
- a #shore public walkway# shall be provided as if the entire #zoning lot# were located in the district having the lowest threshold. Each portion of the #shore public walkway# shall be

governed by the width requirement specified for the district in which it is located.

#### 62-412 Requirements for public access on piers

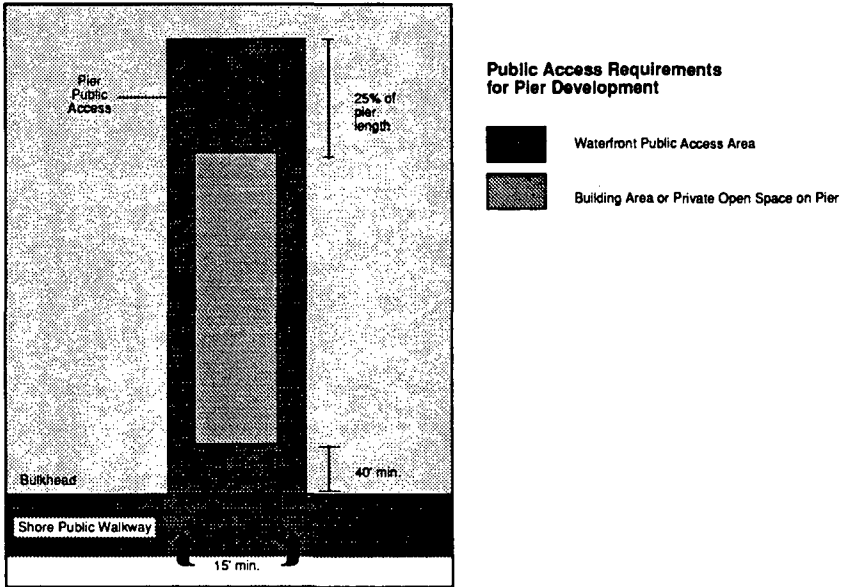
All #developments# on #piers# shall provide public access in accordance with the provisions of this Section.

Public access areas on #piers# shall consist of the following:

- (a) an area along the seaward edge of the #pier#, having a depth measured from such edge equal to 25 percent of the overall length of the #pier#. However, building projections into the required public access area are permitted provided that the aggregate width of all projections at the level of any #story# does not exceed 50 percent of the aggregate width of the #building#. Any such projection shall not reduce the depth of the required area by more than 20 percent and shall not be included in the computation of public access area provided on the pier. In no event shall the depth of the public access area be less than 15 feet; and
- (b) an area along the landward portion of the #pier#, having a depth of 40 feet measured seaward from the bulkhead, stabilized or natural #shoreline#, or #platform# edge from which the #pier# projects. However, such area need not exceed 25 percent of the length of the #pier#. In no event shall the depth be reduced to less than 15 feet; and
- (c) an area along all other water edges of the #pier#, having a depth of 15 feet measured from such edges. For portions of #piers# wider than 80 feet, the depth along edges of such portion shall be increased by three inches for each additional foot of #pier# width over 80 feet, but need not exceed a total of 60 feet for both edges. Such areas along water edges which are directly opposite each other may be aggregated so that the entire area is along one edge. Alternatively, the required area may also be allocated to such opposite edges so that the

total aggregate depth is maintained with a minimum 10 foot depth along any edge.

#Pier# public access areas shall be directly accessible from a #shore public walkway#, #upland connection#, #street# or other public access area.



#### 62-413 Public access requirements for floating structures

All #developments# on #floating structures# permitted as-of-right pursuant to Section 62-25 shall provide public access in accordance with the provisions of this Section. #Developments# subject to a special permit pursuant to Section 62-733 shall provide public access in accordance with a plan established pursuant to such permit.

(a) Public access in conjunction with a #development# on a #floating structure# shall consist of a 30 foot wide #shore public walkway# along the entire length of the #shoreline#,

including the water edge perimeter of a #platform# projecting from any portion of the #shoreline#. Such #shore public walkway# shall be:

- (1) located along the seaward edge of the #waterfront yard# as established in Section 62-342, unless relocation and modification of width is permitted pursuant to Section 62-411(b) or Section 62-60;
  - (2) permitted to be reduced in width on shallow portions of the #zoning lot# or narrow portions of #platforms# using the same method as set forth for #waterfront yards# in Section 62-342 except that a reduction shall be permitted below a 150 foot dimension in lieu of a 70 or 80 foot dimension. The reduction factor shall be one foot for each two feet that the dimension is less than 150;
  - (3) directly accessible from an #upland connection#; and
  - (4) in the event there is additional #development# on other portions of the #zoning lot# which would require that the #zoning lot# provide an amount of public access greater than this Section requires, such greater requirement shall supersede the provisions of this Section.
- (b) When the primary entrance to a #floating structure# is located on a #pier#, a 30 foot wide public access area shall be provided in addition to the #shore public walkway#, along the full length of one of the longer water edges of the pier. Such public access area shall be directly connected to the #shore public walkway#.

#### 62-414 Requirements for upland connections

- (a) All public access areas on #zoning lots# provided pursuant to Sections 62-411, 62-412 or 62-413 shall be accessible from a public #street#, #public park# or other public place at intervals along the #shore public walkway# not to exceed 600

feet by means of either of the following #upland connections#:

- (1) a direct connection between the public access area and an adjoining public sidewalk or other pedestrian area within a public #street#, #public park# or other public place;  
or
- (2) a publicly traversable way through the #zoning lot# directly connecting with a public sidewalk or other pedestrian area within a public #street#, #public park# or other public place.

(b) #Upland connections# provided through a #zoning lot# shall meet the following requirements:

- (1) The required width of the connection shall be as set forth in Column A of Table 62.414. Such width may be reduced on #zoning lots# having a #lot width# less than 150 feet by an amount equal to one foot for each two feet that the #lot width# is less than 150 feet. However, in no event shall the width be less than the minimum width specified in Column B.

As an alternative, a private drive on the #zoning lot# may be used for all or a portion of an #upland connection#. For the purpose of computing the area of an #upland connection# within a private drive, the vehicular roadway shall be excluded.

- (2) Where there is an intervening #zoning lot# that would prevent compliance with paragraph (a) of this Section, the #upland connection# interval may be increased to a greater distance. Such increase shall be the minimum necessary to clear the intervening #zoning lot#. In the event there is no way to provide the #upland connection# without encroaching on an intervening #zoning lot#, the #upland connection# shall be waived.

- (3) Where an #upland connection# traverses portions of a #zoning lot# located in districts in which different width requirements apply, in accordance with Table 62.414, the width of the #upland connection# shall be computed as the weighted average based on the length of the #upland connection# in each district.

TABLE 62.414

## WIDTH REQUIREMENTS FOR UPLAND CONNECTIONS THROUGH ZONING LOTS

<u>Districts</u>	<u>Column A</u>	<u>Column B</u>
	Basic minimum	Narrow lot reduction minimum
R3 R4 R5	20 ft.	12 ft.
C1, C2 mapped in R1 thru R5 Districts; C3 Districts	20 ft.	12 ft.
All other districts (except R1 and R2)	30 ft.	16 ft.

## 62-415 Requirements for supplemental public access areas

- (a) If the aggregate area of the required #shore public walkways#, #upland connections#, public access areas on #piers#, and public access areas in conjunction with #floating structures#, is less than the amount of waterfront public access area required by Table 62.415, by 750 square feet or more, then #supplemental public access areas# shall be provided in order to meet the total amount of waterfront public access area required by the table.

#Supplemental public access areas# shall not be required where the total area of non-publicly accessible New York State designated wetlands and adjacent State regulated areas on the #zoning lot# is equal to or greater than the total #supplemental public access area# requirement.

TABLE 62.415

<u>Developments in the following districts</u>	<u>Zoning lot threshold</u>	<u>Total waterfront public access area requirement</u>
In R3, R4, R5 Districts; C1 or C2 in R1 thru R5 Districts; C3, C4-1 Districts	#Lot area# of 1.5 acres and #shoreline# length of 600 ft.	15% of #lot area#
In R6, R7-1, R7-2, R7A, R7B and R8B Districts and in other districts with a permitted commercial FAR of 4.0 or less	#Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft.	15% of #lot area#
In other R7, R8, R9 and R10 Districts and in districts with a permitted commercial FAR above 4.0	#Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft.	20% of #lot area#

- (b) For #developments# comprised #predominantly# of docks for non-commercial pleasure boats, ferries, sightseeing, excursion or sport fishing vessels; #boatels#; or commercial beaches; the total waterfront public access area requirement may be satisfied by providing waterfront public access areas on the #zoning lot# in any manner that will enable the public to view the water, provided the areas are directly accessible from a public #street#, #public park# or other public place.
- (c) Whenever a #zoning lot# is divided by a boundary between districts in which different thresholds apply pursuant to Table 62.415, and if:
- (1) the #lot area# or length of #shoreline# in either district is less than the minimum threshold for which there is a total waterfront public access requirement; and

- (2) the total #lot area# or length of #shoreline# for the entire #zoning lot# is greater than the lowest threshold in either district for which there is a total waterfront public access area requirement; then

the waterfront public access area requirement shall be met for the entire #zoning lot#. Each portion of the #zoning lot# shall generate a total waterfront public access area requirement based on the percentage for the district in which it is located. All public access areas on the #zoning lot#, regardless of their location, may be used to satisfy the total requirement for the #zoning lot# and #supplemental public access areas# may be located anywhere on the #zoning lot# in accordance with the provisions of Section 62-60.

#### 62-42 Requirements for Visual Corridors

#Visual corridors# shall be provided for #developments# on #zoning lots# within waterfront #blocks# in accordance with the provisions of this Section.

However, the following shall be exempt from the provisions of this Section:

airports, heliports and seaplane bases

#developments# in C8 and #Manufacturing Districts# comprising #predominantly uses# in Use Groups 16, 17 or 18; except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels.

#developments# in R1 or R2 districts

#developments# in any other district comprising exclusively #single or two-family residences# within #detached, semi-detached# or #zero lot line buildings# on #zoning lots# less than 10,000 square feet. (See footnote in Table 62.411 for "exclusively residential.")

#extensions#

changes of #use#



In the event the #visual corridor# requirement imposed on the #zoning lot# exceeds 50 percent of the #lot width#, or there is no way to provide a #visual corridor# in compliance with Section 62-421 without encroaching on an adjacent lot, the requirement shall be waived.

#### 62-421 Location of visual corridors

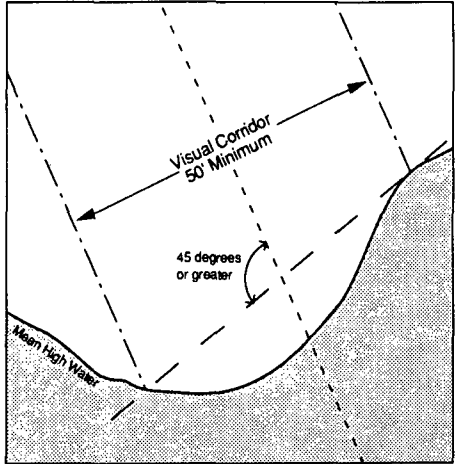
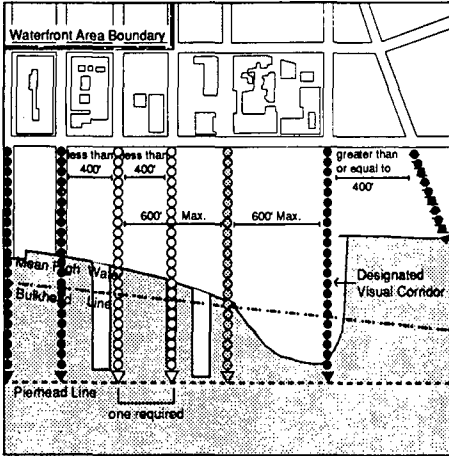
#Visual corridors# shall be provided through the #zoning lot# at locations that would maintain a maximum spacing of 600 feet between #visual corridors# as measured along the first upland #street#. The following methodology shall be used to determine the location of #visual corridors# on a #zoning lot#:

- (a) The #street lines# of a #street# shown on the City Map which extend seaward of the first upland #street# and terminate at a waterfront #block# shall be prolonged as a #visual corridor# through all intervening #zoning lots# to the water if the prolonged #street# would intersect the #shoreline# at an angle of 45 degrees or more and there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result;
- (b) A #visual corridor# designated in a Waterfront Access Plan that traverses the #zoning lot# shall be maintained through the #zoning lot# in accordance with the provisions of such plan; and
- (c) The #street lines# of a #street# shown on the City Map which terminate at the first upland #street# bounding a waterfront #block#, and which #street# would, if prolonged, traverse the #zoning lot# and intersect the #shoreline# at an angle of 45 degrees or more without traversing an intervening #zoning lot#, shall be prolonged as a #visual corridor# if there are no existing obstructions blocking 50 percent or more of the width of the #visual corridor# that would result.

Such #visual corridor# pursuant to this paragraph (c) may be waived only if any of the following conditions exist within 400 feet, as measured along the #street line# of the first upland #street#, and such waiver does not result in a condition whereby #visual corridors# through the #zoning lot# or to either side of the #zoning lot# are more than 600 feet apart:





- (1) there is an existing mapped #street# extending to the water that intersects the #shoreline# at an angle of 45 degrees or more that is not presently blocked by existing obstructions across 50 percent or more of its width; or
- (2) there is an existing designated #visual corridor# either previously recorded by another property owner or mandated in a Waterfront Access Plan; or
- (3) the property owner is presently designating another #visual corridor# through the #zoning lot# pursuant to this paragraph (c) which is equal to or greater in width than the #visual corridor# that would be waived.




For the purposes of paragraphs (a) and (c) in this Section, the angle of intersection of a #street# with the #shoreline# shall be determined from the intersection of the centerline of the #street#, or its prolongation, with the #shoreline#. The line connecting the two points of intersection of the #street lines#, or their prolongation, with the #shoreline# shall be deemed to be the #shoreline#.



