

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York
—
CITY PLANNING COMMISSION
—
TUESDAY, MAY 23, 2000
—
MEETING AT 10:00 A.M.
in
CITY HALL



Rudolph W. Giuliani, Mayor
City of New York

[No. 12]

Prepared by Rosa R. Romero, Calendar Officer

To view the Planning Commission Calendar and/or the Zoning Resolution
on the World Wide Web, visit the Department of City Planning (DCP)
home page at: nyclink.org/planning

A

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS

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

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

CALENDARS: Any Community Board, 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 \$95.00 for a one 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

JOSEPH B. ROSE, *Chairman*
VICTOR G. ALICEA, *Vice-Chairman*
ALBERT ABNEY
ANGELA M. BATTAGLIA
AMANDA M. BURDEN, *A.I.C.P.*
IRWIN G. CANTOR, *P.E.*
ANGELA R. CAVALUZZI, *R.A.*
KATHY HIRATA CHIN, *Esq.*
ALEXANDER GARVIN
ANTHONY I. GIACOBBE, *Esq.*
WILLIAM J. GRINKER
EDWARD T. ROGOWSKY
JACOB B. WARD, *Esq., Commissioners*
ROSA R. ROMERO, *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

TUESDAY, MAY 23, 2000

Roll Call; approval of minutes	1
I. Public Hearings	1

**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 May 31, 2000 in Spector Hall, 22 Reade Street, Manhattan, New York at 10:00 a.m.

GENERAL INFORMATION

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public 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: _____

MAY 23, 2000

APPROVAL OF MINUTES OF the Special Meeting of May 15, 2000
and the Regular Meeting of May 17, 2000

I. PUBLIC HEARINGS

BOROUGH OF BROOKLYN

No. 1

CD 2

C 000245 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section Nos. 12d and 16c:**

1. changing from a C5-2 District to a C5-2A District property bounded by Pierrepont Street, a line 100 feet westerly of Clinton Street, Livingston Street, a line perpendicular to the northerly street line of Livingston Street distant 218 feet westerly from the intersection of the northerly street line of Livingston Street and the westerly street line of Boerum Place, Joralemon Street, Court Street, Montague Street, and a line 100 feet westerly of Cadman Plaza West;
2. changing from a C6-4 District to a C5-2A District property bounded by Joralemon Street, a line perpendicular to the northerly street line of Livingston Street distant 218 feet westerly from the intersection of the northerly street line of Livingston Street and the westerly street line of Boerum Place, Livingston Street, and Boerum Place;
3. changing from a C6-1 District to a C6-2A District property bounded by Livingston Street, a line 100 feet westerly of Court Street, Atlantic Avenue, and Smith Street;
4. changing from a C6-1 District to an R6B District property bounded by:
 - a. Fulton Street, St. Felix Street, Hanson Place, and Ft. Greene Place; and

- b. a line bisecting an angle formed by the westerly prolongation of the southerly street line of Schermerhorn Street and the northwesterly prolongation of the northeasterly street line of State Street, a line midway between Schermerhorn Street and State Street, a line 100 feet southeasterly of Smith Street, State Street, and 3rd Avenue;
5. changing from an R6 District to an R6B District property bounded by State Street, a line 100 feet southeasterly of Smith Street, a line midway between State Street and Atlantic Avenue, and a line 240 feet northwesterly of 4th Avenue;
6. changing from an R7-1 District to a C6-1 District property bounded by Tillary Street, Cadman Plaza West, Court Street, Joralemon Street, Adams Street/Brooklyn Bridge Boulevard, Johnson Street, and Cadman Plaza East;
7. changing from an M1-6 District to a C6-4 District property bounded by DeKalb Avenue, a line 250 feet westerly of the westerly street line of Rockwell Place, Fulton Street, and Ashland Place;
8. changing from a C6-1 District to an R7A District property bounded by a line midway between State Street and Atlantic Avenue, a line 130 feet southeasterly of Smith Street, Atlantic Avenue, 3rd Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Pacific Street, a line 400 feet northwesterly of 4th Avenue, Atlantic Avenue, Flatbush Avenue, State Street, and a line 240 feet northwesterly of 4th Avenue;
9. changing from an R6 District to an R6A District property bounded by Atlantic Avenue, Court Street, Pacific Street, a line 75 feet easterly of Court Street, a line bisecting an angle formed by the northwesterly prolongations of the southwesterly street line of Atlantic Avenue and the northeasterly street line of Pacific Street, a line midway between Atlantic Avenue and Pacific Street, and 3rd Avenue;
10. eliminating from an existing R6 District a C2-3 District bounded by Atlantic Avenue, Court Street, Pacific Street, a line 75 feet easterly of Court Street, a line bisecting an angle formed by the northwesterly prolongations of the southwesterly street line of Atlantic Avenue and the northeasterly street line of Pacific Street, a line midway between Atlantic Avenue and Pacific Street, and 3rd Avenue;
11. establishing within a proposed R6A District a C2-4 District bounded by Atlantic Avenue, Court Street, Pacific Street, a line 75 feet easterly of Court Street, a line bisecting an angle formed by the northwesterly prolongations of the southwesterly street line of Atlantic Avenue and the northeasterly street line of Pacific Street, a line midway between Atlantic Avenue and Pacific Street, and 3rd Avenue;
12. establishing within a proposed R7A District a C2-4 District bounded by a line midway between State Street and Atlantic Avenue, a line 130 feet southeasterly of Smith Street, Atlantic Avenue, 3rd Avenue, Dean Street, a line 100 feet southeasterly of 3rd Avenue, Pacific Street, a line 400 feet northwesterly of 4th Avenue, Atlantic Avenue, Flatbush

Avenue, State Street, and a line 240 feet northwesterly of 4th Avenue;

