

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, AUGUST 9, 2017
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK, NY 10007**

**Yvette V. Gruel, Calendar Officer
120 Broadway, 30th Floor
New York, New York 10271
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	N 170425 ZRY	CW	SELF STORAGE TEXT AMENDMENT	Scheduled to be Heard 8/23/17
2	N 170425(A)ZRY	CW	" "	" "
3	C 160006 PQK	2	WARREN STREET CENTER FOR CHILDREN	" "
4	C 170454 ZMK	16	EDWIN'S PLACE	" "
5	N 170455 ZRK	16	" "	" "
6	C 170456 HAK	16	" "	" "
7	C 170457 ZSK	16	" "	" "
8	C 170400 ZMK	2	TILLARY AND PRINCE STREET REZONING	" "
9	N 170401 ZRK	2	" "	" "
10	C 170430 ZMK	5	LINDEN BOULEVARD REZONING	" "
11	N 170431 ZRK	5	" "	" "
12	C 170394 PCQ	5	NYPD PROPERTY CLERK WAREHOUSE CONSOLIDATION	" "
13	N 170433 ZRM	4	661 8 TH AVENUE SIGNAGE TEXT AMENDMENT	" "
14	C 170464 ZSM	2	449 BROADWAY	" "
15	C 170249 ZSM	5	220 CENTRAL PARK SOUTH PARKING	" "
16	C 170358 ZMM	11	EAST HARLEM NEIGHBORHOOD REZONING	" "
17	N 170359 ZRM	11	" "	" "
18	N 170359(A)ZRM	11	" "	" "
19	C170360 HUM	11	" "	" "
20	C 170361 ZMM	11	SENDERO VERDE-EAST 111 TH STREET	" "
21	N 170362 ZRM	11	" "	" "
22	C 170363 HAM	11	" "	" "
23	C 170364 PQM	11	" "	" "
24	C 170365 ZSM	11	" "	" "
25	C 170366 ZSM	11	" "	" "
26	C 170367 ZSM	11	" "	" "
27	N 170440 BDX	11	MORRIS PARK BID	Favorable Report Adopted
28	N 170369 ZAK	1	DOMINO FLEXIBLE FIELD	Authorization Approved
29	N 170062 ZAM	5	10 EAST 30 TH STREET PARKING RENEWAL	" "
30	N 170063 ZAM	5	" "	" "
31	C 170066 PCM	11	NYPD 107 TH STREET PARKING FACILITY	Favorable Report Adopted
32	C 170373 ZMR	2, 3	EAST SHORE SPECIAL COASTAL RISK DISTRICT	" "
33	N 170374 ZRR	2, 3	" "	" "

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

CITY PLANNING COMMISSION

WEDNESDAY, AUGUST 9, 2017

**MEETING AT 10:00 A.M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**



**Bill de Blasio, Mayor
City of New York**

[No. 15]

Prepared by Yvette V. Gruel, Calendar Officer

To view the Planning Commission Calendar and/or the Zoning Resolution on the Internet, visit
the Department of City Planning (DCP) home page at:
nyc.gov/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: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

NOTICE--CALENDARS: City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site (www.nyc.gov/planning).

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below.

City Planning Commission
Calendar Information Office
120 Broadway – 31st Floor
New York, New York 10271

For Additional Calendar Information: call (212) 720-3370.

B
CITY PLANNING COMMISSION

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

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, *Esq., Vice Chairman*
RAYANN BESSER
IRWIN G. CANTOR, P.E.
ALFRED C. CERULLO, III
MICHELLE R. DE LA UZ
JOSEPH I. DOUEK
RICHARD W. EADDY
CHERYL COHEN EFFRON
HOPE KNIGHT
ANNA HAYES LEVIN
ORLANDO MARIN
LARISA ORTIZ, *Commissioners*
YVETTE V. GRUEL, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

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Roll Call; Approval of Minutes.....	1
I. Matters to Be Scheduled for Public Hearing on August 23, 2017.....	1
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**Community Board Public Hearing Notices are available in the
Calendar Information Office, 31st Floor, 120 Broadway,
New York, N.Y. 10271**

The next regular public meeting of the City Planning Commission is scheduled for August 23, 2017.