Visual Corridor Locations

Visual Corridor: Angle of Shoreline Intersection

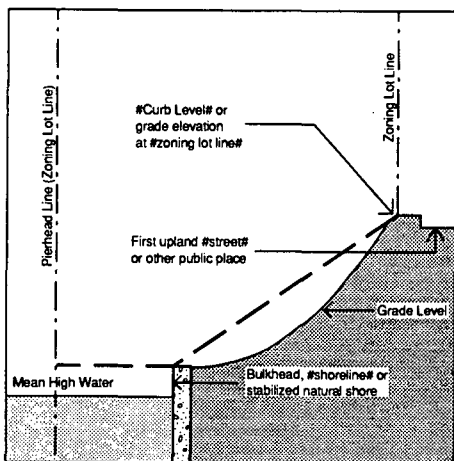
-  Mapped Street Seaward of the First Upland Street or Designated Visual Corridor (Mandatory Location for Visual Corridor)
-  Mapped Street Ending at First Upland Street (Alternative Location for Visual Corridors Mandatory at Maximum Intervals of 400 Feet)
-  No Upland Street (Visual Corridor Mandatory at Maximum Intervals of 600 Feet)
-  Mapped Street Ending at First Upland Street (Distance Greater than or Equal to 400 Feet; Mandatory Location)

-  Street Line, Prolongation of Street Lines or Visual Corridor Boundaries
-  Center Line of Street or Visual Corridor
-  Plane of Intersection

62-422 Dimensions of visual corridors

The width of a #visual corridor# shall be determined by the width of the #street# of which it is the prolongation. #Visual corridors# that are not the prolongations of #streets# shall be at least 50 feet wide. For the purposes of establishing the width, vehicular turnarounds at the terminations of such #streets#, including curved or flanged treatments at intersections, may be omitted.

The lowest level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at curb elevation with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# which are not prolongations of mapped #streets#, shall be determined by establishing a plane connecting the curb elevation at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. No obstructions are permitted within a #visual corridor# except as set forth in Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA).



Level of Visual Corridor

——— Lowest Level of Visual Corridor

**62-50 SPECIAL PARKING AND LOADING REGULATIONS****62-51 Special Regulations for Accessory Residential Parking**

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to #residential uses# shall apply to all #developments# on waterfront #blocks# except as modified herein or in Section 62-55.

**62-511 Accessory residential roof parking**

On waterfront #blocks#, parking spaces #accessory# to #residential uses# may be located on the roof of a non-#residential building#, a non-#residential# portion of a #building# containing #residential use# or a portion of a #residential building# that does not contain #dwelling or rooming units#, provided that:

- (a) the roof level is not higher than 23 feet above the #base plane#;
- (b) the perimeter of the roof is enclosed by a four foot high parapet wall or other enclosure at least 50 percent opaque;
- (c) trees are provided pursuant to Section 62-675 (Planting and trees) at the same rate as required for parking areas at grade;
- (d) if on the roof of a portion of a #residential building# or a non-#residential# portion of a #building# containing #residential use#, the sill level of any #dwelling or rooming unit# windows opening onto such roof area is at least ten feet above the roof and no parking spaces or vehicular aisles are located within ten feet of a wall with #dwelling or rooming unit# windows; and
- (e) no flood lighting shall be permitted and any lighting shall be directed away from any #residential# windows on the same or an adjacent #zoning lot#;

## 62-512 Accessory residential off-site parking

For #developments# on waterfront #blocks#, the provisions of Section 25-52 and 36-42 (Off-Site Spaces for Residences) shall be modified so as to permit all permitted or required #accessory# spaces to be located on a separate #zoning lot# provided that:

- (a) such off-site facility is not located in an R1, R2, R2X, R3A, R3X, R3-1, R4-A, R4-1, or R4B District;
- (b) if such off-site facility is located in other R3, R4 or R5 Districts, such off-site facility is contiguous or would be contiguous except for its separation by a #street# intersection, to the #zoning lot# occupied by the #residences# to which the spaces are #accessory#;
- (c) if such off-site facility is located in a district other than R3, R4 or R5, all parking spaces shall not be further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are accessory;
- (d) in R3, R4 and R5 districts, such off-site facility shall be an open lot not exceeding 12,000 square feet. In other districts, parking structures shall be permitted and the maximum size of the facility shall be governed by the provisions of Sections 25-12 and 36-12 (Maximum Size of Accessory Group Parking Facilities);
- (e) in #Residences Districts#, no parking spaces are located within a required #front yard# or within four feet of any #lot line#. #Front yards# shall be planted and screening shall be provided along any #lot lines# in accordance with Section 62-675.
- (f) in all districts, lighting shall be directed away from adjoining #residential Buildings#. In no event shall flood lighting be permitted for off-site facilities in #Residence Districts#; and
- (g) in all districts, trees shall be provided at the same rate as for on-site facilities within a waterfront #block#.

## 62-52 Special Regulations for Accessory Non-Residential Parking Facilities

The applicable district regulations pertaining to permitted or required off-street parking facilities #accessory# to non-#residential uses# shall apply to all #developments# except as modified in this Section.

### 62-521 Accessory non-residential roof parking

On waterfront #blocks#, parking spaces #accessory# to non-#residential uses# may be located on the roof of a non-#residential building# or a non-#residential# portion of a #building# containing #residential use# provided that they comply with paragraphs (a) through (e) in Section 62-511.

### 62-522 Accessory non-residential off-site parking

For #developments# on waterfront #blocks,# the provisions of Sections 36-43 (Off-Site Spaces for Commercial or Community Facility Uses) and 44-32 (Off-Site Spaces for all Permitted Uses) shall be modified to permit such spaces to be within 1,000 feet of the #zoning lot# to which they are #accessory#.

## 62-53 Parking Requirements for Commercial Docking Facilities

#Accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table below for all #developments# involving the commercial docking facilities listed. For the purposes of this Section, the term #development# shall also include, in the case of an existing docking facility, an increase in any unit of measurement used in computing parking requirements.

In addition, passenger drop-off and pick-up areas shall be provided as set forth in Section 62-562.

Parking requirements for ferries may be modified by City Planning Commission authorization pursuant to the provisions of Section 62-721.

TABLE 62.53

<u>Docking Facilities Serving</u>	<u>Districts</u>	<u>Number of Required Parking Spaces</u>
Non-commercial pleasure boats	C1 through C8 M1 M2 M3	1 per 2 berths or moorings
Rental boats		
Ferries	R3** thru R5** C1-1 C2-1 C3 C4-1	0.30 x p*
Sightseeing, excursion or sport fishing vessels	R6** R7-1** R7A** R7B** C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M2-1 M2-2 M3-1	0.20 x p*
	R7-2** R7-3** R7X** C1-3 C2-3 C4-3 C7 C8-2 M1-3 M2-3	0.15 x p*
	R8** R9** C1-4 C2-4 C4-4 C8-3	0.10 x p*
	R10** C1-5 thru C1-9 C2-5 thru C2-8 C4-4A C4-5 C4-6 C5 C6 C8-4 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None Required
Passenger ocean vessels	C6**	0.15 x p*



Passenger ocean vessels	M1-1	M1-2	M1-3	1 per 2000 sq. ft. of #lot area# or
	M2-1	M2-2		1 per 3 employees, whichever is less
Vessels not otherwise listed	M3-1			
	M1-4	M1-5	M1-6	None Required
	M2-3	M2-4		
	M3-2			

\* p Total passenger load of dock; computed as the sum of the maximum capacities of all vessels using the dock. Maximum capacity of each vessel is the lesser of the:

- (1) U.S. Coast Guard certified capacity; or
- (2) N.Y.C. Department of Transportation (DOT) operating permit capacity (OPC); or
- (3) N.Y.C. Department of Transportation OPC x the DOT capacity ratio for the dock.

For docks serving ferries in C1-1 through C1-4, C2-1 through C2-4 or C3 Districts, p shall be the sum of the passenger loads determined by (3) above for all vessels docking between 7:00 a.m. and 9:00 a.m.

\*\* By City Planning Commission special permit only for ferries, or passenger ocean vessels in districts indicated.

## 62-54 Parking and Loading Requirements for Floating Structures

#Accessory# off-street parking spaces and loading berths shall be provided for all #developments# on #floating structures# in accordance with applicable district regulations unless specifically modified by this Chapter.

Where #floor area# is the unit of measurement for a #use#, the #floor area# shall be deemed to be the area of all floors or decks, both open and enclosed, on all levels of the #floating structure#. Floor or deck space occupied permanently and exclusively by mechanical equipment or that is normally inaccessible for human occupancy may be excluded.

Where #lot area# is the unit of measurement for a #use#, the #water coverage# of the #floating structure# shall be deemed to be #lot area#.

## 62-55 Supplementary Regulations for All Parking Facilities

The applicable district regulations for #developments# involving #accessory# or public parking facilities are further modified by this Section.

**62-551 Parking spaces on floating structures**

No #accessory# parking spaces shall be located on a #floating structure# except in conjunction with a special permit pursuant to Section 62-733.

**62-552 Off-site parking in public parking facilities**

Notwithstanding the provisions of Section 12-10 (DEFINITIONS), a #public parking garage# or #public parking lot# may include permitted or required #accessory# off-street parking spaces which are #accessory# to #uses# on a separate #zoning lot#, provided that:

- (a) the #uses# to which they are #accessory# are on a #zoning lot# within a waterfront #block#;
- (b) the entrance to the facility is not further than 1,000 feet from the nearest boundary of the #zoning lot# occupied by the #uses# to which it is #accessory#; and
- (c) the ownership requirement for such #accessory# off-street parking spaces is satisfied by an interest commensurate with the interest of the principal #use#.

Whenever #accessory# parking spaces are provided off-site within a public parking facility, the number of spaces and the #use# to which they are #accessory# shall be recorded on the certificates of occupancy for both the principal #use# and the public parking facility.

**62-553 Tree planting requirements on waterfront blocks**

All open parking areas on waterfront #blocks# shall provide one shade tree, existing or newly planted, for each ten parking spaces. Such trees shall be located in planting areas pursuant to Section 62-675 either along the perimeter of or within the parking area. The tree planting requirements shall not apply to #accessory#

parking for WD #uses# or other #uses# in Use Groups 16, 17 or 18 when located in C8 or #Manufacturing Districts#.

**62-554 Screening requirements for parking areas on waterfront blocks**

All open parking areas on waterfront #blocks# shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, and from any public access area or #visual corridor# on the #zoning lot# pursuant to Section 62-675.

The screening requirements shall not apply to #accessory# parking for WD #uses# or other #uses# in Use Groups 16, 17 or 18, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations. Screening may be interrupted by vehicular or pedestrian entrances.

**62-56 Supplementary Regulations for Loading Facilities**

The applicable district regulations pertaining to permitted or required #accessory# off-street loading facilities shall apply to all #developments#, except as modified in this Section.

**62-561 Screening requirements for loading facilities on waterfront blocks**

All open off-street loading berths on waterfront #blocks# shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street# and from all public access areas and #visual corridors# on the #zoning lots# pursuant to Section 62-675.

The screening requirement shall not apply to #accessory# loading berths for WD #uses# or other #uses# in Use Groups 16, 17, or 18, when located in C8 or #Manufacturing Districts#, except as set forth in the applicable district regulations.

**62-562 Passenger drop-off and pick-up areas for docking facilities**

All #developments# involving docking facilities serving ferries, sightseeing, excursion, sport fishing or passenger ocean vessels shall provide an area for the drop-off and pick-up of passengers by car, taxi, van and bus as shown in Table 62.562. Such area shall be located on the #zoning lot# or on another #zoning lot# in the same or an adjoining #Commercial# or #Manufacturing District#, which is contiguous to the #zoning lot# occupied by the docking facility, or would be contiguous except for its separation by a #street# or #street# intersection.

Such area shall be accessed by a one-way driveway at least 15 feet wide with separate entranceways and exits located at least 50 feet apart on the same #street# or located on separate #streets#, provided that no entrance or exit is less than 50 feet from a #street# intersection.

Such area, which may include the driveway, shall be large enough to accommodate the number of vehicles required by the table below, based on a dimensional allowance of 10 feet by 20 feet for cars, taxis and vans and 12 feet by 50 feet for buses.

The Commissioner of Buildings or Department of Business Services, as applicable, may accept an equivalent lay-by area on a portion of a #street# adjoining the #zoning lot#, if such #street# treatment and drop-off area is approved by the Department of Transportation.

TABLE 62.562  
 REQUIRED DROP-OFF AND PICK-UP SPACES FOR VARIOUS DOCKING  
 FACILITIES

Docks serving	Maximum vessel capacity*	Number of car spaces**	Number of bus spaces
Ferries	Up to 100	None Required	None Required
	Over 100	1 for each 50 passengers over 100; maximum requirement 10	None Required
Excursion, sightseeing or sport fishing vessels	Up to 200	None Required	None Required
	Over 200	1 for each 50 passengers over 200; maximum requirement 15	1 for each 500 passengers over 200; maximum requirement 2
Passenger ocean vessels		20	3

\* the lesser of the U.S. Coast Guard certified capacity, the New York City Department of Transportation operating permit capacity (OPC) or the New York City Department of Transportation OPC x the capacity ratio for the dock for the greatest capacity vessel using the dock.

\*\* Includes cars, taxis and vans.

## 62-60 DESIGN STANDARDS FOR THE WATERFRONT AREA

All public access areas and #visual corridors# required by Section 62-40 (Requirements for Waterfront Public Access and Visual Corridors) shall comply with this Section. Modifications of the provisions of this Section are permitted only by:

- (a) authorization of the City Planning Commission pursuant to Section 62-722 (Modification of Waterfront Public Access and Visual Corridor Requirements), or
- (b) special permit of the City Planning Commission pursuant to Section 62-733 (Uses on Floating Structures), Section 62-734 (Developments on piers and platforms), Section 74-711 (Landmark preservation in all districts) or Section 74-79 (Transfer of Development Rights from Landmark Sites); or
- (c) establishment of a Waterfront Access Plan in Section 62-80. In the event of a conflict between the provisions of this Section and a Waterfront Access Plan, the plan shall control.