13. eliminating a Special Fulton Mall District (FM) bounded by a line 100 feet north of DeKalb Avenue, a line 100 feet northerly of Fulton Street, the southerly street line of Willoughby Street, the easterly street line of Boerum Place, a line 100 feet southerly of Fulton Street, the northwesterly street line of Nevins Street, and the westerly street line of Flatbush Avenue;
14. eliminating a Special Atlantic Avenue District (AA) bounded by Atlantic Avenue, Court Street, Pacific Street, a line 75 feet easterly of Court Street, a line midway between Atlantic Avenue and Pacific Street, 3rd Avenue, Pacific Street, a line 100 feet easterly of 3rd Avenue, a line midway between Atlantic Avenue and Pacific Street, a line 200 feet westerly of 4th Avenue, Atlantic Avenue, the westerly street line of 4th Avenue, the westerly street line of Flatbush Avenue, the southerly street line of State Street, a line 240 feet westerly of 4th Avenue, a line midway between State Street and Atlantic Avenue, a line 25 feet easterly of Hoyt Street, State Street, a line 75 feet westerly of Hoyt Street, a line midway between State Street and Atlantic Avenue, and a line 130 feet easterly of Smith Street; and
15. establishing a Special Downtown Brooklyn District (DB) bounded by Tillary Street, Clinton Street, a line 280 feet southerly of Clark Street, a line 100 feet westerly of Clinton Street, Livingston Street, a line 100 feet westerly of Court Street, Atlantic Avenue, Court Street, Pacific Street, a line 75 feet easterly of Court Street, a line bisecting an angle formed by the northwesterly prolongations of the southwesterly street line of Atlantic Avenue and the northeasterly street line of Pacific Street, a line midway between Atlantic Avenue and Pacific Street, 3rd Avenue, Pacific Street, a line 100 feet southeasterly of 3rd Avenue, a line midway between Atlantic Avenue and Pacific Street, 4th Avenue, Pacific Street, 5th Avenue, Atlantic Avenue, S. Portland Avenue, Academy Park Place, S. Elliott Place, Hanson Place, St. Felix Street, Fulton Street, Ashland Place, DeKalb Avenue, the northerly centerline prolongation of Hudson Avenue, a line 230 feet northerly of DeKalb Avenue, the easterly street line of former University Plaza and its northerly prolongation, Willoughby Street, Fleet Place, Fair Street, and Prince Street;

as shown on a diagram (for illustrative purposes only) dated February 14, 2000 and subject to the conditions of CEQR Declaration E-97.

(On May 1, 2000, Cal. No. 1, the Commission scheduled May 23, 2000 for a public hearing which has been duly advertised.)

Close the hearing.

NOTICE

On Tuesday, May 23, 2000 at 10:00 a.m. in City Hall, a continued public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning the Unified Bulk Program and Related Zoning Map and Text Amendments, a proposal by the Department of City Planning for three interrelated zoning actions: 1) the Unified Bulk Program, a citywide zoning text amendment intended to simplify, rationalize and improve controls on the height and massing of development, 2) the Lexington Avenue Rezoning, which would rezone several blocks along Lexington Avenue between East 54th Street and East 57th Street from C5-2A to C5-2.5(MiD) and extend the Special Midtown District to include this area, and 3) zoning map and text amendments to create a new special district in the central business district of Downtown Brooklyn.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review Act (CEQR), CEQR No. 00DCP034Y.

BOROUGH OF MANHATTAN

No. 2

CD 5,6

C 000246 ZMM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8c and 8d:

- a) changing from a C5-2A District to a C5-2.5 District property bounded by a line midway between East 57th Street and East 56th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 54th Street and East 55th Street, and a line 100 feet westerly of Lexington Avenue; and
- b) establishing a Special Midtown District (MiD) bounded by a line midway between East 57th Street and East 56th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 54th Street and East 55th Street, and a line 100 feet westerly of Lexington Avenue,

as shown on a diagram (for illustrative purposes only) dated February 14, 2000.

(On May 1, 2000, Cal. No. 2, the Commission scheduled May 23, 2000 for a public hearing which has been duly advertised.)

Close the hearing.

NOTICE

On Tuesday, May 23, 2000 at 10:00 a.m. in City Hall, a continued public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning the Unified Bulk Program and Related Zoning Map and Text Amendments, a proposal by the Department of City Planning for three interrelated zoning actions: 1) the Unified Bulk Program, a citywide zoning text amendment intended to simplify, rationalize and improve controls on the height and massing of development, 2) the Lexington Avenue Rezoning, which would rezone several blocks along Lexington Avenue between East 54th Street and East 57th Street from C5-2A to C5-2.5(MiD) and extend the Special Midtown District to include this area, and 3) zoning map and text amendments to create a new special district in the central business district of Downtown Brooklyn.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review Act (CEQR), CEQR No. 00DCP034Y.

CITYWIDE

No. 3

CITYWIDE

N 000244 ZRY

CONTINUED PUBLIC HEARING:

(NOTICE: SEE ATTACHED "ADDENDUM A" FOR FULL TEXT)

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an **amendment of the Zoning Resolution of the City of New York:**

Description of the Proposal - Unified Bulk Regulations

The Unified Bulk Regulations consists of more than 500 pages of zoning text modifications. The new text would modify and replace existing text, add new text, and reorganize and renumber major portions of the Zoning Resolution. For the purpose of this description, the proposal has been divided into seven broad categories of changes: changes affecting height and setback envelopes; changes to other bulk and density regulations; changes affecting split lots and zoning lot mergers; changes to bonuses for public spaces; changes to authorizations and special permits; associated changes; and changes to Special Districts. Each of these categories is summarized below.