C

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 generally be called in the order these slips are submitted, with the exception that public officials will be allowed to speak first. If many people wish to speak on a particular item, statements may be taken alternating every 30 minutes between those speaking in support of the proposal and those speaking in opposition.

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

Electronic Comments: 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 submit comments electronically using the CPC Comments Form that is located on the public meeting page of the Department of City Planning website:

http://www1.nyc.gov/site/planning/about/commission-meetings.page

Written Comments: Anyone wishing to present written 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 also 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 – 31st Floor
120 Broadway, New York, N.Y. 10271

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ ULURP No.: _____ CD No.: _____

Position: Opposed _____

In Favor _____

Comments:

Name: _____

Address: _____

Organization (if any) _____

AUGUST 9, 2017

APPROVAL OF THE MINUTES OF the Regular Meeting of July 26, 2017

I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE SCHEDULED FOR WEDNESDAY, AUGUST 23, 2017 STARTING AT 9:30 A. M. AT SPECTOR HALL 22 READE STREET NEW YORK, NEW YORK

CITYWIDE

Nos. 1 & 2

SELF STORAGE TEXT AMENDMENT

No. 1

CITYWIDE

N 170425 ZRY

IN THE MATTER OF an application submitted by New York City 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, to create a definition, a use and, in designated areas, a special permit for self-service storage facilities and to establish APPENDIX J (Designated Areas in Manufacturing Districts).

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I GENERAL PROVISIONS

Chapter 2 Construction of Language and Definitions

* * *

12-10 DEFINITIONS

* * *

Self-service storage facility

A “self-service storage facility” is a moving or storage office #use# or a warehouse #use# listed in Use Group 16D, for the purpose of storing personal property, and where such:

- (a) facility is partitioned into individual, securely subdivided space for lease; or
- (b) facility consists of enclosed or unenclosed floor space which is subdivided by secured bins, boxes, containers, pods or other mobile or stationary storage devices; and
- (c) floor spaces or storage devices are less than 300 square feet in area and are to be leased or rented to persons or businesses to access, store or remove property on a self-service basis.

* * *

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

Chapter 2 Use Regulations

* * *

32-10 USES PERMITTED AS-OF-RIGHT

* * *

32-25 Use Group 16

C8

Use Group 16 consists of automotive and other necessary semi-industrial #uses# which:

- (1) are required widely throughout the city; and
- (2) involve offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable influences, making such #uses# incompatible with #residential uses# and other #commercial uses#.

* * *

D. Heavy Service, Wholesale, or Storage Establishments

Carpet cleaning establishments [PRC-F]

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment [PRC-F]

Laundries, with no limitation on type of operation [PRC-F]

Linen, towel or diaper supply establishments [PRC-F]

Moving or storage offices, with no limitation as to storage or #floor area# per establishment [PRC-G]*

Packing or crating establishments [PRC-G]

Photographic developing or printing with no limitation on #floor area# per establishment [PRC-C]

Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment [PRC-G]

Warehouses [PRC-G]*

Wholesale establishments, with no limitation on #accessory# storage [PRC-C]

E. #Accessory Uses#

* In designated areas within #Manufacturing Districts# as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is permitted only by special permit of the City Planning Commission pursuant to Section 74-932.

* * *

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

* * *

**42-10
USES PERMITTED AS-OF-RIGHT**

**42-11
Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B**

M1

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18, 32-21.

Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

42-12

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

M1 M2 M3

Use Group 3A shall be limited to Museums that are ancillary to existing Motion Picture Production Studios or Radio or Television Studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment.

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 rental; photographic or motion picture production studios; and radio or television studios.

In the #Manhattan Core#, automobile rental establishments, #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 6.

In designated areas within #Manufacturing Districts# as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is permitted only by special permit of the City Planning Commission pursuant to Section 74-932.