## 62-61 Design Options and Methodology

All public access areas and #visual corridors# shall comply with the general requirements set forth in Section 62-62 below. In addition, each type of public access area and #visual corridor# shall comply with its specific requirements as set forth in the following paragraphs.

#Shore public walkways# and #supplemental public access areas# shall be improved in accordance with the design prototypes selected from Table 62.61. At least one prototype identified by an "X" for the applicable type of #development# shall be selected. The remaining required #supplemental public access area# may be #developed# as one or more of any of the #supplemental public access area# prototypes or as residual public access area. Residual public access areas shall adjoin a #shore public walkway# on its seaward side. The total residual area shall not exceed 30 percent

of the area required for #supplemental public access areas#. Each #supplemental public access area# shall comply with the requirements for its prototype in Section 62-63.

#Upland connections#, #visual corridors#, public access areas on #piers# and public access areas in conjunction with #floating structures# shall comply with the requirements set forth in Sections 62-64 through 62-66. Design reference standards for all public access areas are contained in Section 62-67.

TABLE 62.61

DESIGN OPTIONS FOR SHORE PUBLIC WALKWAYS  
AND SUPPLEMENTAL PUBLIC ACCESS AREAS

DEVELOPMENT LOCATION		PERMITTED PUBLIC ACCESS AREA DESIGN PROTOTYPES*					
		Shore Public Walkway			Supplemental Public Access Area**		
		I	II	III	I	II	III
All developments for exclusively residential use *** in the following districts: R3, R4, R5; C1 or C2 in R1 thru R5; C3 C4-1	with less than 100 DU's	X	X	X	X	X	X
	with 100 DU's or more	X	X	X	X	X	
All other developments in above Districts		X	X		X	X	
All developments in C8 or Manufacturing Districts		X	X		X	X	
All developments in R6, R7-1, R7-2, R7A, R7B, R8B Districts and in Districts with a permitted commercial FAR of 4.0 or less		X	X		X	X	
All developments in other R7, R8, R9 and R10 Districts and in Districts with a permitted commercial FAR above 4.0		X			X	X	

- \* Shore Public Walkway prototypes:
  - Prototype I: Esplanade (Section 62-631)
  - Prototype II: Moderate-intensity walkway (Section 62-632)
  - Prototype III: Low-intensity walkway (Section 62-633)
- Supplemental Public Access Area prototypes:
  - Prototype I: Waterview plaza (Section 62-634)
  - Prototype II: Waterview park (Section 62-635)
  - Prototype III: Waterview sitting area (Section 62-636)
- \*\* When the total requirement for #supplemental public access areas# is less than 2,500 square feet, such area may be #developed# as a waterview sitting area pursuant to Section 62-636 (Supplemental public access area - Prototype III: Waterview sitting area).
- \*\*\* Up to two percent #commercial use# and two percent #community facility use# shall be permitted in developments classified as "exclusively residential". Such percentage shall be computed as the ratio of #floor area# of such #use# to total #floor area# on the #zoning lot#.

#### 62-62 General Requirements for Public Access Areas

- (a) Waterfront public access areas shall be accessible to the handicapped in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design guidelines.
- (b) All public access areas shall consist of three functional components: pedestrian circulation zones, buffer zones and transition zones:

##### (1) Pedestrian circulation zone

The pedestrian circulation zone is the portion of a waterfront public access area that contains one or more circulation paths for pedestrian movement.

##### (2) Buffer zone

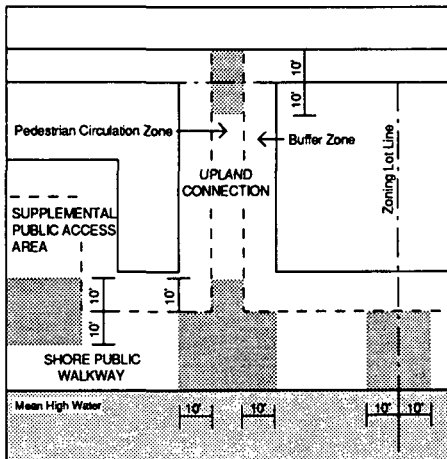
The buffer zone is a landscaped area within a waterfront public access area running along its boundary with the non-public portions of the #zoning lot#. The buffer zone



shall be improved entirely as planting area except for permitted obstructions. However, where the ground floor frontage of a #building# facing a waterfront access area, other than a waterview sitting area, is occupied by ground floor #commercial uses#, the buffer zone may be paved.

(3) Transition zone

The transition zone is the portion of the pedestrian circulation zone of a waterfront public access area located within ten feet of its intersection with another portion of the public access network on the same or an adjoining #zoning lot#; or a public #street#, #public park# or other public place to which it connects. At the intersection of an #upland connection# and a #shore public walkway#, the transition zone shall include all areas within the two public access areas between the boundary lines of the transition zone.



**Transition Zone**

 Area of a Waterfront Public Access Area within Transition Zone

## 62-621 Shore public walkways

A #shore public walkway# shall consist of a single pedestrian circulation zone along its seaward edge and a buffer zone along its landward edge. The minimum width of the pedestrian circulation zone and buffer zone is set forth in Table 62.621. On shallow lots where the width of the #shore public walkway# is permitted to be reduced pursuant to Section 62-411, the reduction shall be divided equally between the pedestrian circulation and buffer zones until the minimum width of the buffer zone indicated in Table 62.621 is reached. Any additional reduction shall be applied to the pedestrian circulation zone until its minimum is reached.

TABLE 62.621

REQUIRED DIMENSIONS OF PEDESTRIAN CIRCULATION ZONES AND BUFFER ZONES IN SHORE PUBLIC WALKWAYS  
(in feet)

Required width of shore public walkway pursuant to Section 62-411	Required width of pedestrian circulation zone	Required width of buffer zone
40	25	15
30	20	10
less than 30	not less than 7	not less than 3

When the dimensions of a #shore public walkway# are modified by the New York State Department of Environmental Conservation pursuant to Section 62-411, such modifications shall satisfy the requirements of this Section.

A required circulation path within a #shore public walkway# shall, at minimum, adjoin the #shoreline#, bulkhead, water edge of a #platform# or stabilized natural shore for at least 40 feet at maximum intervals of 200 feet and shall connect to the circulation paths of other #shore public walkways# on the same or adjoining #zoning lots#.

**62-622 Upland connections**

An #upland connection# traversing a #zoning lot# shall consist of a single pedestrian circulation zone bordered continuously along either side by buffer zones. If any portion of an #upland connection# is provided along a #lot line#, the pedestrian circulation zone may be located adjacent to the #lot line# and one buffer zone may be located on the adjoining #zoning lot# abutting the #lot line#. In such case, the total width of the three zones shall be maintained across the two #zoning lots#. Where the owners of two adjoining #zoning lots# choose this option, the adjoining #zoning lot# shall be included in the site plan submitted for certification and recordation pursuant to section 62-711.

The minimum width of the pedestrian circulation zone and buffer zones shall be as indicated in Tables 62.622a and 62.622b:

TABLE 62.622a

REQUIRED DIMENSIONS OF PEDESTRIAN CIRCULATION AND BUFFER ZONES  
IN UPLAND CONNECTIONS  
(in feet)

Required width of upland connection (pursuant to Section 62-414)	Minimum width of required pedestrian circulation zone	Minimum width of each buffer zone
20	8	6
30	10	10

On narrow lots where the width of the #upland connection# is permitted to be reduced pursuant to Section 62-414, the reduction shall be applied equally to the pedestrian circulation and buffer zones until the minimum width of the pedestrian circulation zone indicated in Table 62.622b is reached; any additional reduction in dimension shall be subtracted equally only from each buffer zone until the minimum buffer dimension is reached.

TABLE 62.622b

REQUIRED DIMENSIONS OF PEDESTRIAN CIRCULATION AND BUFFER ZONES  
IN UPLAND CONNECTIONS ON NARROW LOTS  
(in feet)

Required width of an upland connection (pursuant to Section 62-414)	Minimum width of required pedestrian circulation zone on a narrow lot:	Minimum width of required buffer zone on a narrow lot:
20	6	3
30	10	3

Where an #upland connection#, or a portion thereof, is located within a private drive, no buffer zone is required. The minimum width of the pedestrian circulation zone shall be 12 feet on each side of the drive. The pedestrian circulation zone shall be improved in accordance with the provisions of Section 62-64.

#### 62-623 Supplemental public access areas

A #supplemental public access area# shall be directly connected to either an #upland connection# or a #shore public walkway# and its pedestrian circulation zone shall be contiguous with the adjacent pedestrian circulation zone of the #upland connection# or #shore public walkway# to which it connects. The minimum width of the buffer zone shall be 15 feet.

#Supplemental public access areas# shall meet the minimum requirements set forth in Sections 62-634, 62-635 and 62-636, as applicable for the prototype chosen. Any residual public access area provided pursuant to Section 62-61 shall be designed as part of the pedestrian circulation zone of the adjoining #shore public walkway#.

#### 62-624 Maintenance and operation of waterfront public access areas

(a) Hours of operation and limitations on accessibility

All required pedestrian circulation zones shall be open to the public between the hours of dawn and dusk, except when hazardous conditions are present that would affect public safety.

(b) Performance and maintenance

- (1) The property owner shall be responsible for the completion and maintenance of all required waterfront public access areas on the #zoning lot#. No certificate of occupancy shall be issued until all public access improvements required pursuant to Section 62-40 are completed except as provided in a phasing plan pursuant to Section 62-722.
- (2) To ensure the maintenance of the waterfront public access areas, the property owner shall post a maintenance bond with the Department of Parks and Recreation in an amount certified by a registered architect or landscape architect to be sufficient to cover one hundred twenty-five percent (125%) of the cost of maintaining the waterfront public access areas for a period of twelve (12) months following the final completion of the waterfront public access areas.

**62-625 Grading controls**

Any #lot area# improved for public access shall meet the following regulations for site grading:

(a) Pedestrian circulation zone

- (1) Cross-sectional grading regulations for circulation paths (perpendicular to the general direction of pedestrian circulation)

The minimum slope of a required circulation path shall be one and one-half (1.5) percent to allow for positive

drainage and the maximum slope shall be three (3.0) percent. Steps, stairways and ramps accommodating a cross-sectional grade change are only permitted in a pedestrian circulation zone outside of the required circulation path(s) and in compliance with the regulations for handicapped accessibility.

- (2) Longitudinal grading controls for circulation paths (parallel to the general direction of pedestrian circulation)

Grade changes are permitted along the length of a required circulation path in compliance with the requirements for handicapped accessibility.

- (3) Transition zones

No steps shall be permitted in a required pedestrian circulation path.

- (b) Buffer zones

Within five feet of the boundary line of a pedestrian circulation zone, the grade level of the buffer zone shall not be more than 18 inches higher or lower than the adjoining level of the pedestrian circulation zone.

#### 62-626 Permitted obstructions

- (a) Waterfront public access areas shall be unobstructed from ground level to the sky except for the following permitted obstructions:

- (1) In pedestrian circulation zones:

Trees and other plant materials, shrubs and flowers in planting areas; retaining walls; benches, seating and other outdoor furniture; fountains, reflecting pools,

waterfalls, sculptures and other works of art; litter receptacles, drinking fountains and bicycle racks; exercise and other recreational equipment; open air cafes and kiosks; lights and lighting stanchions and flag poles; public telephones and toilets; temporary exhibitions; open arbors or trellises; awnings and canopies over the entrances to #buildings# fronting the waterfront public access area; bollards, guardrails, fences and gates; and subway station entrances, which may include escalators.

(2) In buffer zones:

- (i) The following obstructions shall be permitted without restriction as to location: trees and other planting materials; arbors and trellises; entrances to #buildings# fronting on the buffer zone and awnings and canopies over such entrances; fences and gates; planting areas and retaining walls.
- (ii) The following obstructions shall be permitted only within five feet of a pedestrian circulation zone or entranceway to a building: benches, seats; litter receptacles, drinking fountains, bike racks, public telephones; lights and lighting stanchions.
- (iii) Service equipment necessary for maintenance of the public access areas or the functioning of adjacent structures such as watering equipment, sheds for tool storage, and electrical transformers, provided they cover no more than 100 square feet in any location and have a maximum height of ten feet. Such obstructions shall be screened in accordance with Section 62-675.

- (iv) Where a portion of a buffer zone is permitted to be paved pursuant to Section 62-621, obstructions shall be permitted in accordance with paragraph (a)(1) of this Section.
- (b) Permitted obstructions within required planting areas are also subject to Section 62-675.
- (c) Kiosks and open-air cafes

Where a kiosk is provided, it shall not occupy an area in excess of 150 square feet, including roofed areas. A kiosk may be freestanding or attached on only one side to a wall of a #building#. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may only be occupied by news or magazine stands, food stands, flower stands, bicycle rental stands, information booths or #uses# accessory to permitted WD #uses#.

Where an open air cafe is provided, it shall be permanently unenclosed except that it may have a temporary fabric roof. No kitchen equipment shall be installed within an open air cafe. Kitchen equipment may be contained in a kiosk adjoining the open air cafe.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers on a waterfront public access area through open windows.

- (d) Notwithstanding paragraphs (a) and (b) above, #supplemental public access areas# may include an open air amphitheater or an outdoor skating rink.
- (e) Exhaust vents, electrical transformers or other mechanical or electrical service devices shall not be located within the pedestrian circulation zone of a waterfront public access area. Exhaust vents may be located on the #building# wall



fronting on a waterfront public access area only if the bottom of such vent is a minimum of ten feet above the adjacent level. The vent shall extend no more than four inches from the building face.

#### 62-627 Vehicle and emergency access

Vehicular access is prohibited within waterfront public access areas except for emergency vehicular access. Parking areas, passenger drop-offs, driveways, loading berths and building trash storage facilities are not permitted within, or allowed to be accessed or serviced through, a #shore public walkway# except for:

- (a) drop-offs and other required services accessory to docking facilities; or
- (b) vehicular access to #development# on a #pier# or #floating structure#.