Changes Affecting Height and Setback Envelopes The proposed height limits and setback rules would replace the multiple alternative envelopes in the existing text with one or two simple building envelopes for each zoning district. They would eliminate, among other provisions, tower-in-a-park buildings, sky exposure planes and height factor zoning. The proposed envelopes are designed to reflect the general built character of each zoning district. They are more restrictive in terms of height and bulk than the existing zoning, but allow more flexibility than a contextual zoning district. They are designed to allow all the permitted floor area to be used on a typical lot, but to limit the use of techniques that have produced out-of-scale buildings, such as inappropriate transfers of bulk across zoning district boundaries, transfers of unused development rights from existing buildings to a development site, and deductions of mechanical space from zoning floor area. In the highest density districts (R9, R10 and equivalents), for example, the district height limits are designed to accommodate a roughly 10% allowance for mechanical space and 25% for off-site floor area from a zoning lot merger.

Height and setback requirements in contextual zoning districts would not be changed under the Unified Bulk Program. In special districts, minimal changes needed to incorporate the new concepts and terminology of the Unified Bulk Program would be made where necessary. The proposed height limits would not be applicable in the Special Midtown and Special Lower Manhattan Districts. In the waterfront area, Unified Bulk height and setback rules would apply only to industrial uses currently exempt from the waterfront regulations, and its density regulations would replace the existing underlying regulations. Existing FAR's would be rounded.

In non-contextual medium-density and high-density districts (R6 to R10 and equivalents), two basic building types would be allowed: (1) a shorter contextual building and (2) a taller building with a setback. The goal is to bring new buildings back into scale within each district, but not to constrict them to a purely contextual shape. This approach also reflects the fact that in many districts development occurs in a context of taller buildings that do not hold the street wall. Developers of nonresidential buildings would be able to make a choice about which of the two building types best fits with the program, economics and other elements of a project. Residential buildings would be limited to the contextual shape except in defined circumstances where a taller building would be appropriate - for example, when they are adjacent to elevated structures. The maximum height of the more contextual

building would be governed by a "standard" building height limit, which would vary on wide and narrow streets. The maximum height of the taller building would be set by a "district" height limit. The proposed district height limits are generally lower than the building heights that can be achieved under the existing zoning.

Each zoning district would have minimum and maximum heights for a residential building's base. To maintain the character of the streetscape, residential buildings utilizing the contextual shape would not be permitted to set back below the district's minimum base height and would be required to set back above the maximum base height. The minimum required setback would be 10 feet on a wide street and 15 feet on a narrow street. The proposed base heights and standard height limits for most districts are based on the existing Optional Quality Housing height limits.

Residential buildings that share a side lot line with buildings that exceed the "standard" height by at least ten feet; that are located on full-block sites; that are part of Large Scale Residential Developments or General Large Scale Developments; or that are adjacent to elevated transit or road structures would be permitted to exceed the standard building height limit, up to the district height limit, and would not be required to set back further if they are set back from the street at grade. These buildings would be required to cover 33 percent of the lot at all levels below the top story to limit the potential for zoning lot mergers.

Commercial and community facility buildings could also be developed up to the district height limit and, when developed at the street line, would be required to set back at the maximum base height. However, commercial and community facility buildings that set back at street level would not be required to set back farther at the maximum base height.

Bulk Requirements in High Density Commercial Districts In the high density commercial districts (C4, C5 and C6 districts of 10 FAR or more), the proposed district height limits are 420, 495 or 720 feet reflecting the amount of commercial floor area permitted. These height limits were selected with the intention of allowing design flexibility within an envelope that accommodates a full build-out of the permitted floor area of a development site with a commercial tower occupying 40% of the zoning lot and floor-to-floor heights of 12 feet, together with an allocation for mechanical space (10% of building floor area) and for floor area from a zoning lot merger (25%). The height limits are designed to cap both deductions from zoning floor area for mechanical space and transfers of floor area by zoning lot merger, which sometimes have exceeded these percentages. Commercial and community facility buildings could set back from the street and then rise to the district height limit.

Residential buildings would be subject to the same district height limits in these commercial districts, but, unlike the commercial and community facility buildings, would be subject to the modified tower-on-a-base regulations described below.

Bulk Requirements in High Density Residential Districts The slimmer residential towers in high-density non-contextual residential districts (R9 and R10) have a more intimate relationship to the street and do not have the programmatic requirements of commercial and

community facility buildings, which generate taller buildings. Accordingly, residential buildings in these districts would be subject not only to a shorter 360 foot height limit but to tighter building envelope requirements designed to produce a street wall that respects the prevailing scale of development and allows adequate light. The height limit, but not the tighter building envelope, would apply to community facility buildings in these districts.

Any tower with more than 25 percent of its floor area devoted to residential use would be subject to revised tower-on-a-base regulations. A residential building's base would be required to hold the street wall and would have a maximum height of 85 feet. Tower-on-a-base regulations would apply for the first time on narrow streets and would be modified to provide greater design flexibility without jeopardizing the objectives of limiting height, constraining zoning lot mergers and establishing a street wall. The changes would be as follows:

Establish street wall requirements for narrow streets. A street wall of from 45 to 85 feet high would be required for 70% of the lot line on narrow streets. Currently there are no such requirements beyond 100 feet of wide street.

Limit the placement of mid-lot towers. Currently, towers are permitted in the middle of a through lot in all districts that permit residential towers. In order to constrain such midblock towers, the rear yard equivalent requirements would be modified for through lots to require that mid-lot towers be located at least 30 feet from all side lot lines.

Simplify street wall requirements. The existing street wall recess and required match-up provisions would be eliminated, because they are too complicated and place unnecessary constraints on building design. Currently, developers are required to match building base heights to adjacent building heights if it is between 60 to 85 feet high and within ten feet of the street line. Architects have complained that the existing rules limit their ability to articulate a facade. A new building would be permitted to increase its street wall height to 100 feet in order to match-up with an adjacent street wall.