* * *

42-30

USES PERMITTED BY SPECIAL PERMIT

42-31

By the Board of Standards and Appeals

* * *

42-32

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.

* * *

M1 M2 M3

Trade expositions, with rated capacity of more than 2,500 persons [PRC-D]

M1 M2 M3

#Self-service storage facilities# in designated areas within #Manufacturing Districts# as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution

M1 M2 M3

#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

M1

#Uses# listed in Use Group 4A Community Facilities, except ambulatory diagnostic or treatment health care facilities and houses of worship

M1

Variety stores, with no limitation on #floor area# per establishment [PRC-B]

* * *

ARTICLE V

NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Chapter 2

Non-Conforming Uses

* * *

52-40

ENLARGEMENTS OR EXTENSIONS

* * *

52-46

Conforming and Non-conforming Residential Uses in M1-1D Through M1-5D Districts

* * *

52-47

Non-conforming Self-Service Storage Facilities in Designated Areas Within Manufacturing Districts

In designated areas within #Manufacturing Districts, a #self-service storage facility# that existed on [date of adoption] may #enlarge# or #extend# on the same #zoning lot#, provided that:

- (a) such #self-service storage facility# has filed documentation that is satisfactory to the Department of Buildings of its existence prior to [date of adoption] as a Use Group 16D facility that meets the definition of a #self-service storage facility#; and
- (b) such #enlargement# or #extension# does not create a #non-compliance# or increase the degree of #non-compliance# of a #building or other structure#.

* * *

52-50

DAMAGE OR DESTRUCTION

* * *

52-531

Permitted reconstruction or continued use

* * *

For the purposes of this Section, any #single-family# or #two family residence# located within an M1-1D, M1-2D, M1-3D, M1-4D, M1-5D or M1-6D District and existing on June 20, 1988; and any #self-service storage facility# existing on [date of adoption], shall be a conforming #uses#.

* * *

ARTICLE VII

ADMINISTRATION

Chapter 4

Special Permits by the City Planning Commission

* * *

74-90

USE AND BULK MODIFICATIONS FOR CERTAIN COMMUNITY FACILITY USES

* * *

74- 93

Special Commercial and Manufacturing Developments

* * *

74-931

Special commercial or mixed use developments in commercial districts

* * *

74-932

Self-service storage facility in designated areas within Manufacturing Districts

On #zoning lots# in designated areas within #Manufacturing Districts# as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the City Planning Commission may permit the change of #use# of an existing #building# to, or the #development# of, a #self-service storage facility# provided that:

- (a) the #zoning lot# is appropriate for such #use# considering the economic development objectives of the City; and
- (b) it is impractical to establish another #use# listed in Use Groups 16D (other than a #self-service storage facility), 17 or 18 on such #zoning lot#.

In making this determination, the Commission may consider any of the following:

- (1) the size and configuration of the #zoning lot# and its suitability for a #use# listed in Use Groups 16D (other than a #self-service storage facility#), 17 or 18;
- (2) the design and layout of loading docks, interior column spacing, floor-to-floor height and other relevant physical characteristics in an existing #building# and its suitability for a #use# listed in Use Groups 16D (other than a #self-service storage facility#), 17 or 18;
- (3) the accessibility of the #zoning lot# to an arterial highway, or a designated truck route; the width of the existing #streets# providing access to the #zoning lot#, and the ability of such #streets# to handle the traffic generated for such a #use#
:
- (4) the proximity of the #zoning lot# to rail and bus transit to serve employees;
- (5) the need to undertake environmental remediation work on the #zoning lot#;

- (6) recent trends and levels of investment in the surrounding area for #uses# listed in Use Groups 16D (other than a #self-service storage facility#), 17, or 18 within the last five calendar years; and
- (7) the potential for conflict between such #uses# and existing #uses# in the surrounding area.

The Commission may impose additional terms and conditions to ensure the compatibility of a #self- service storage facility# with the surrounding area.