Such vehicular ways shall be used only to provide access across the #shore public walkway#, and no single driveway shall exceed a width of 25 feet. Paving and bollards shall be installed in accordance with Section 62-671. There shall be a minimum four inch and maximum seven inch grade change between the driveway and any adjoining pedestrian circulation zone, satisfied by a curb or sloped paving surface. Curbs shall have a minimum width of six inches. When a sloped surface is provided, a minimum 12 inch paved border shall be installed within the driveway where the slope terminates. Curbs and paved borders shall have a color distinct from the paving of the adjoining pedestrian circulation zone.

Driveways are permitted as part of an #upland connection# in accordance with the regulations of Section 62-64.

Any vehicular way within a required waterfront public access area shall comply with the requirements for paving in Section 62-676.

**Section 62-63 Specific Design Requirements for Public Access  
Prototypes**

**62-631 Shore public walkway - Prototype I: Esplanade**

A #shore public walkway# improved as an esplanade shall comply with the requirements of this Section. The additional standards indicated for a commercial esplanade are mandatory for #developments# where the ground floor #use# facing the esplanade is #predominantly commercial# and are optional for other #developments# where ground floor #commercial uses# face the esplanade.

**(a) Circulation and access**

Two circulation paths are required. The seaward edge of one required circulation path shall continuously adjoin the seaward edge of the #shore public walkway#. The minimum clear width of the path closest to the #shoreline# shall be 12 feet. The landward path shall have a minimum clear width of six feet for a #residential# esplanade and ten feet for a commercial esplanade. Connecting paths having a minimum width of ten feet shall be provided between the two required circulation paths at intervals not to exceed 100 feet.

**(b) Seating**

One linear foot of seating shall be provided for every 50 square feet of required #shore public walkway#.

**(c) Planting**

**(1) Pedestrian Circulation Zones**

A continuous tree pit shall be required between the seaward and landward circulation paths except within a transition zone, at required connections between circulation paths and at permitted vehicular access ways. A minimum of 50 percent of the area of the continuous

tree pit shall be planted to the standards of a planting bed.

(2) Trees

Two rows of shade trees are required; one shall be located within the continuous tree pit in the pedestrian circulation zone and a parallel row shall be located in the buffer zone.

62-632 Shore public walkway - Prototype II: Moderate-intensity

A #shore public walkway# improved as a moderate-intensity walkway shall comply with the requirements of this Section.

(a) Circulation and access

One circulation path with a minimum clear width of 12 feet is required within ten feet of the seaward edge of the #shore public walkway#.

(b) Seating

One linear foot of seating shall be provided for every 50 square feet of required #shore public walkway#. At least 60 percent of the required seating shall be landward of the required circulation path.

(c) Planting

(1) Pedestrian circulation zone

The area landward of the required circulation path shall be a minimum of 50 percent planting area.

(2) Trees

(i) One row of shade trees is required and may be located either in the pedestrian circulation zone

landward of the required circulation path or the buffer zone.

- (ii) In addition to the trees required in paragraph (2)(i), one small or ornamental tree shall be provided in the buffer zone for every 750 square feet of #shore public walkway#.

**62-633 Shore public walkway - Prototype III: Low-intensity**

A #shore public walkway# improved as a low-intensity walkway shall comply with the requirements of this Section.

(a) Circulation and access

One pedestrian circulation path with a minimum clear width of eight feet is required anywhere within the pedestrian circulation zone.

(b) Seating

At least one linear foot of seating is required for every 250 square feet of required #shore public walkway#.

(c) Planting

(1) Pedestrian circulation zone

A minimum of 70 percent of the pedestrian circulation zone, excluding the required circulation path, shall be planting area.

(2) Trees

One shade tree and one small ornamental tree is required for every 750 square feet of required #shore public walkway# and may be planted anywhere within the #shore public walkway#.

62-634 Principal public access area - Prototype I: Waterview plaza

A #supplemental public access area# improved as a waterview plaza shall comply with the requirements of this Section.

(a) Location

- (1) A waterview plaza shall adjoin a #shore public walkway# continuously along the longest side of its major portion. Additionally, where only one waterview plaza is provided on a #zoning lot#, that plaza shall also adjoin an #upland connection# or a #street# continuously along at least one side; if such #zoning lot# neither adjoins nor contains an #upland connection#, this provision shall not apply.
- (2) There shall be a minimum of 400 feet between any two waterview plazas, or a waterview plaza and a waterview park, on the same #zoning lot#.
- (3) On a #zoning lot# adjoining another #zoning lot# containing either an existing waterview plaza or waterview park (or a designated location for a waterview plaza or waterview park), a required waterview plaza shall be located adjoining such waterview plaza or waterview park (or designated location).

(b) Area and dimensions

- (1) A waterview plaza shall be a minimum of 2,500 square feet in area, at least 50 percent of which shall be pedestrian circulation zone.
- (2) At least 70 percent of the waterview plaza area, (the "major portion"), shall have a width to depth ratio of 1.0 to 1.0 and a maximum ratio of 2.0 to 1.0.

- (3) The minimum dimension of the major portion shall be 45 feet; the minimum dimension of any remaining portion of a waterview plaza shall be 30 feet.

c) Circulation and access

- (1) There shall be at least one circulation path that shall provide access throughout the major portion of the waterview plaza to any primary building entrance accessible from the plaza and any use that may be present on or adjacent to the plaza. It shall have a minimum clear width of ten feet; any other circulation path shall have a minimum clear width of six feet.

- (2) Transition zone

The minimum aggregate width of clear path along any side of a waterview plaza within a transition zone shall be equal to 50 percent of the length of intersection between the two public access areas. Any single path providing access between waterfront public access areas shall be ten feet within the transition zone.

(d) Seating

At least one linear foot of seating is required for every 30 square feet of pedestrian circulation zone.

(e) Planting

- (1) Pedestrian circulation zone

A minimum of 25 percent of the pedestrian circulation zone shall be planting area.

- (2) Trees

For a waterview plaza not exceeding 2,500 square feet in

total area, four trees are required. For each additional 600 square feet in total area, an additional tree shall be required.

**62-635 Supplemental public access area - Prototype II: Waterview park**

A #supplemental public access area# improved as a waterview park shall comply with the requirements of this Section. The requirements for a waterview park shall be the same as for a waterview plaza as described in Section 62-634 except:

(a) Location

A waterview park need not adjoin an #upland connection#.

(b) Circulation and access

The required circulation path shall have a minimum clear width of eight feet.

(c) Seating

At least one linear foot of seating is required for every 20 square feet of pedestrian circulation zone.

(d) Planting

In pedestrian circulation zones:

- (1) planting area shall be 50 percent of the total area, no more than 50 percent of which may be in raised planting beds; and
- (2) 35 percent of the major portion of a waterview park shall be lawn area in compliance with the standards for lawns in Section 62-675.

**62-636 Supplemental public access area - Prototype III:  
Waterview sitting area**

#Supplemental public access areas# improved as waterview sitting areas shall comply with the requirements of this Section. Building entrances may not front upon a waterview sitting area.

(a) Location

The pedestrian circulation zone shall be at least 50 percent of the waterview sitting area and a minimum of 300 square feet with a minimum width to depth ratio of 1.33 to 1.0 and a maximum ratio of 3.0 to 1.0. One side of the longer dimension shall abut the #shore public walkway#. The minimum average depth landward of the #shore public walkway# shall be 15 feet.

(b) Circulation and access

- (1) There shall be at least one circulation path within the pedestrian circulation zone with a minimum clear width of six feet.
- (2) The minimum aggregate width of clear path within the transition zone at a #shore public walkway# shall be 12 feet which may be divided into multiple paths with a minimum width of six feet.

(c) Permitted obstructions

The maximum height of permitted obstructions (other than planting materials) shall be 44 inches.

(d) Seating

At least one linear foot of seating is required for every 20 square feet of pedestrian circulation zone.

(e) Planting



(1) Pedestrian circulation zone

A minimum 15 percent of any pedestrian circulation zone greater than or equal to 600 square feet shall be planting area.

(2) Buffer zone

The buffer zone shall be improved entirely as a planting area except for permitted obstructions..

**62-64 Design Requirements for Upland Connections and Visual Corridors**

**62-641 Design requirements for upland connections**

(a) Circulation and access

(1) Where an #upland connection# is located within a private drive, a circulation path with a minimum clear width of six feet shall be provided in each pedestrian circulation zone.

(2) All other #upland connections# through #zoning lots# shall have a circulation path with a minimum clear width of eight feet within the pedestrian circulation zone. Such path may be reduced to six feet for pedestrian circulation zones less than eight feet wide.

Within a transition zone, the circulation path shall comprise the full width of the pedestrian circulation zone.

(b) Seating

Seating is not required for #upland connections# through #zoning lots# less than 100 feet in length. For #upland connections# 100 feet in length or greater, a minimum of 24 linear feet of seating shall be provided.

**(c) Planting**

Where an #upland connection# is located within a private drive, a single row of shade trees shall be planted adjoining a required circulation path at intervals specified in Section 62-675.

**62-642 Design requirements for visual corridors**

The requirements of this Section shall apply to all #visual corridors#. When a #visual corridor# coincides with an #upland connection#, the provisions of Section 62-641 shall also apply.

No #building or other structure# shall be erected within the width of a #visual corridor# above its lowest level, as established pursuant to Section 62-42, except as provided herein. Permitted obstructions within #visual corridors# in all districts shall be limited to those allowed for #waterfront yards# listed in Section 62-342 except as modified below.

The following obstructions shall be permitted:

- (a) boats, ships or other vessels, and #floating structures#;
- (b) any moving or parked vehicles, street furniture, including, but not limited to benches, seats, kiosks, carts and open display booths, lighting fixtures, guardrails, bollards, flagpoles, trash receptacles, drinking fountains, and public telephones;
- (c) planting areas, provided that no shade trees are planted within a 15 foot wide area along both sides of the centerline of the #visual corridor#.

**62-65 Design Requirements for Public Access on Piers**

Public access areas on #piers# shall be improved in accordance with the provisions of this Section. The entire public access area on a

**#pier# shall be considered a pedestrian circulation zone.**

**(a) Circulation and access**

At least one circulation path having a minimum clear width of ten feet shall be provided throughout the public access area required on the pier. Within a transition zone, the aggregate clear width of circulation path shall be equal to 50 percent of the length of the intersection between two public access areas.

**(b) Permitted Obstructions**

In addition to the obstructions permitted within pedestrian circulation zones pursuant to Section 62-626, **#pier#** public access areas may include one free-standing open or enclosed public pavilion, provided such structure does not exceed one story, a maximum height of 30 feet, or a maximum area of 1600 square feet. At least 50 percent of the perimeter wall up to a height of 15 feet shall consist of clear or lightly tinted transparent material or latticework. Such structures shall be exempt from building spacing requirements on **#piers#** provided they maintain a spacing of 15 feet from other **#buildings#** and from any water edge of the **#pier#**.

**(c) Seating**

At least one linear foot of seating is required for every 30 square feet of pier public access area.

**62-66 Design Requirements for Floating Structures**

The following design requirements shall apply to **#shore public walkways#** provided in conjunction with as-of-right **#development#** on **#floating structures#** pursuant to Section 62-413.

**(a) Circulation and access**

The entire #shore public walkway# required pursuant to Section 62-413 shall be considered a pedestrian circulation zone. Within such zone, a circulation path shall be provided with a minimum clear width of ten feet. Such width may be reduced on shallow portions of lots to a minimum of seven feet within #shore public walkways# having a depth less than 13 feet.

(c) Landscaping and screening

A single row of shade trees shall be provided landward of the circulation path along any portion of a pedestrian circulation zone having a width equal to or greater than 13 feet.

Any service areas located within the pedestrian circulation zone shall be screened from the circulation path in accordance with the standards for screening in Section 62-675.

**62-67 Public Access Design Reference Standards**

**62-671 Guardrails, gates and other protective barriers**

The requirements of this Section shall not supersede other applicable government regulations or safety codes.

(a) Guardrails

- (1) Guardrails shall be located within waterfront public access areas as follows:
  - (i) continuously along any bulkhead, stabilized shore or the water edges of a #pier# or #platform# that is located within 50 feet of a circulation path; and
  - (ii) continuously along any grade level change of 30 inches or greater adjoining or within ten feet of a circulation path.

Guardrails shall not be required, however, at access points to WD #uses# and #development# on #floating structures#. The minimal protective barrier at such locations shall be a swing gate, bollard and chain or similar device.

- (2) Required guardrails shall have a minimum height of 42 inches and a maximum height of 45 inches above the level of the adjoining grade. A guardrail may be a 100 percent opaque wall to a maximum height of 21 inches and shall be a minimum of 65 percent open above that height. The open portions of a guardrail shall be designed to prevent the passage of a six inch diameter sphere through any opening.

(b) Fencing and walls

- (1) When provided, fences or walls within a waterfront public access area shall be limited to the following locations: anywhere within a buffer zone provided it does not obstruct access to required seating; along the boundary of a buffer zone and an adjoining private area; adjoining WD #uses#; within a visual corridor; and, elsewhere, to define the seating or waiting area of an open air cafe or similar open #use#.
- (2) Fences or walls shall not exceed 48 inches in height. Each may be opaque up to a maximum height of 28 inches and shall be a minimum of 65 percent open above such height.

(c) Gates

For the purposes of this paragraph, the term "gates" shall include, but not be limited to, structures such as pergolas, arches, bollards with chain, swing arms and swing fencing, which span the width of a waterfront public access area for the purpose of limiting physical access. Such gates may be

closed pursuant to subsection 62-624 (Maintenance and Operation of Waterfront Public Access Areas).