Waive street wall requirements at locations with minimal street wall character or adjacent to elevated structures such as subways or bridge abutments. The Tower-on-a-Base regulations were developed to ensure that the bases of residential towers were consistent with neighboring buildings. There are some settings, however, where the existing streetscape does not justify the street wall requirement, such as areas extensively developed pursuant to the 1961 bulk regulations where there is no defined street wall and areas where elevated subways, bridges and other structures make street walls inappropriate. In addition, street wall requirements would not apply to full-block sites.

Apply minimum tower coverage to all districts with a 360-foot height limit. The minimum tower coverage requirement (33% of the zoning lot) currently applicable on wide streets would be expanded to apply to all developments in R9, R10 and C1

and C2 equivalent districts that have a height limit of 360 feet. This change would reduce the amount of floor area that can be added to a building by means of a zoning lot merger. This requirement would not apply to C4, C5 and C6 districts with R9 or R10 equivalents, where commercial buildings that are not subject to the tower coverage requirement can rise above 360 feet.

Eliminate "packing the bulk". The "packing-the-bulk" rule requires that 55% of the floor area on a zoning lot be located below a height of 150 feet. The rule was intended to limit transfers of floor area by zoning lot mergers and by doing so to limit the height of the building. A review of existing tower-on-a-base buildings, however, shows that the minimum 33% tower-coverage requirement adequately addresses these concerns. The proposed district height limit would provide the definitive answer to concerns about building height.

Bulk Requirements in Lower-Density Districts for Residential Building Residential buildings in the lowest-density districts (R1 and R2) would be subject to a contextual envelope to replace the 1961 height and setback rules. The maximum lot coverage would be 35%. The maximum perimeter wall height would be 21 feet, with a sloping roof rising to 35 feet (the current R4A envelope), except on large lots where the perimeter wall could rise to 35 feet.

Such provisions are not needed in R3 to R5 districts, where residential buildings are already limited to a contextual envelope based on the small-scale building patterns of residences.

Bulk Requirements in Lower Density Districts for Community Facility, Commercial and Manufacturing Developments In R1-R5 districts, equivalent commercial overlays, C3, C4-1, C8-1 and M1-1 districts, bulk rules suitable for residential buildings do not work for community facility, commercial and manufacturing buildings, which require larger interior spaces. These buildings, where permitted, would be subject to new height and setback regulations that would provide more certainty as to scale than the existing sky exposure plane regulations. Again, two basic building types would be allowed. A contextual building could rise to a standard height limit of 50 feet, with a maximum base height of 30 feet. Above the maximum base height, setbacks of 10 feet on a wide street and 15 feet on a narrow street would be required. A taller building would be permitted only in limited situations -- to provide greater flexibility on community facility campuses and to accommodate structures needed for some industrial processes. In these settings, buildings could rise to the district height limit of 90 feet but would be limited to structures erected more than 100 feet from a street.

Bulk Requirements in Medium and High-Density Manufacturing Districts Many of the city's high-density manufacturing districts that allow an FAR of 10 (M1-6), developed with old loft buildings, have a significantly different character from areas developed later with taller buildings. Therefore, M1-6 districts generally would have a 210-foot height limit consistent with this high-density context, but no towers or plaza bonuses would be permitted. Exceptions would be made for districts in Manhattan where there are already towers, and loft

buildings are interspersed with office development. Towers up to 495 feet (with a 40% coverage requirement) would be permitted in the M1-6 districts in Midtown Manhattan, such as the Garment District, Garment Center East and the area west of Penn Station. In medium-density manufacturing districts that allow an FAR of between 2 and 5 FAR for commercial or manufacturing buildings (M1-2 through M1-5, M2 and M3), each district would have a maximum base height and district height limit commensurate with the heights of existing buildings in these districts and the programmatic needs of industrial structures.

Regulations for Existing Tower-in-the-Park Developments Existing "tower-in-the-park" residential developments were allowed to include taller buildings in exchange for additional open space and consequently many did not build out their full floor area. To preserve these open spaces, restrictions would be placed on enlargements of these developments. As-of-right enlargements of existing developments that exceed the standard height limit would not be permitted unless the lot area retained as open space is 70% in R6 districts, 65% in R7 districts and 60% in R8 districts. The City Planning Commission could authorize a reduction of the open space upon a finding that the remaining open space is adequate for the enlarged development and that the enlargement enhances the development's relationship to the surrounding community.

Changes to Other Bulk and Density Regulations Several changes would serve the important purpose of providing a more unified, simpler set of residential bulk and density regulations:

Floor Area Ratios The Unified Bulk Program would replace the current range of interconnected floor area ratios and open space ratios of the 1961 zoning with a single floor area ratio and coverage requirement for each district. FAR currently measured to the second decimal place (hundredths) would be measured to a single decimal place (tenths). This would be a marginal increase from the height factor maximums in some districts and a marginal decrease in others. On narrow streets in R6 districts, the maximum floor area ratio would decrease from 2.43 to 2.2. (Community facility FAR would be correspondingly lowered from 4.8 to 4.4).

The current increase in FAR available for contextual development on wide streets outside the Manhattan core under the optional Quality Housing regulations (to 3.0 in R6 districts, 4.0 in R7 districts and 7.2 in R8 districts), would be maintained in the same locations for developments that do not exceed the standard height.

Density Controls The use of zoning room counts as a control on density in R6 - R10 districts would be replaced with dwelling unit (or where permitted rooming unit) counts based on the permitted residential floor area. Dwelling unit counts are already used in R1 - R5 districts, contextual R6 through R10 districts, the R6-R10 Quality Housing Optional Regulations, residential conversions in the community districts covered by Section 15-00, in the Special Mixed Use Districts and in the waterfront regulations.

These density controls would also apply to the residential conversion of existing non-

residential buildings governed by Section 15-00, which would marginally increase the permitted density in conversions of buildings with more floor area than permitted in the underlying zoning district.

The Quality Housing Program The Quality Housing Program would be eliminated. Its standards would be integrated into the generic regulations and would apply to all residential buildings containing more than nine dwelling units. The floor area deductions would only be available to buildings using the standard envelope.

The areas, called Study Areas, where the optional contextual regulations do not apply at present, would receive special regulations. These would limit residential buildings on the remaining applicable Study Area lots containing small homes to no more than four stories, and set the FAR at 1.85 for four story buildings and 1.62 for buildings of three or fewer stories. This would keep the current effective FARs for the buildings typically developed in these areas in place until rezoning studies are finished.

Changes Affecting Split Lots and Zoning Lot Mergers The rules governing zoning lots that are split by zoning district boundaries would be clarified and simplified to ensure greater predictability. Each portion of the lot would have to comply with all applicable use, bulk and parking regulations except as noted below.

Floor Area No floor area could be transferred across a district boundary on a split lot, except as follows:

Split lots where the zoning districts on both sides of the boundary have comparable floor area, height, setback and bulk controls would be treated like any other zoning lot -- as they are under the existing zoning. However, districts with similar floor area regulations for some uses but different height and setback regulations or different floor area regulations for other uses would no longer be considered comparable. To eliminate current ambiguities, the zoning would include a definitive list of the districts that are "comparable" for purposes of the transfer of floor area across district lines. This would prevent inappropriate shifts of floor area between Districts.

Split lots which were single zoning lots at the time the zoning district boundary splitting the lot was drawn, would be treated as if the entire lot were in the zoning district covering the larger portion of the lot if the smaller portion of the split lot is less than 25 feet wide. Where the smaller portion of the lot is more than 25 feet wide, floor area and density on a split lot could be shifted from the higher density district to the lower density only in an amount up to the weighted average FAR or density for the entire zoning lot. The weighted average rule applies today. However, because of ambiguities in the text, it is not always clear when a district is comparable and when the weighted average provisions apply.

In contextual developments outside Manhattan Community Boards 1 through 8, floor area and density could be shifted from the portion of a split lot in the lower-density district to the portion in the higher-density district, subject to a 20% cap on any increase in the higher density district. The same rule would apply within a single zoning district where a zoning lot is subject to different floor area ratios on different parts of the lot (for example in R6 districts where the FAR is 3.0 within 100 feet of a wide street and 2.2 elsewhere).

Density Dwelling units or rooming units (where permitted) could be located in any permitted residential floor area.

Lot Coverage Lot coverage could be averaged for any lot, and the requirement could be met anywhere on the lot.

Parking and Loading Parking and loading requirements could be averaged for any lot, and the parking or loading could be located anywhere on the lot in accordance with underlying curb cut and location regulations.

Changes Affecting Bonuses for Public Spaces

Elimination of Bonuses Many of the public spaces that have received floor area bonuses under the existing zoning have been found to produce only limited public benefits and are inconsistent with the goal of enhancing the street wall character of residential neighborhoods, which is one of the goals addressed by the Unified Bulk Program. Accordingly, bonuses for the following would be eliminated:

As-of-right residential plazas, which are inconsistent with the street wall character of neighborhoods and tend to become privatized.

Arcades, which are seldom built and undermine the street wall.

Through-block arcades, which, as a rule, contribute little except when they are part of a planned pedestrian network.

Sidewalk widenings, which, when located without regard to pedestrian volumes, are unnecessary.

Elevated and sunken plazas, which are inconsistent with the goal of assuring that public plazas are readily accessible.

Plazas in M1-6 districts characterized by pre-war loft buildings except in those Manhattan districts where new commercial towers are permitted.

Plazas in C6-1 (other than C6-1A) and C6-2 districts, the only generic middle-density districts that currently offer a plaza bonus. Density and pedestrian traffic in

these districts do not justify the provision of the bonus.

Residential buildings in high-density C4, C5 and C6 districts would have a special permit bonus for an open space amenity based on superior design and the need for such amenity, ability to maximize sunlight on nearby parks or playgrounds and enhance the relationship of the development to the surrounding neighborhood.

Commercial and Community Facility Plazas Commercial and community facility plazas, given the public nature of the buildings that adjoin them, generally provide a valuable public amenity. The bonus for these amenities would be retained. Both types of plazas would be required to meet the updated and more exacting Urban Plaza standards. This change would leave the Zoning Resolution with one set of plaza design guidelines.

Approvals for Reductions in Bonused Public Spaces Currently, a special permit is required to reduce the size of a public space that generated a floor area bonus, unless there is a corresponding reduction in the floor area of the building or the substitution of equivalent complying space. However, transfers of floor area through zoning lot mergers or conversion of zoning floor area to mechanical space, which does not count as zoning floor area, have been used to reduce a building's reliance on a bonused public space to justify its zoning floor area and hence to enable a reduction in the size of the bonused space. The City Planning Commission has no opportunity to review the effects of such a modification on the public space. For this reason, any reduction of a public space that generated a floor area bonus would require a special permit.

Many developments containing bonused public space contain more open area than was required to generate the bonus floor area actually built. Assuming that other regulations are complied with, this excess space can be developed. A certification would be required, however, to ensure that the bonused public space still complies with the zoning requirements after it has been modified.