- (1) Gates are permitted within a waterfront public access area at its entrance from an adjoining public #street#, park or other public way and along #lot lines#.
- (2) The maximum height of a gate shall be eight feet above the adjoining grade except that a bollard shall not exceed four feet above curb level; the maximum width of a bollard shall be 2 feet 6 inches. A gate shall be so located that when open the required circulation paths are clear of any obstruction of the gate, except that bollards may be located within the clear path with a minimum spacing of six feet. Gates shall be designed to be no more than 50 percent opaque with visibility distributed evenly across their width.

Chain link fence or barbed or razor wire shall not be permitted within a waterfront public access area.

#### 62-672 Seating

All required seating shall comply with the following standards:

##### (a) Depth

Seating without backs shall have a minimum depth of 16 inches. Seating with backs shall comprise at least 50 percent of the required seating. Such seating shall have a minimum depth of 14 inches, a maximum depth of 22 inches and backs shall be at least 12 inches high. Seating 30 inches or more in depth and accessible from both sides shall count double.

##### (b) Height

At least 75 percent of the required seating shall have a height not less than 16 inches nor greater than 20 inches

above the level of the adjacent walking surface. Seating higher than 36 inches or lower than 12 inches shall not qualify toward the seating requirements.

(c) Clearance

Seating shall be set back a minimum of three feet from any circulation path or permitted obstruction.

(d) Alternative types of seating

Tops of walls that are flat and smooth with at least one inch radius rounded edges, including those bounding planting beds, fountains and pools shall qualify as seating, provided they comply with the standards of this Section. Moveable chairs, excluding those in open air cafes, may be credited as 18 inches of linear seating per chair; however, not more than 50 percent of required linear seating may be in moveable seats. No steps, stairs, or seating in open air theaters or cafes shall qualify towards seating requirements.

62-673 Lighting

All waterfront public access areas shall provide lighting in accordance with the following requirements:

(a) Lighting fixtures

Light posts shall be spaced at a maximum distance of 40 feet. The light center of the fixture shall be mounted at a minimum height of 12 feet and a maximum height of 15 feet above the adjacent circulation path. Lighting shall be located within five feet of a circulation path.

(b) Light source and illumination level

Luminaires shall have type III photometric distribution as described in the Illuminating Engineering Society's (IES)

Handbook. Glare shall be controlled to a semi-cutoff standard (not more than five percent of peak footcandle intensity radiating above 90 degrees and 20 percent of peak intensity above 80 degrees). The luminaire shall be equipped with lamps with color temperature range of 2000 K to 4000 K with a minimum color rendering index of 65. The performance standard for illumination shall be a minimum of .5 horizontal footcandles along both the paved portion of the walkway and seating areas. The average illumination to minimum footcandle uniformity ratio shall be no greater than 4.0 to 1.0 within such paved and seating areas. All lenses and globes shall be polycarbonate or equivalent.

#### 62-674 Signage

The New York City Waterfront symbol plaque shall be used to direct the public to waterfront public access areas and to identify the entry points of these areas. The New York Waterfront Symbol Standards and Specifications (NYC DCP April, 1989, and as modified from time to time) are hereby incorporated by reference as the locational and design requirements for this signage, except as modified below:

- (a) An entry plaque as described in paragraph (b) shall be provided in the following locations:
  - (1) the entrance to a required #upland connection# from a #street#, #public park#, or other public place;
  - (2) the entrance to a public access area on a #pier# or a #floating structure#; and
  - (3) at the transition zone between #shore public walkways# divided by #lot lines#.

#### (b) Entry Plaque

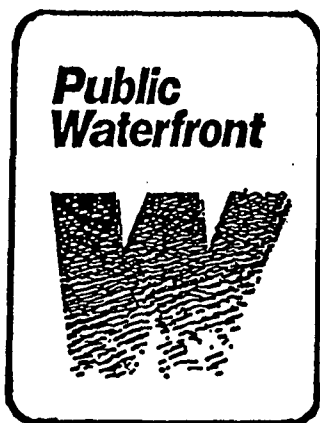
The NYC Waterfront Symbol plaque shall be used as the entry



plaque for all required locations. The entry plaque shall contain:

- (1) the NYC Waterfront Symbol and the words "Public Waterfront"; and
- (2) the International Symbol of Access for the physically handicapped, at least three inches square, mounted below the Waterfront Symbol plaque.

The entire entry plaque shall be directly visible, without any obstruction, from the adjoining public area.



Entry Plaque With New York City Waterfront Symbol

(c) Information Plaque

A separate information plaque, with a surface area of not less than 2 by 2 feet shall be constructed from permanent materials and located at a clearly visible point within the transition zone of any required #supplemental public access area# with clear lettering consisting of:

- (1) the prototype name of the #supplemental public access area# and the hours during which it is open to the public;
- (2) the quantity of trees and amount of moveable seating;
- (3) the name of the current owner of the #development# and the name, address, and phone number of the person designated to maintain the #supplemental public access area#; between the hours of 9:00 a.m. and 5:00 p.m.;
- (4) the statement "Complaints regarding this #supplemental public access area# (insert the prototype name, such as "waterview plaza") may be addressed to the Department of City Planning or the Department of Buildings of the City of New York"; and
- (5) the statement "This #supplemental public access area# (insert the prototype name, such as "waterview plaza") is accessible to the physically handicapped."

Where no #supplemental public access area# is required, one information plaque containing the hours of public access and the information in paragraphs (3) and (4) of this Section shall be provided at an entrance point to the waterfront public access area.

62-675 Planting and Trees

Within parking areas and waterfront public access areas where planting or screening is required, the design standards of this

Section shall apply. All required shade trees and screening plants shall be selected from Section 62A (Appendix A - Waterfront Plant List).

(a) General terms and requirements

- (1) A "curb," when required, shall be two to six inches high and made of concrete, cut stone, steel or similar material. Any edging higher than six inches above adjacent grade shall be termed a "retaining wall."
- (2) A "root zone" refers to trees only and is defined as a minimum 6 foot x 6 foot area on center with the trunk of a tree.
- (3) Obstructions permitted within a required planting area in a pedestrian circulation zone shall be limited to the following: litter receptacles, drinking fountains and bicycle racks, lights and lighting stanchions, flag poles, public telephones, open arbors or trellises, bollards, guardrails, fences and gates, watering equipment and seating within a continuous tree pit.

(b) Plant materials and installation requirements

(1) Tree Height and Caliper

Large and medium shade trees shall be a minimum of three inches caliper and small trees shall be a minimum of two inches caliper at time of planting.

(2) Tree and shrub spacing

Large trees shall be spaced at least 25 feet apart; medium trees shall be spaced at least 20 feet apart; and small trees shall be spaced at least 15 feet apart. Small trees may be spaced 15 feet from a large or medium tree, and medium trees may be 20 feet from a large tree.

No shrub shall be planted within six feet of the base of a tree trunk.

Trees in rows, where required, shall be planted at an average interval of 25 feet on center with a maximum spacing of 30 feet between trees and may be discontinued within, and seaward of, any transition zone or at building entrances or driveways.

(3) Root Zone Protection

One of the following measures shall be employed for tree planting areas at grade:

- (i) Granite pavers shall be installed in accordance with New York City Department of Parks and Recreation (DPR) standards for street trees, as amended for a minimum 6 foot x 6 foot root zone;
- (ii) A minimum 6 foot x 6 foot tree grate shall be installed over the root zone, supported at its edges and set flush with the adjacent pavement for pedestrian safety, in accordance with DPR standards for street trees as amended for grate size;
- (iii) The root zone of a tree shall be edged with a low rail or fence with a minimum height of 12 inches;  
or
- (iv) The root zone shall be surrounded with barrier hedge planting.

Trees planted behind a fence within a buffer zone shall be exempt from this requirement.

- (4) All planting areas except container planting shall be located on undisturbed subsoil or clean fill.

(c) Design requirements for planting areas

Planting areas required pursuant to Sections 62-50 and 62-60 shall comply with the following:

(1) Single Tree Pits

A single tree pit shall have minimum dimensions of 6 feet x 6 feet x 3 feet 6 inches deep.

(2) Continuous Tree Pit

A continuous tree pit is a planting area containing two or more trees. Retaining walls shall not exceed 60 percent of the perimeter or a maximum height of 18 inches. At least one long-dimension side or a continuous length equal to 40 percent of the planting area's perimeter shall have a grade level within six inches of the adjacent grade level.

- (i) Continuous tree pits shall have a minimum width of 6 feet, a minimum depth of 3 feet 6 inches, and a length as required to meet minimum plant spacing standards.
- (ii) Trees shall be located a minimum of three feet from any side of a continuous tree pit and five feet from any end.
- (iii) Seating may be located within a continuous tree pit beyond the root zone of any tree. Such seating area shall be paved with unit pavers set without mortar in sand with no bituminous subgrade.

(3) Planting Beds

Retaining walls are permitted along the perimeter of a

planting bed in accordance with the regulations for continuous tree pit retaining walls. Where not bounded by a retaining wall, the perimeter of a planting bed shall be separated from any adjoining paved surface by a curb.

Planting beds shall have minimum dimensions of 3 feet x 3 feet x 2 feet 6 inches deep for turfgrass or other groundcover, and 3 feet wide x 3 feet long per shrub with a depth of 3 feet 6 inches. Trees, shrubs, or groundcovers may be combined in a single planting bed only if such bed meets the minimum dimensions for the largest plant.

(4) Raised Planting Beds

A "raised planting bed" is a planting area with retaining walls along more than 60 percent of its perimeter or a height along any portion greater than 18 inches.

A raised planting bed shall comply with the dimensional standards for a planting bed except that the height from the adjacent paved walking surface to the top of its retaining walls shall be a maximum of 36 inches.

(5) Lawn

A "lawn" is an area planted with turfgrass having a minimum soil depth of 2 feet 6 inches. Along at least 60 percent of its perimeter a lawn shall have a grade level within six inches of that of the adjacent pedestrian circulation zone providing unobstructed pedestrian access. A curb or retaining wall is required between a lawn and any paved area. Lawns may be contiguous with other planting areas without such edging.

(6) Container Planting

Planting areas not located on undisturbed subsoil or clean fill shall be considered "container planting" and subject to the following standards:

- (i) Soil volume and planting area dimensional requirements for container planting of shrubs and groundcovers shall comply with the requirements for raised planting beds. However, the soil depth shall be increased by 6 inches in all cases.
- (ii) Soil volume and dimensional requirements for container planting of trees shall comply with the requirements for a continuous tree pit. However, the soil depth shall be four feet.
- (iii) The bottom six inches of the container shall be designed to provide adequate drainage through the use of geotextile fabric, gravel and drainage pipe at bottom, and weep holes through retaining walls, or other materials according to best practice standards.

(7) Screening Areas

Where screening is required pursuant to Sections 62-50 and 62-60, it shall be met by the following:

- (i) Plants selected from Appendix A - Waterfront Plant List, Group 4 (Screening Trees and Shrubs), installed within a planting area with a minimum width of four feet. The plants selected shall be at least four feet high at the time of planting;  
or
- (ii) A solid wall or opaque fence at least four feet high. Where the height of such wall or fence is greater than four feet it shall be at least 50 percent open and planting from Appendix A, Group 4, shall also be provided along its length.

Screening may be interrupted by vehicular or pedestrian entrances.

**62-676 Paving**

Paving in waterfront public access areas shall comply with the following:

- (a) Paving shall consist of unit pavers or wood decking except as follows:
  - (1) Seating areas which are outside of the minimum clear path may also be paved with belgian block or poured concrete.
  - (2) In #shore public walkways# (Prototype III), crushed stone or woodchips may be used in lieu of unit pavers or wood decking.

Unit pavers shall be made of pressed concrete, bituminous concrete, brick or stone having a smooth but slip-resistant surface. Unit pavers shall be bounded by poured or precast concrete or stone edging of a width not to exceed two feet, or a curb or retaining wall.

(b) Dimensional requirements

- (1) All unit pavers shall have a minimum thickness dimension of two inches for pedestrian use and three inches for vehicular use and shall not exceed a maximum of four square feet in area.
- (2) Wood planks for boardwalk or decking shall be a minimum of three inches thick (nominal dimension). The direction of planks shall not be parallel to the direction of traffic.



**62-70 SPECIAL REVIEW PROVISIONS****62-71 City Planning Certifications**

The provisions of Sections 62-711 and 62-712 relating to certifications for public access, #visual corridors# and #zoning lot# subdivisions, shall not apply to:

airports, heliports and seaplane bases

#zoning lots# in C8 and #Manufacturing Districts#, involving #predominantly# uses in Use Groups 16, 17 or 18; except for docking facilities serving passenger ocean vessels or sightseeing, excursion or sport fishing vessels; and #zoning lots# in R1 and R2 districts.

**62-711 Waterfront public access and visual corridors**

No excavation or building permit shall be issued for any #development# on a waterfront #block#, or any other #block# included within a Waterfront Access Plan, until the Chairman of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that either:

- (a) there is no waterfront public access or #visual corridor# requirement on the #zoning lot#; or
- (b) that a site plan has been submitted showing compliance with the provisions of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS), 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) and, if applicable, Section 62-80, (WATERFRONT ACCESS PLANS).

Within 45 days of receipt of a complete application, the Chairman shall either certify that the proposed #development# complies with the requirements of this Section or disapprove such application, citing the nature of any non-compliances. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Office of Business Services from any obligation to withhold the excavation or building permit and

authorize such agency to determine compliance with the provisions of this Section.

#### 62-712 Zoning lot subdivisions

An existing #zoning lot# within a waterfront #block#, or within any other #block# included in a Waterfront Access Plan, may be subdivided into two or more #zoning lots#, or reconfigured in a manner that would reduce its area or any dimension, only in accordance with the provisions of this Section.

Such #zoning lot# may be subdivided or reconfigured provided that the Chairman of the City Planning Commission certifies that:

- (a) there are no existing requirements in this Chapter for waterfront public access or #visual corridors# on the #zoning lot#; or
- (b) the proposed subdivision or re-configuration will not affect a minimum dimension or area which would mandate waterfront public access or #visual corridors#; or
- (c) in the event a subdivision or reconfiguration affects a minimum dimension or area as set forth in paragraph (b) of this Section, such waterfront public access or #visual corridors# will continue to be provided on any subdivided or reconfigured #zoning lots# that would result, as evidenced by the recording of a deed restriction against such property.