Changes Affecting Authorizations and Special Permits No system of bulk requirements is perfect. Inevitably, the proposed tightening of building envelopes will produce some situations where the rules do not produce the desired result in a specific location. For this reason, the Unified Bulk Program would replace existing approvals for bulk waivers with a broader two-tiered approach to waivers. Minor modifications of all street wall, coverage, court and distance between building regulations would be available by City Planning Commission authorization, if found to be consistent with and enhancing of neighborhood character. A City Planning Commission special permit would be available for more significant modifications, relating to height, tower coverage, street wall and yard regulations. To encourage innovation and quality architecture, this special permit would include a finding that the design of the development is of superior quality. A panel of architects and others concerned with design issues would be established to advise the City Planning Commission on the design merits of these special permit applications

Another City Planning Commission special permit would replace an existing Board of Standards and Appeals special permit. It would be available to community facility uses to provide flexibility for unique programmatic requirements or to integrating new buildings into existing campuses. The current BSA special permit is limited to campuses that existed in 1961. That special permit would be eliminated.

Associated Changes To implement the objectives of the Unified Bulk Program, the proposal would reorganize and consolidate a number of regulations.

The current Resolution's several dormer rules and separate balcony rules for the contextual and non-contextual districts, which do not differ significantly, would be merged.

The sole existing C5-2A district would be eliminated. It is mapped only along Manhattan's Lexington Avenue between 54th and 57th streets. As described in greater detail in the following section, the Department is proposing a related action that would rezone this portion of Lexington Avenue as a C5-2.5 district within the Special Midtown district with the same FAR and a similar bulk envelope.

A generic C5-2A district with the R10A bulk envelope would be established. This district would be the same as the existing C6-4A district but limited to only C5 uses. The Department expects to submit an application to map this designation in portions of the Park Avenue South area of Manhattan within the near future.

The current optional Quality Housing parking requirements would apply to new developments and enlargements that do not exceed the standard height limits. Existing 1961 parking requirements would be retained for developments that exceed these new envelopes (and have more on-site land available for parking). Existing buildings would be required to retain all previously required parking.

The existing R10 Infill regulations, a precursor to contextual zoning applicable in Manhattan Community District 7, would be eliminated, although the 10 FAR requirement would be retained. Since the adoption of the Infill regulations, most of the R10 districts in Community Board 7 have been rezoned to R10A. The proposed new R10 height and setback regulations would be appropriate for the handful of potential development sites in the remaining R10 districts in Community District 7.

The R7-3 and R9-1 districts, which currently are only available for mapping on waterfront blocks or in Special Mixed Use districts, would be eliminated from those regulations and established as generic districts.

Two of the four limited height districts, LH-2 and LH-3, have never been mapped. They would be eliminated since contextual districts are available to control height.

The height of all developments in residential and commercial districts would be measured from the base plane. This would provide greater certainty as to the effectiveness of the new height limits in areas where residences are permitted. Currently, height is measured from curb level in non-contextual districts, and from the base plane in R6-R10 contextual districts and for residential buildings in R3-R5 districts, and for buildings under the optional Quality Housing regulations.

The minimum distance between towers for twin or multiple tower buildings would be set at 45 feet, where the facing towers are no more than 60 feet deep, to make this building type practical. Currently, the minimum distance is 60 feet.

The rules regulating elevator and stair bulkheads would be clarified to ensure sufficient room for bulkheads on small lots.

To protect adjacent residential rear yards, rear yard equivalents would be required for through lots in C6-2A and C6-3A districts above the lesser of two stories or 30 feet. Currently, a rear yard equivalent is required only for residential buildings.

Changes to Special Districts. There are 32 Special Purpose Districts that have additional zoning regulations designed to achieve specific, localized planning objectives in individual communities. Most of these districts incorporate bulk regulations that supplement or supercede the underlying zoning. Where necessary these districts would be revised to insure that the revised bulk requirements do not undermine the intentions of the individual Special District.

(On April 5, 2000, Cal. No. 7, the Commission scheduled April 25, 2000 for a public hearing. On April 25, 2000, Cal. No. Cal. No. 1, the hearing was continued.)

Close the hearing.

NOTICE

On Tuesday, May 23, 2000 at 10:00 a.m. in City Hall, a continued public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearing to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning the Unified Bulk Program and Related Zoning Map and Text Amendments, a proposal by the Department of City Planning for three interrelated zoning actions: 1) the Unified Bulk Program, a citywide zoning text amendment intended to simplify, rationalize and improve controls on the height and massing of development, 2) the Lexington Avenue Rezoning, which would rezone several blocks along Lexington Avenue between East 54th Street and East 57th Street from C5-2A to C5-2.5(MiD) and extend the Special Midtown District to include this area, and 3) zoning map and text

amendments to create a new special district in the central business district of Downtown Brooklyn.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review Act (CEQR), CEQR No. 00DCP034Y.

No. 4

CITYWIDE

N 000244(A) ZRY

PUBLIC HEARING:

(NOTICE: SEE ATTACHED "ADDENDUM A" FOR MODIFIED TEXT)

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for **amendment of the Zoning Resolution** of the City of New York relating to various sections as follows:

Modifications to the Proposal to be Calendared for the second Public Hearing

Modifications to the following components of the proposal are to be calendared for review and comment at the second Public Hearing, as described below. All references to Zoning Resolution sections are to the proposed text referred on 2/14/00.

Standard Envelope Controls

Modification of the Standard Envelope controls to eliminate the rear yard setback regulations of section 23-663(a).

Modification of the section 23-522(a) Standard Envelope controls to permit a 5 foot reduction of the required 10 foot front setback to 5 feet if a landscaped area of not less than 5 feet is provided at grade.

Modification of section 23-522(a) to provide the wide street Standard Envelope to Non-profit Housing for the Elderly located on narrow streets in R6 Districts.

Alternate Envelope in Medium Density Districts

Modification of sections 23-522(b)(1) and 23-522(b)(2) to eliminate the 33 percent minimum coverage requirement for developments located on a zoning lot which does not contain existing buildings.