#### 62-72 Authorizations by the City Planning Commission

##### 62-721 Modification of requirements for ferries

- (a) In C1, C2, C3 and C7 Districts, the City Planning Commission may authorize modification of the #use# regulations of Section 32-10 in order to allow docks for ferries with an operational passenger load greater than 150 passengers per half hour, provided the Commission finds that:

- (1) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect the surrounding area;
  - (2) the #streets# providing access to such facility will be adequate to handle the traffic generated thereby; and
  - (3) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in adjoining #residential# areas.
- (b) In all districts, the City Planning Commission may authorize a reduction or waiver of the parking requirements of Section 62-53 for docks serving ferries, provided the applicant submits a report that enables the Commission to make one or more of the following findings:
- (1) that there is adequate public or private transit in close proximity to the facility and that there is a consistent pattern of usage by a significant percentage of passengers; or
  - (2) that there is a consistent pattern of passenger drop-off and pick-up by private cars, taxis or vans by a significant percentage of passengers; or
  - (3) that there is a consistent pattern of underutilization of existing #accessory# parking spaces.

In the event the dock serves other vessels in addition to ferries, the Commission may modify only the requirements attributable to ferries. However, the Commission may base such modification for ferries, in part, on evidence of common usage of parking spaces by vessels operating at mutually exclusive time periods.

- (c) In all districts, the Commission may authorize modification of the passenger drop-off and pick-up area requirements of

Section 62-562 (Passenger drop-off and pick-up areas for docking facilities), including a reduction in the number of required spaces, for docks serving ferries, provided the Commission finds that:

- (1) due to the configuration of the #zoning lot#, strict adherence to the regulations would not be possible to achieve;
- (2) there is no practical possibility of locating such area on another #zoning lot# that would be contiguous, except for its separation by a #street# or #street# intersection, because appropriate sites are occupied by substantial improvements;
- (3) there is no practical possibility of providing a layby area on an adjoining #street# that would be acceptable to the New York City Department of Transportation; and
- (4) such modifications would not create serious vehicular traffic congestion that would adversely affect the surrounding area.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will not adversely affect the surrounding area.

**62-722 Modification of waterfront public access and visual corridor requirements**

The City Planning Commission may:

- (a) authorize modification of the requirements of Sections 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS), 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) and may also authorize a portion or all of the required waterfront public access to be provided off-site on an adjoining public property.

As a condition to the granting of such authorization the Commission shall find that:

- (1) the regulations would result in an unfeasible #development# due to the presence of existing #buildings or other structures# or unique #shoreline# conditions such as wetlands; or
- (2) strict adherence to the regulations would adversely affect existing topography, vegetation or views having environmental, historic, or aesthetic value to the public.

The Commission shall require that alternate waterfront public access and #visual corridors# on the #zoning lot#, or off-site adjacent to the #zoning lot#, are provided that are substantially equal in area to that required and, by virtue of their design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland streets and other public areas.

- (b) authorize, in the case of #zoning lots# undergoing partial development, a phasing plan to implement public access improvements on a proportional basis as the lot is #developed#.

The Commission may impose appropriate conditions and safeguards to assure that such modifications will achieve comparable physical and visual access to the waterfront or to assure that an approved phasing plan will be properly implemented. Such conditions may include requirements for deed restrictions or performance bonds.

#### 62-723 Modification of use regulations in C3 Districts

In C3 Districts, the City Planning Commission may authorize modification of #use# regulations to allow a WE #use# not otherwise allowed as-of-right or by special permit. In conjunction with such authorization, the Commission may also allow the #sign# regulations

of a C1 District to apply to the #zoning lot#.

As a condition to the granting of such authorization the Commission shall find:

- (a) that such WE #use# is a #use# listed in Use Groups 5, 6, 7, 8, 9, 10, 12 or 13;
- (b) that the #zoning lot# also includes a WD #use# that is either permitted in the district as-of-right or has been permitted by special permit;
- (c) that such WE #use# will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential streets;
- (d) that the entrances and exits for #accessory# parking or loading facilities are so located as to not adversely affect residential properties fronting on the same street; and
- (e) that such WE #use# will not impair the character or future use or development of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Such conditions and safeguards may include limitations on the size of the establishment, limitations on lighting and signage or screening requirements.

#### 62-73 Special Permits by the City Planning Commission

#### 62-731 Docks for passenger ocean vessels in C6 Districts

In C6 Districts, the City Planning Commission may permit docks for passenger ocean vessels.

As a condition for granting a special permit, the Commission shall find that:

- (a) such facility will not create serious pedestrian or vehicular traffic congestion that would unduly inhibit surface traffic and pedestrian flow in the surrounding area;
- (b) the streets providing access to such facility will be adequate to handle the traffic generated thereby;
- (c) an area will be provided for the drop-off and pick-up of passengers by private car, taxi, van and bus that, at a minimum, meets the requirements of Section 62-562 (Passenger drop-off and pick-up areas for docking facilities), and which is so designed as to avoid traffic or pedestrian conflict on the streets providing access to the facility; and
- (d) such #use# will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including the provision of #accessory# off-street parking spaces, #accessory# off-street loading berths or additional area for the temporary parking of vehicles or buses for drop-off and pick-up of passengers.

#### 62-732 Docks for ferries or water taxis in Residence Districts

In all #Residence Districts# except R1 and R2 Districts, the City Planning Commission may permit docks for ferries or water taxis as listed in Use Group 6.

As a condition for granting a special permit, the Commission shall find that:

- (a) such facility will not create serious pedestrian or vehicular traffic congestion that would adversely affect surrounding residential #streets#;

- (b) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in the adjoining residential area;
- (c) there is appropriate landscaping along #lot lines# to enable such #use# to blend harmoniously with the adjoining residential area;
- (d) #accessory# off-street parking spaces are provided in accordance with Section 62-53 and the entrances and exits for such #accessory# parking facilities are so located as to not adversely affect residential properties fronting on the same #street#; and
- (e) such #use# will not impair the character or the future use or development of the surrounding residential area.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and to protect residential properties which are adjoining or across the #street# from the facility. Such additional conditions and safeguards may include provisions for temporary parking of vehicles for passenger drop-off and pick-up, additional #accessory# off-street parking spaces and limitations on lighting and signage.

#### 62-733 Uses on floating structures

In all districts, the City Planning Commission may permit a #use# not otherwise allowed as-of-right by Section 62-25 to be located on a #floating structure# provided the #use# is permitted by the applicable district regulations.

An application for a #use# on a #floating structure# pursuant to this Section shall be made jointly by the property owner and the owner of the #floating structure#, if they are separate entities. In addition, the application shall include copies of all federal and state permit applications that are required to be filed in



conjunction with the proposed #use#.

As a condition for granting a special permit, the Commission shall find that:

- (a) the proposed #use# is a WE #use# or is either a power plant or government-owned and operated facility that requires such a location due to the absence of a reasonable way to site the facility without use of a #floating structure#;
- (b) if the structure involves the conversion of a navigational vessel, the height of the vessel does not exceed the maximum height for the district set forth in Section 62-353;
- (c) a plan for public access on the #floating structure#, elsewhere on the #zoning lot#, or off-site on public property adjacent to the #zoning lot#, is provided that is appropriate to the size and intensity of #use# on the #floating structure#, and equivalent to the public access requirement that would be generated by such #use# on other portions of the site;
- (d) except for power plants or government-owned and operated facilities, the location of such #use# on a #floating structure# will enhance public access to and use of the waterfront; and
- (e) the location of such #use# on a #floating structure# will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

However, the Commission may waive the public access requirement for a power plant or government-owned and operated facility either where such access would conflict with the operation of the facility or be detrimental to the public welfare.

The Commission may also permit modification of the #visual corridor# requirements of Section 62-42 (Requirements for Visual

Corridors) provided it makes the following additional finding:

- (f) that the location and configuration of the #floating structure# minimizes any adverse effects on significant views to the water from upland public streets or other public places.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines#, spacing from other #floating structures# on the same or adjoining #zoning lots# and limitations on lighting or signage.

#### 62-734 Developments on piers or platforms

In all districts, the City Planning Commission may permit:

- (a) a change of #use# on a new #pier# or #platform# from a WD #use# or an open WE #use# to an enclosed WE #use# and, in conjunction with such change of use, modification of the #bulk# regulations of Section 62-30 for an existing #building#, except for Section 62-31(a) or the maximum #floor area ratio# for the applicable district, provided the Commission finds that:
- (1) all WD #uses# and open WE #uses# on the #pier# or #platform# have been discontinued for a continuous period of at least two years immediately prior to the date of application;
  - (2) the proposed #use# will significantly enhance public use and enjoyment of the waterfront; and
  - (3) there is no increase in #water coverage#.
- (b) for an existing #pier#, modification of the provisions of Sections 62-342 (Rear yards and waterfront yards) or 62-352

(Developments on piers), provided the Commission finds that:

- (1) the proposed #development# complies with the provisions of Sections 62-351 (Developments on waterfront lots) and 62-36 (Minimum Distance Between Buildings);
  - (2) within the #seaward lot#, the ratio of #floor area# on the #pier# to #water coverage# of the #pier# does not exceed the maximum #floor area ratio# for the #use# as set forth in the district regulations;
  - (3) such modifications would not unduly obstruct the light and air or waterfront views of neighboring properties;
  - (4) such modification would not adversely affect public use and enjoyment of the waterfront; and
  - (5) such modifications will not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.
- (c) for existing or new #piers#, the Commission may permit modification of the public access and #visual corridor# requirements of Sections 62-40 and 62-60 provided the Commission finds that:
- (1) the proposed #development# would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-40 and 62-60; and
  - (2) alternate waterfront public access and #visual corridors# on the #zoning lot#, or off-site on a public property adjacent to the #zoning lot#, are provided that are substantially equal in area to that required and, by virtue of their design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland streets and other public areas.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the waterfront and the surrounding area, including requirements for setbacks from #lot lines# and spacing from other #buildings# on the same or adjoining #zoning lots#.

#### 62-735 Public parking facilities on waterfront blocks

In C1, C2, C4, C5, C6 and C7 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# on waterfront #blocks# in accordance with applicable district regulations and Sections 74-51 and 74-52 provided the parking facility is an interim #use# limited to a term of not more than five years or the Commission finds that:

- (a) the facility is needed to serve primarily waterfront #developments# containing WD or WE #uses#; and
- (b) there is no practical possibility of locating such facility on a non-waterfront #block# because appropriate sites on such #blocks# are occupied by substantial improvements.

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

#### 62-80 WATERFRONT ACCESS PLANS

##### 62-81 General Provisions

##### 62-811 Establishment of Waterfront Access Plans

The City Planning Commission and City Council may adopt a Waterfront Access Plan as an amendment to this Resolution pursuant to Section 200 or 201 of the City Charter and in accordance with the provisions of Sections 62-812, 62-813 and this Section in order to adjust the waterfront public access and #visual corridor# requirements of Sections 62-40 and 62-60 or retain the waterfront

#block bulk# regulations of Section 62-30 on newly-created non-waterfront #blocks# within a specifically defined portion of the #waterfront area#.

To be considered for a Waterfront Access Plan, an area shall:

- (a) be entirely in the #waterfront area#;
- (b) not include any portions within R1 or R2 Districts;
- (c) comprise either entire #blocks# or a minimum of four acres, all portions of which are contiguous tracts of land except for intervening streets; and
- (d) have at least 600 feet of #shoreline#.

#### 62-812 Elements of a Waterfront Access Plan

A Waterfront Access Plan may:

- (a) modify the requirements of Sections 62-40 and 62-60 with respect to the size, configuration, location or design of waterfront public access areas or #visual corridors# provided the total public access area requirement, in square feet, for any #zoning lot# remains substantially the same.
- (b) establish requirements for waterfront public access and #visual corridors# on #zoning lots# not otherwise subject to the regulations in Section 62-40 other than for #uses# in Use Groups 16, 17 or 18, provided that such #zoning lots#, when developed in the aggregate, would result in a new community that would generate a need for such physical or visual access to the waterfront or a waterfront linkage of #public parks# or other public areas. The plan may incorporate public access areas or #visual corridors# listed in Section 62-40 subject to the standards of Sections 62-40 and 62-60. Such standards may be modified as needed, provided such plan does not impose a total requirement, in square feet, greater than would be

required pursuant to Section 62-41.

- (c) identify shore terminations of mapped #streets# or existing #piers# or #platforms# within seaward prolongations of such #streets# and establish public access treatments for such areas after referral to the Department of Transportation or other City agency having jurisdiction over such property for its review and concurrence.
- (d) apply the #bulk# regulations of Section 62-30 to a non-waterfront #block# when such #block# results from a subdivision from a waterfront #block# as the result of a #street# mapping.

A Waterfront Access Plan shall include the following elements:

- (1) identification of the plan by Borough and plan number or area name;
- (2) a zoning sectional map or portion thereof, showing the boundaries of the geographical area included within the plan, which shall constitute the plan map;
- (3) delineation on the plan map of any physical or visual waterfront access features mandated by the plan to be at specific locations; and
- (4) a description in the plan text of all features established or modified by the plan, with reference to affected blocks and lots.

#### 62-813 Conditions for adoption of a Waterfront Access Plan

As a condition for adoption of a Waterfront Access Plan, the City Planning Commission and the City Council shall find that such plan:

- (a) would improve public use and enjoyment of the waterfront, thereby serving to implement the goals set forth in Section

62-00; and

- (b) is necessary to link #public parks# or other public areas and such linkage would not necessarily be achieved solely by the provisions of Sections 62-40 and 65-60; or
- (c) is necessary to accommodate unique shore or wetlands conditions that would not be adequately addressed by the provisions of Sections 62-40 and 62-60; or
- (d) is necessary to accommodate unique topography such as significant grade changes, geologic formations or natural vegetation, which natural features could not be adequately accommodated by the provisions of Sections 62-40 and 62-60; or
- (e) is necessary to create a better physical or visual relationship of the waterfront to significant upland streets or to preserve significant views from such streets, which would not necessarily be achieved by the provisions of Sections 62-40 and 62-60; or
- (f) is necessary to achieve public access to the waterfront in an area characterized by large undeveloped tracts of land with a limited number of public streets leading to the shore; or
- (g) is necessary to maintain #visual corridors# that would be extinguished by a street de-mapping after (effective date of text) or to maintain #visual corridors# from certain upland streets that would be exempted from such requirements as the result of an intervening street mapping after (effective date of text); or
- (h) is necessary to retain the #bulk# regulations of Section 62-30 on certain #blocks# that would be exempted from such requirements as the result of an intervening street mapping after (effective date of text).

## 62A Appendix A - Waterfront Plant List

The Waterfront Plant List sets forth the plants required in waterfront public access areas, pursuant to Section 62-50 (Special Parking and Loading Regulations) and Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA). Additional trees, shrubs and groundcovers are listed for informational purposes only.

## Waterfront Plant List

Key to Symbols

- \* flowering tree
- (n) native to region
- (s) street tree
- (H) hedge

1. Shade Trees, Large

- Acer saccharum 'Columnare'/Columnar Sugar Maple (n)(s)
- Quercus palustris/Pin Oak (n)(s)
- Quercus rubra, or Quercus borealis/Red Oak (n)(s)
- Tilia cordata/Little Leaf Linden (s)
- Zelkova serrata/Japanese Zelkova (s)

Shade trees, Medium

- Celtis occidentalis/Hackberry (n)
- Fagus sylvatica 'Fastigiata'/Fastigate American Beech
- Ginkgo biloba/Ginkgo (s)
- Gleditsia triacanthos inermis/Thornless Honey Locust (s)
- Nyssa sylvatica/Tupelo (n)(s)
- Quercus phellos/Willow Oak (n)(s)
- Quercus robur 'Fastigiata'/English Oak (s)
- Sophora japonica/Scholar Tree \*(s)

2. Small Trees, (Ornamental)

- Amelanchier canadensis/Shadblow or Serviceberry \* (n)
- Cercis canadensis/Redbud \*
- Cornus mas/Carnelian Cherry
- Crataegus phaenopyrum/Washington Hawthorn (spreading)
- Hamamelis virginiana/Witch Hazel (multi-stemmed) (n)
- Hibiscus syriacus/Rose of Sharon
- Koelreuteria paniculata/Golden Rain Tree (spreading) \*



Malus sp./Crabapple (spreading) \*  
 Magnolia sp./Hybrid Magnolia  
 Prunus x cistena/Purple Leaf Sand Cherry (spreading) \*  
 Pyrus calleryana/Callery Pear (Bradford prohibited)  
 Sorbus americana/American Mountain Ash (spreading) \*

3. Evergreen Trees - see also Screening

Ilex opaca/American Holly  
 Juniperus virginiana/Red Cedar (n)  
 Pinus rigida/Pitch Pine (n)  
 Pinus strobus/Eastern White Pine (n)  
 Pinus thunbergii/Japanese Black Pine

4. Screening Trees and Shrubs

Ilex x 'Nellie Stevens'/Nellie Stevens Holly  
 Ilex x attenuata 'Fosteri'/Foster No. 2 Holly  
 Juniperus chinensis 'Columnaris'/Chinese Juniper  
 Juniperus chinensis 'Keteleeri'/Chinese Juniper  
 Juniperus communis 'Hibernica'/Common Juniper  
 Thuja occidentalis 'Techny'/Eastern Arborvitae (n)

5. Massing and Hedge Shrubs

Aeschulus parviflora/Bottlebrush Buckeye  
 Baccharis kalmifolia/Groundsel Tree  
 Berberis sp./Barberry (H)  
 Chaenomeles sp./Flowering Quince  
 Clethra alnifolia/Summersweet  
 Deutzia sp./Deutzia  
 Eleagnus angustifolia/Russian Olive  
 Euonymus alata/Winged Euonymus (H)  
 Forsythia x intermedia/Forsythia  
 Hydrangea sp./Flowering Hydrangea  
 Ilex glabra/Inkberry (n)(H)  
 Leucothoe fontanesiana/Drooping Leucothoe  
 Myrica pennsylvanica/Bayberry (H)  
 Pieris japonica/Japanese Andromeda  
 Prunus maritima/Beach Plum  
 Pyracantha coccinea/Firethorn (H)

Rhododendron sp./Azaleas (n)  
 Rhus aromatica/Fragrant Sumac (n)  
 Spirea sp./Spirea  
 Taxus baccata 'Repandens'/Weeping English Yew  
 Taxus media/Spreading Yew  
 Viburnum sp./Viburnum (n)  
 Weigelia florida/Flowering Weigelia

6. Low Shrubs and Groundcovers

Low Shrubs

Cytissus scoparius/Scotch Broom  
 Cotoneaster bivaricatus/Spreading Cotoneaster  
 Erica spp./Heath  
 Hypericum calycinum/Aaronsbeard St. Johnswort  
 Juniperus communis/Common Juniper  
 Pinus mugo/Mugo Pine  
 Rosa rugosa/Rugosa Rose  
 Vaccinium sp./Blueberry (n)

Groundcovers

Ajuga reptans/Bugleweed  
 Arctostaphylos uva-ursi/Bearberry (n)  
 Cornus canadensis/Bunch Berry (n)  
 Cotoneaster divaricatus/Spreading Cotoneaster  
 Cotoneaster horizontalis/Spreading Cotoneaster  
 Cytissus decumbens/Prostrate Broom  
 Euonymus fortunei/Wintercreeper  
 Hedera helix/English Ivy  
 Juniperus conferta/Shore juniper  
 Pachysandra terminalis/Pachysandra  
 Vaccinium angustifolia/Lowbush Blueberry  
 Vinca minor/Periwinkle

7. Turfgrass

Fescue  
 Kentucky bluegrass  
 Rye

**ARTICLE VII - Administration**

\* \* \*

**Chapter 3 Special Permit Uses and Modifications**

**73-01 General Provisions**

\* \* \*

In the #waterfront area#, the powers of the Board to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-131 (Applicability of Chapter 3 of Article VII).

\* \* \*

**Chapter 4 Special Permits by the City Planning Commission**

**74-00 POWERS OF THE CITY PLANNING COMMISSION**

**74-01 General Provisions**

\* \* \*

In the #Special Midtown District#...(Applicability of Chapter 4, of Article VII).

In the #waterfront area#, the powers of the Commission to grant special permits are made inapplicable or modified in accordance with the provisions of Section 62-132 (Applicability of Chapters 4, 8 and 9 of Article VII).

\* \* \*

**74-74 General Large-Scale Development**

## 74-744 Modification of use regulations

## (a) Waterfront and related #commercial uses#.

In a C4 District, the City Planning Commission may modify applicable district regulations to allow boating and related #uses# listed in Use Group 14A, ~~not otherwise allowed in such district~~, provided the Commission shall find that:

\* \* \*

## Chapter 8 Special Regulations Applying to Large-Scale Residential Developments

## 78-00 GENERAL PURPOSES, DEFINITIONS AND GENERAL PROVISIONS

\* \* \*

## 78-03 Applicability of this Chapter

\* \* \*

Any #large-scale residential development# having a total of at least 500 dwelling units...with Large-Scale Residential Developments.

~~#Large-scale residential developments# within the #Waterfront Area# shall be subject to the provisions of Section 62-132 (Applicability of Chapters 4, 8 and 9 of Article VII.~~

\* \* \*

## 78-241 Waterfront and related commercial uses

For any #large-scale residential development#, in a C4 District, the City Planning Commission may, by special permit ~~after public notice and hearing and subject to Board of Estimate Action,~~ ~~authorize~~ modify applicable district regulations to allow boating and related #uses# listed in Use Group 14A, ~~not otherwise allowed~~

in such district, provided that:

\* \* \*

**78-311 Authorizations by the City Planning Commission**

When a #large-scale residential development# includes or will include after subdivision two or more #zoning lots#, the City Planning Commission may upon application:

- (a) Authorize the total #floor area#, #lot coverage#, #dwelling units#, #rooms# or #rooming units# permitted...to be distributed without regard for #zoning lot lines#.

\* \* \*

**78-312 Special permits ~~authorizations~~ by the City Planning Commission**

For any #large-scale residential development#, the City Planning Commission may, ~~by special permit: after public notice and hearing and subject to Board of Estimate action,~~

- (a) ~~Authorize~~ the total #floor area#, #lot coverage#, #dwelling units#, #rooms#, ~~—~~ or #rooming units# permitted...to be distributed without regard for #zoning lot lines#.

\* \* \*

- (b) ~~Authorize~~ the total #open space#...to serve such lots.
- (c) ~~Authorize~~ minor variations... natural features.
- (d) ~~Authorize~~ in R1, R2, R6, R7, R8, R9 or R10 District minor variations in the front height and setback regulations...light and air.
- (e) ~~Authorize~~ variations...#Residence District# boundary.

(f) ~~Authorize~~ modifications...(authorizations by the Planning Commission).

~~(g)~~ [Entire sub-section (g) deleted]

### 78-313 Findings

As a condition precedent to the granting of authorizations under the provisions of Section 78-311 (Authorizations by the Planning Commission) or a special permit under the provisions of Section 78-312 (Special permits ~~authorizations by the Planning Commission~~), the Commission shall make the following findings:

(a) That such ~~authorizations~~ modifications will aid...(General Purposes).

(b) That ~~authorized~~ such distribution of #floor area#...the City as a whole.

\* \* \*

### 78-32 Bonus for Good Site Plan

In R1-2, R2, or R3-1 Districts, ~~including #Commercial Districts# mapped within such #Residence Districts#~~, for any #large-scale residential development#, the Commission, by special permit after public notice and hearing ~~and subject to Board of Estimate Action~~, may authorize the #open space ratio#...to be reduced...the permitted# ~~residential~~ floor area ratio# to be increased...with the applicable district regulations.

### 78-33 Bonus for Common Open Space

In R3-1 Districts, ~~including #Commercial Districts# mapped within such #Residence Districts#~~, for any #large-scale residential development#, the Commission, by special permit after public notice and hearing ~~and subject to Board of Estimate action~~, may authorize the #open space ratio#...to be reduced...the permitted ~~residential~~ floor area ratio# to be increased...provided that:

\* \* \*

**78-34 Special Permit Provisions for Certain Large-scale Developments**

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations, of such #Residence Districts#, for any #large-scale residential development#, the Commission, by special permit after public notice and hearing ~~and subject to Board of Estimate action~~, may make modifications in the #open space ratio#, #residential floor area ratio#, and #lot area per room# requirement...if the Commission finds:

\* \* \*

**78-35 Special Bonus Provisions**

**78-351 Common open space and good site plan**

\* \* \*

In R3-2 or R4 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development#...the permitted #residential floor area ratio#, required #open space ratio# and required #lot area per room#...may be modified as set forth in this Section.

\* \* \*

In R5 Districts or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, at least 25 percent of the total required #open space# is to be provided in common areas that meet the requirements of Section 78-52 (Common Open Space).

\* \* \*

**78-352 Bonus for community facility space**

In R3-2, R4 and R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development#...the permitted #residential floor area ratio#, required #open space ratio#, and required #lot area per room#...may be modified...provided floor space for #community facility use#...is provided as required in paragraph (b) of this Section.

\* \* \*

**78-353 Bonus for enclosed parking**

In R4 or R5 Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development#...the permitted #residential floor area ratio# may be increased...and the required #open space ratio#...decreased...provided that at least two-thirds of the required off-street parking is enclosed.

\* \* \*

**78-354 Bonus for increased room size**

In R3-2, R4 or R5 Districts or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, for any #large-scale residential development#...the permitted #residential floor area ratio# may be increased...and the required #open space ratio#...decreased...provided that the #floor area per room# requirement is increased in accordance with the provisions of this Section.

\* \* \*



**78-43      Modification for Open Space Requirements in Large-Scale Developments**

For all #large-scale residential developments# in R5, R6, R7, R8 or R9, ~~or R10~~ Districts, or in #Commercial Districts# in which #residential buildings# are governed by the #bulk# regulations of such #Residence Districts#, the Commission may modify the requirement for #open space#...provided that the following findings are made:

\* \* \*

**Chapter 9 Special Regulations Applying to Large-Scale Community Facility Developments**

\* \* \*

**79-10      GENERAL PROVISIONS**

**79-11      Applicability of this Chapter**

\* \* \*

#Large-scale community developments# within the #waterfront area# shall be subject to the provisions of Section 62-132 (Applicability of Chapters 4, 8 & 9 of Article VII).

\* \* \*

**ARTICLE IX - Special Purpose Districts (continued)**

\* \* \*

**Chapter 4 Special Sheepshead Bay District**

\* \* \*

**94-02      General Provisions**

\* \* \*

In the #waterfront area#, the provisions of the #Special Sheephead Bay District# are modified in accordance with the provisions of Section 62-13 (Applicability of District Regulations).

\* \* \*

## Chapter 19 Special Hillside Preservation District

\* \* \*

### 119-212 Height and setback regulations

\* \* \*

For any #development# or #enlargement#, no portion of a #building or other structure#... the #base plane#...in accordance with the provisions of Section 23-61 (~~Definition Base Plane~~) 12-10 DEFINITIONS) for #buildings or other structures# in R1, R2, and R6 Districts.

\* \* \*

(On April 28, 1993, Cal. No. 18, the Commission scheduled May 12, 1993 for a public hearing which has been duly advertised. On May 12, 1993, Cal. No. 30, the hearing was continued.)

Close the hearing.