Modification of section 23-522(b)(1) to restrict the Alternate height and setback regulations for buildings or other structures that are located on a zoning lot that has a side lot line contiguous for a distance of at least 70 feet, on which a building is located that exceeds the standard building height by at least 10 feet; to situations in which such building which exceeds the standard building height by at least 10 feet existed at the date of adoption of the proposal.

Modification of section 23-522(b)(1) to restrict the narrow street applicability of the Alternate height and setback regulations for buildings or other structures that are located on a zoning lot that has a side lot line contiguous for a distance of at least 70 feet, on which a building is located that exceeds the standard building height by at least 10 feet; to situations in which such existing building is located wholly or partially beyond 100 feet of a wide street.

Modification of section 23-522(b)(1) to restrict the height of the building or other structure developed pursuant to the Alternate height and setback regulations when such buildings or other structures that are located on a zoning lot that has a side lot line contiguous for a distance of at least 70 feet, on which a building is located that exceeds the standard building height by at least 10 feet; to not more than the height of the building which exceeds the standard building height.

Modification of section 23-522(b)(3) to waive the 33% minimum coverage regulation by authorization in order to permit buildings to use the Alternate height and setback regulations when an existing building which is located on the same zoning lot exceeds the standard building height by more than 10 feet.

Community Facility Envelopes

Modification of the chart in section 24-11 to increase the permitted lot coverage of community facility buildings on interior lots from 65 to 70 percent in R6 through R10 districts and to increase the permitted lot coverage of community facility buildings on corner lots from 70 to 100 percent in R6 and R7 districts and from 75 to 100 percent in R8 through R10 districts.

Tower-on-a-Base Regulations

Modification of sections 23-531(b) and 35-622(h) to reduce the 33 percent minimum tower coverage regulation to 25 percent.

Modification of section 35-622(f) to exclude any existing floor area located below a height of 150 feet when calculating maximum tower coverage in C4, C5 and C6 districts.

Modification of section 35-53 to re-establish all existing rear yard equivalents for developments on through lots in C4, C5 and C6 districts when any required building base of such developments does not contain residential floor area.

Modification of the street wall regulations of sections 23-531(c)(1) and 35-622(a) to permit larger corner cut-outs (up to 15 feet on a wide street and 20 feet on a narrow street) and to further regulate the distance between such cut-outs and other permitted recesses.

Sliver Regulations

Modification of section 23-552 to: 1) restore the exemption of all stories located above the required base from the sliver regulations in the contextual districts, except in C6-4X Districts, 2) apply this same regulation to the Standard Envelope and 3) increase the exemption from the sliver regulations of the top story of all buildings developed pursuant to the tower-on-a-base regulations to the top four stories of such buildings.

Manufacturing District Envelopes

Modification of section 43-332 to provide the wide street envelope (with an increase in the height limit from 185 feet to 210 feet) to the narrow street through lot portion of a zoning lot which also contains two corner lots in a M1-6 district.

Modification of section 43-256 to eliminate the rear yard requirement for the through lot portion of a zoning lot which also contains two corner lots in a M1-6 district.

Mechanical Space/ Bulkheads

Modification of sections 35-61 and 43-32(j) to permit accessory antennas or antenna masts of unlimited height, provided that the horizontal lot coverage of such antenna or antenna mast does not exceed 18 feet in any direction, as a permitted

obstruction of the height and setback regulations in M, C4, C5 and C6 districts.

Modification of section 43-32(d)(3) to permit bulkheads with a lot coverage of not more than 40 percent and a height limit of 60 feet for all Use Group 6D accessory mechanical equipment in M Districts.

Split Lot Regulations

Modification of the section 74-72 special permit to allow the transfer of floor area between portions of a split lot not otherwise permitted by section 77-00 and to waive the other split lot requirements of section 77-00, by special permit.

Modification of the Comparable Districts chart of section 77-42 to limit the comparability of C4-7, C5-2, C5-4, C6-4, C6-5 and C6-8 to only those M1-6 districts which are subject to the tower regulations of section 43-34, and to make other M1-6 districts comparable to C4-7A, C5-2A and C6-4A districts.

Modification of the Special Union Square District, section 118-00, to permit the residential floor area from a portion of a split lot located outside of the special district to be transferred to the portion of the split lot located within the special district.

Lower Density Districts

Modification of section 23-521(a) to apply the R4-1 height and setback regulations, with a 25 foot perimeter wall and a maximum height of 35 feet, to R1 and R2 districts.

Vesting

Modification of section 11-332 to provide an additional 6 months, for a total of 9 months by approval of the Board of Standards and Appeals to complete construction for "other construction" which has a Building Permit but has not completed construction on the date of adoption.

Special Midtown District/ Lexington Avenue Zoning Map Amendment

Modification of section 81-211 to prohibit plazas within 100 feet of a wide street in C5-2.5 districts and modification of Map 2 to extend mandatory street wall continuity requirements on the 55th and 56th street side streets within 100 feet of Lexington Avenue.

Special Downtown Brooklyn District

Modification of section 101-11(a) and Map 6 of the Special Downtown Brooklyn District to restrict the blocks between Schmerhorn and Livingston streets to the Standard Envelope with a maximum height limit of 210 feet.

Modification of section 101-11(a) to permit the use of the minimum 60 foot base height of the underlying C6-1 district for development pursuant to the Standard Envelope.

Modification of sections 101-10, 101-11(b), 101-12 and Map 2 of the special district to extend the mandatory retail continuity and fenestration requirements to Smith Street between Atlantic Avenue and Fulton Street and Bridge, Jay and Lawrence streets between Willoughby and Fulton streets.

Modification of Map 6 of the special district to make the portion of Smith Street between Atlantic and State streets now part of Area A, part of Area B which reduces the height limit from 210 feet to 140 feet.