---

*(Proposed Rules for the Definition of Major Concessions)***PUBLIC HEARING:**

**IN THE MATTER OF** proposed Rules of the City Planning Commission for **Defining Major Concessions**, pursuant to the authority vested in the City Planning Commission, pursuant to Section 374 of the New York City Charter, and in accordance with the requirements of Section 1043 of the New York City Charter. The proposed rules are shown below. All material is new.

Written comments regarding the proposed rules may be sent to William Valletta, Counsel, Department of City Planning, 22 Reade Street, Room 2N, New York New York 10007 on or before June 10, 1993. A public hearing regarding the proposed rules shall be held on May 26, 1993 beginning at 10:00 a.m. at 101 Willoughby Street, main floor auditorium, Borough of Brooklyn. Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m., at the office of the Counsel, 22 Reade Street, Room 2N, New York, New York 10007.

Dated: April 12, 1993

City Planning Commission

**CHAPTER 7****RULES FOR THE DEFINITION OF MAJOR CONCESSIONS****GENERAL RULE**

§7-01 A concession shall be considered a major concession if:

- (1) it has been determined pursuant to City Environmental Quality Review to require an Environmental Impact Statement, or
- (2) except as provided in §7-03, it has an intended use for which a threshold has been set in §7-02 and it exceeds the threshold.

§7-02 The following concessions shall be considered major concessions and therefore subject to ULURP if they exceed the thresholds given for any one of the specific uses listed below:

- (a) marinas with over 200 slips
- (b) restaurants which occupy over 25,000 square feet of gross floor area
- (c) a permanent performance or spectator sport use with over 5,000 seats
- (d) accessory parking lots with over 250 parking spaces
- (e) an enclosed use of waterfront or wharf property which occupies over 20,000 square feet of gross floor area.
- (f) a use for which a new building of over 20,000 square feet of gross floor area will be constructed.
- (g) an open use which occupies over 42,000 square feet of open space.
- (h) one or more concessions in total occupying more than 25 percent of the total square footage of a separate parcel of parkland.

§7-03 Notwithstanding any other provision of these rules the following shall not be considered major concessions:

- (a) A concession for any use which will be operated for fewer than 21 consecutive days.
- (b) A concession which supports or furthers a recreational purpose consistent with the programming and use of public parks, available to the general public on a non-discriminatory basis, with or without a fee, which includes any of the following:
  - (i) the use is a seasonal covering of existing facilities
  - (ii) the use is a carousel
  - (iii) the use is intended for active participation sports including playing fields or sports courts (eg. tennis, volleyball, handball, softball), skating rinks, playgrounds, and practice facilities (eg. batting cages, golf driving ranges, miniature golf).
- (c) A concession which does not constitute a change in use as defined by the applicable use group categories of the zoning resolution. (A change in management from public to private which preserves public recreational use shall not constitute a change of use).
- (d) Any renewal, reissuance, extension, amendment of an existing concession or issuance of a new concession which continues a currently existing use provided that it does not include modifications which added to the existing concession exceed the thresholds of Section 2.
- (e) It is operated under an agreement executed prior to the effective date of this major concession rule.

- (f) It is for lines, cables, conduits or underground pipes not used for the transport of people.
- (g) a concession on wharf property primarily for purposes of "water front commerce" or in "furtherance of navigation" as such terms are defined in the New York City Charter.

#### STATEMENT OF BASIS AND PURPOSE OF PROPOSED MAJOR CONCESSION RULE

Section 374 of the City Charter requires the City Planning Commission to adopt rules that "either list major concessions or establish a procedure for determining whether a concession is a major concession." This rule provides standards for determining major concessions based upon their land use impacts or implications.

(On April 19, 1993, the Commission published in the City Record a notice of opportunity to comment on the proposed Rules defining Major Concessions pursuant to Section 374 of the New York City Charter.)

Close the hearing.

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#### No. 19

*(New York City Planning and Zoning Report)*

#### PUBLIC HEARING:

**IN THE MATTER OF** a discussion document prepared by the City Planning Commission, pursuant to Section 192-f of the City Charter for the **issuance of a report titled "Shaping the City's Future: New York City Planning and Zoning Report."** The report, which the City Planning Commission is required to issue once every four years, is the Commission's articulation of its vision for New York's future and the planning and zoning policies to realize the vision. The report contains sections on economic opportunity, sustainable environment, New Yorkers and their neighborhoods, and defining an agenda for the future.

The hearing will be continued on the following dates:

Bronx	6/9/93	10:00 a.m.	Bronx Museum of the Arts Northeast corner, 165th St. Bronx, N.Y. 10456
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Queens	6/23/93	10:00 a.m.	Queens Borough President's Office Conference Room 213 120-55 Queens Boulevard Kew Gardens, N.Y. 11424
Staten Island	7/7/93	12:00 noon	Snug Harbor Cultural Center Veteran's Memorial Hall 1000 Richmond Terrace Staten Island, N.Y. 10301
Manhattan	7/21/93	12:00 noon	Adam Clayton Powell State Office Building NYS Office of OGS 163 West 125th Street Art Gallery New York, N.Y. 10027

(Copies of the report may be obtained at the Department of City Planning's Map and Bookstore, 22 Reade Street, New York, New York 10007-1216, telephone (212) 720-3667.

(On May 7, 1993, the Commission published in the City Record a notice of opportunity to comment on the discussion document.)

Close the hearing.

---

No. 20

[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.]

N 930073 ZRY

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 200 of the New York City Charter, for **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 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.~~

- (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;

\* \* \*

(j) 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)(f) 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#.

\* \* \*

(On May 10, 1993, Cal. No. 1, the Commission scheduled May 26, 1993 for a public hearing which has been duly advertised.)

Close the hearing.

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**BOROUGH OF BROOKLYN**

**Nos. 21, 22 and 23**

*(Applications for an amendment to the City Map, the grant of a special permit and an amendment of the Zoning Map to facilitate the construction of an accessory parking garage within a large-scale community facility development.)*

**No. 21**

**CD 6**

**C 910374 MMK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by Long Island College Hospital 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

1. the elimination of a portion of a park;
2. the elimination, discontinuance and closing of a portion of Hicks Street from Congress Street to Atlantic Avenue;
3. the establishment of a public place;
4. the modification of legal grades necessitated thereby, and
5. the delineation of easements and a sewer corridor, for informational purposes only,

and any acquisition or disposition of real property related thereto, in order to facilitate the construction of an accessory parking garage within a large-scale community facility development, in accordance with Map Nos. V-2584 dated January 28, 1993 and V-2585 dated June 18, 1992, and signed by the Borough President.

(On May 12, 1993, Cal. No. 1, the Commission scheduled May 26, 1993 for a public hearing which has been duly advertised.)

**Close the hearing.**

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CD 6

C 910376 ZSK

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Long Island College Hospital pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-53 of the Zoning Resolution **to allow an unattended accessory parking garage with a maximum capacity of 430 spaces to be located at the southwest corner of Hicks Street and Atlantic Avenue** (Block 282, part of Lot 1) within a large-scale community facility development (Long Island College Hospital) generally bounded by Atlantic Avenue, Henry Street, a line 115 feet east of Henry Street, Amity Street, Hicks Street, a public place and Van Voorhees Park.

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

(On May 12, 1993, Cal. No. 2, the Commission scheduled May 26, 1993 for a public hearing which has been duly advertised.)

**Close the hearing.**

CD 6

C 910400 ZMK

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by Long Island College Hospital pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 16c**, establishing an R6 District bounded by an easterly and a northerly boundary line of Van Voorhees Park\* and a line 110 feet west of Hicks Street\*, as shown on a diagram (for illustrative purposes only) dated February 8, 1993.

Note\* Park and street lines are proposed to be changed under related mapping application C 910374 MMK.

(On May 12, 1993, Cal. No. 3, the Commission scheduled May 26, 1993 for a public hearing which has been duly advertised.)

Close the hearing.

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**NOTICE**

**On May 26, 1993 at 10:00 a.m. in the New York Telephone Company Building, located at 101 Willoughby Street, (entrance on Bridge Street) a.k.a. 7 Metrotech Center, Main Floor Auditorium, Brooklyn, New York, a public hearing is being held by the Departments of City Planning and Environmental Protection to receive comments related to the Draft Environmental Impact Statement concerning the proposed construction of an accessory parking garage within a large-scale community facility development, pursuant to the City Environmental Quality Review Act (CEQR No. 87-013K.)**

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**III. REPORTS**

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**BOROUGH OF BROOKLYN**

No. 24

CD 14

N 930431 PXX

**IN THE MATTER OF A Notice of Intent to Acquire Office Space** submitted by the Department of General Services, Division of Real Property, pursuant to Section 195 of the New York City Charter **for use of up to 38,000 square feet of space located on the first and second floors of 2236 Nostrand Avenue (Block 7575, Lot 68), (Income Support Center Offices).**

(On April 30, 1993, the Commission duly advertised May 12, 1993 for a public hearing. On May 12, 1993, Cal. No. 14, the hearing was closed.)

**For consideration.**

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**BOROUGH OF THE BRONX**

No. 25

CD 1

C 920261 PQX

**IN THE MATTER OF** an application submitted by the Human Resources Administration and the Department of General Services **for acquisition of property located at 291 Alexander Avenue (Block 2314, Lot 71), for continued use as an Agency Operated Boarding Home.**

(On March 31, 1993, Cal. No. 4, the Commission scheduled April 14, 1993 for a public hearing. On April 14, 1993, Cal. No. 7, the hearing was closed. On May 12, 1993, Cal. No. 32, the item was laid over.)

**For consideration.**

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**BOROUGH OF MANHATTAN**

No. 26

CD 4

N 930421 PXM

**IN THE MATTER OF A Notice of Intent to Acquire Office Space** submitted by the Department of General Services, Division of Real Property, pursuant to Section 195 of the New York City Charter **for use of up to 9,994 square feet of space located on the 26th floor of 330 West 42nd Street (Block 1032, Lot 48), (Mayor's Office of Midtown Enforcement).**

(On April 30, 1993, the Commission duly advertised May 12, 1993 for a public hearing. On May 12, 1992, Cal. No. 20, the hearing was closed.)

**For consideration.**

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No. 27

CD 4

N 930422 PXM

**IN THE MATTER OF A Notice of Intent to Acquire Office Space** submitted by the Department of General Services, Division of Real Property, pursuant to Section 195 of the New York City Charter **for use of up to 1,687 square feet of space located on the 26th floor of 330 West 42nd Street (Block 1032, Lot 48), (Community Board 4 Offices).**

(On April 30, 1993, the Commission duly advertised May 12, 1993 for a public hearing. On May 12, 1993, Cal. No. 21, the hearing was closed.)

**For consideration.**

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No. 28

CD 1

N 930424 PXM

**IN THE MATTER OF A Notice of Intent to Acquire Office Space** submitted by the Department of General Services, Division of Real Property, pursuant to Section 195 of the New York City Charter **for use of the entire building located at 100 Gold Street (Block 94, Lot 25), (Offices for the Department of Housing Preservation and Development).**

(On April 30, 1993, the Commission duly advertised May 12, 1993 for a public hearing. On May 12, 1993, Cal. No. 22, the hearing was closed.)

**For consideration.**

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**No. 29**

**CD 9,10,11**

**N 930400 BDM**

**IN THE MATTER OF** an application submitted by the Department of Business Services on behalf of the 125th Street District Management Association, pursuant to Section 25-405 of the Administrative Code of the City of New York as amended, concerning the establishment of the **125th Street Business Improvement District**. The preparation of the plan was authorized by resolution of the Board of Estimate on September 17, 1987, Calendar No. 98.

The district plan is on file with the City Planning Commission and may be seen in Room 4N, 22 Reade Street, New York, New York 10007.

**For consideration.**

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**No. 30**

*(Request for the grant of an authorization to permit an attended public parking lot within the Convention Center Study Area)*

**CD 4**

**N 930108 ZAM**

**IN THE MATTER OF** an application submitted by 38th Street Associates for the **grant of an authorization** pursuant to Section 13-452 of the Zoning Resolution to allow an attended public parking lot with a maximum capacity of 22 spaces, on property located at **502-504 Ninth Avenue, a.k.a. 355-359 West 38th Street** (Block 762, Lots 1 and 2), in an M1-5 district, within the Convention Center Study Area.

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

**For consideration.**

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**BOROUGH OF QUEENS**

**No. 31**

**CD 12**

**C 930109 PPQ**

**IN THE MATTER OF** an application submitted by the Department of General Services, Division of Real Property, pursuant to Section 197-c of the New York City Charter for the **unrestricted disposition of thirteen (13) city-owned properties**, pursuant to zoning.

A list and description of the properties can be seen at the Queens Office of the Department of City Planning, 29-27 41st Avenue, 9th floor, Long Island City New York 11101.

(On April 14, 1993, Cal. No. 4, the Commission scheduled April 28, 1993 for a public hearing. On April 28, 1993, Cal. No. 24, the hearing was closed.)

**For consideration.**

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**No. 32**

**CD 2**

**N 930420 PXQ**

**IN THE MATTER OF A Notice of Intent to Acquire Office Space** submitted by the Department of General Services, Division of Real Property, pursuant to Section 195 of the New York City Charter for **use of up to 50,490 square feet of space located on the 2nd floor and part of the 3rd floor of 32-02 Queens Boulevard (Block 249, Lot 16), (Taxi and Limousine Commission Offices).**

(On April 30, 1993, the Commission duly advertised May 12, 1993 for a public hearing. On May 12, 1993, Cal. No. 28, the hearing was closed.)

**For consideration.**

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CD 9

N 930423 PXQ

**IN THE MATTER OF A Notice of Intent to Acquire Office Space** submitted by the Department of General Services, Division of Real Property, pursuant to Section 195 of the New York City Charter for use of up to 13,500 square feet of space located on the 4th and part of the 3rd floors of 120-34 Queens Boulevard (Block 3358, Lot 13), (Offices for the Department of Health).

(On April 30, 1993, the Commission duly advertised May 12, 1993 for a public hearing. On May 12, 1992, Cal. No. 29, the hearing was closed.)

**For consideration.**

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