Special Bay Ridge District

Modification of section 114-51 to restrict the floor area ratio in Area E to 3.17 and section 114-53 to retain the 60 percent parking requirement on lots of more than 10,000 square feet in R7-1 districts in Area E.

Clarifications and Corrections

Clarifications and corrections are also proposed to the following sections as described below:

- | | |
|-----------|---|
| 12-10 | Definition of lot coverage clarified to exclude permitted obstructions. |
| 23-122(d) | clarification on measurement of recessed balconies |
| 23-133 | Clarification that lot coverage for non-profit residences for the elderly on zoning lots containing tall buildings is restricted as set forth in Section 23-133 |
| | Open space requirement added for zoning lots containing tall buildings in R6 R7 and R8 Districts |
| 23-135 | FAR for non-profit residences for the elderly in R6 and R6A Districts restored to 3.9 from 4.0 |

- 23-22 Language restricting dwelling units in R1 through R5 districts to one family added (This restriction currently exists in Section 23-224)
- 23-24 Method used for determining allowable density for mixed buildings clarified
- 23-43 Passageway connecting two lobbies measured from yard level rather than grade
- 23-469 Rewritten for clarity and ability to eliminate special district cross referencing
- 23-51 "Accessory" added to mechanical equipment for permitted obstructions
- 23-521(d) Side and rear setback requirements for R5 Districts relocated from Section 23-661.
- 23-521(h) Cross reference to 23-66 eliminated
- 23-522(b) Alternate Height and Setback Regulations. Reorganized for clarity
- 23-522(b)(2) Buildings opposite elevated highway or railways must be within 150 feet of such structures
- 23-522(b)(5) R10H exclusion added
- 23-523(b) Rear setback requirement for R6 through R10 contextual districts relocated from Section 23-633. Cross reference to Section 23-531 corrected
- 23-531(a) R10H exclusion added
- 23-55 Section renumbered (was 23-56) cross references changed in Sections 23-51 and 23-52
- 23-551 Section renumbered (was 23-561) cross references changed in Sections 11-12 and 12-10
- 23-552 Section renumbered (was 23-562); cross references changed in Sections 24-482, 33-462, 34-24(d) and 35-61
- Any "applicable" height limitations added for clarity
- 23-661 Section required setback above 30 feet. Eliminated for R1 and R2 Districts as proposed 23-521(a) requires setback above 25 feet and

- provisions relating to R5 Districts relocated to Section 23-521(d)
- 23-662 Obsolete side and rear yard setback regulations eliminated
- 23-663(b) Rear setback requirement for contextual districts relocated to Section 23-523(b)(3)
- 24-11 Section modified to apply only to community facility buildings
- Rule limiting FAR to 10 in CB 7 Manhattan restored
- 24-111 Chart containing special floor are regulations for community facilities with sleeping accommodations restored and rounded
- 24-151 Section modified to refer maximum FAR for residential portion of mixed building to Article 2 Chapter 3, and refer maximum lot coverage to 24-11
- 24-152 New section sets forth maximum community facility FAR in a mixed building in a new table
- 24-153 New section sets forth maximum FAR in a mixed building
- 24-154 Section number changed (was 24-153) Section relating to open space made inapplicable to R9 Districts, since this district would no longer have an open space requirement
- 24-20 Method used for determining allowable density in mixed buildings clarified
- 24-422 Clarification that building with a 140 foot height limit cannot contain residential use
- 24-43 R10H exclusion added (also effects 24-431 and 24-432)
- 24-433 New Section for R10X Towers
- 25-621(b)(2) R6B, R7B and R8B deleted; they are covered in paragraph (c) and (d)
- 26-01 Streetscape requirements made inapplicable to buildings converted pursuant to Article 1 Chapter 5 (existing regulation)
- 33-422 Clarification that building with a 140 foot height limit cannot contain residential use, but may contain up to 2 floors of any permitted commercial use

- 35-22 Paragraphs (a) and (b) consolidated for clarity
- 35-33 Residential lot coverage for mixed buildings excluded for first story in C1, C2 and C3 Districts, and for first and second stories in new buildings in C1 and C2 Districts with R9 and R10 equivalents
- Residential lot coverage for mixed buildings excluded for first and second stories in C4, C5 and C6 Districts, and applied above second story at level of lowest story containing residential use
- 35-40 Method used for determining allowable density in mixed buildings clarified
- 35-61 Clarification that sliver rules do not apply to mixed buildings in high C non-contextual zones
- 35-621 Heading with lists of districts reformatted
- 35-622(a) Street wall required to extend along entire wide street frontage (existing rule)
- 35-622(j) Buildings opposite elevated highway or railways must be within 150 feet of such structure to be exempt from base requirements
- 43-32(d) "Accessory" added for mechanical equipment permitted obstruction
- 74-24 First 2 paragraphs rewritten for clarity
- 74-54 To be eligible for CF special permit, building cannot contain residential use, but may contain up to 2 floors of commercial use, where permitted
- 74-72 First 2 paragraphs rewritten for clarity
- 77-22 Floor area averaging rewritten for clarity
- 78-31 Modification of "periphery" description to clarify when a height and setback waiver is by special permit or by authorization
- 81-23 The provisions for urban plazas in Article 3, Chapters 3, 4 and 5 are made inapplicable, to clarify that a special permit is not required in C4, C5 or C6 Districts where 25% or more of the floor area is in residential use
- 81-243 Section deleted; no longer necessary since 23-469 amended

- 111-104(c) Area A3 maximum FAR eliminated; not necessary since no modification is made
- 114-52 Section number changed (was 114-51)

(On May 1, 2000, Cal. No. 3, the Commission scheduled May 23, 2000 for a public hearing which has been duly advertised.)

Close the hearing.

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