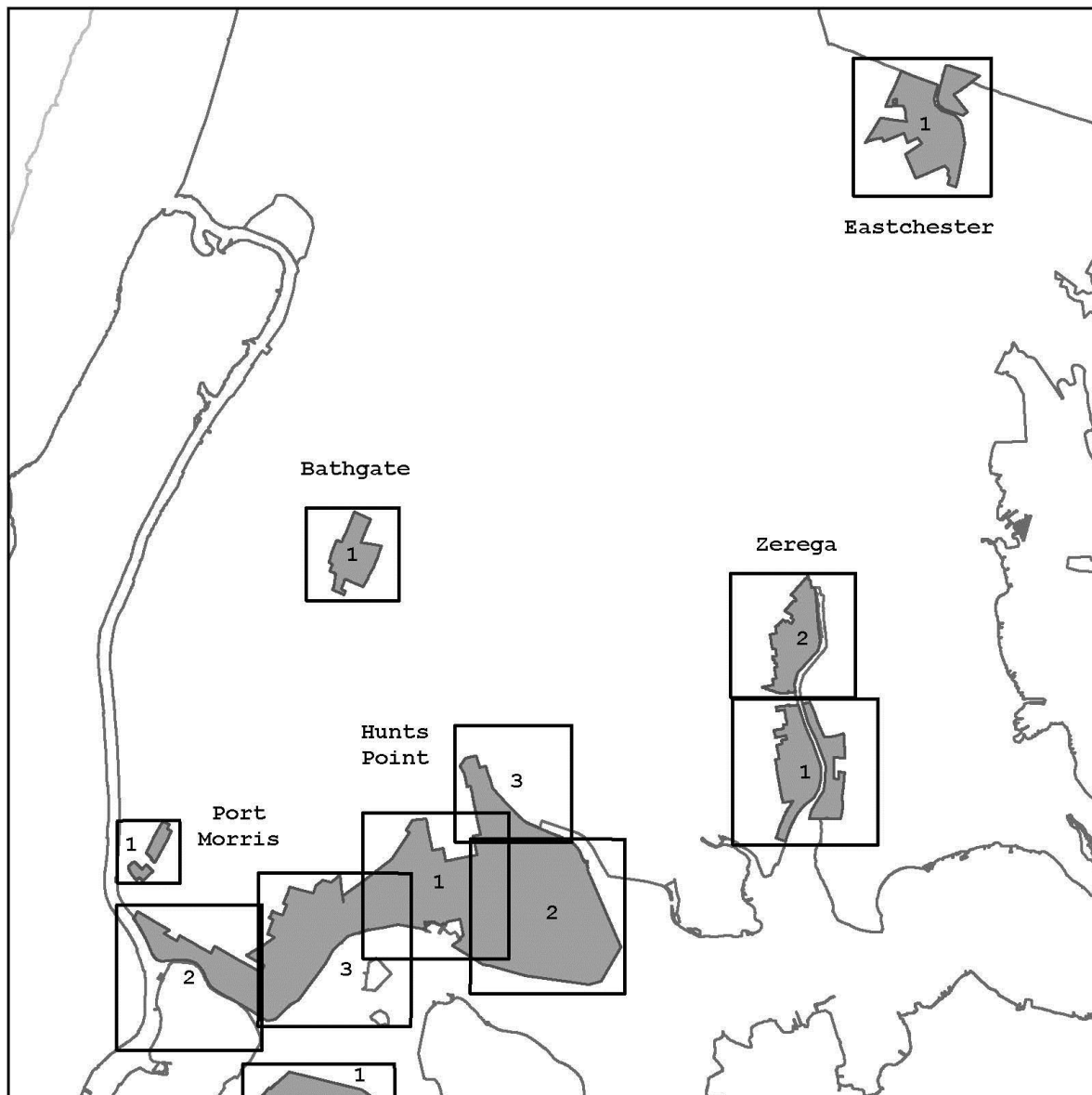
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APPENDIX J - Designated Areas Within Manufacturing Districts

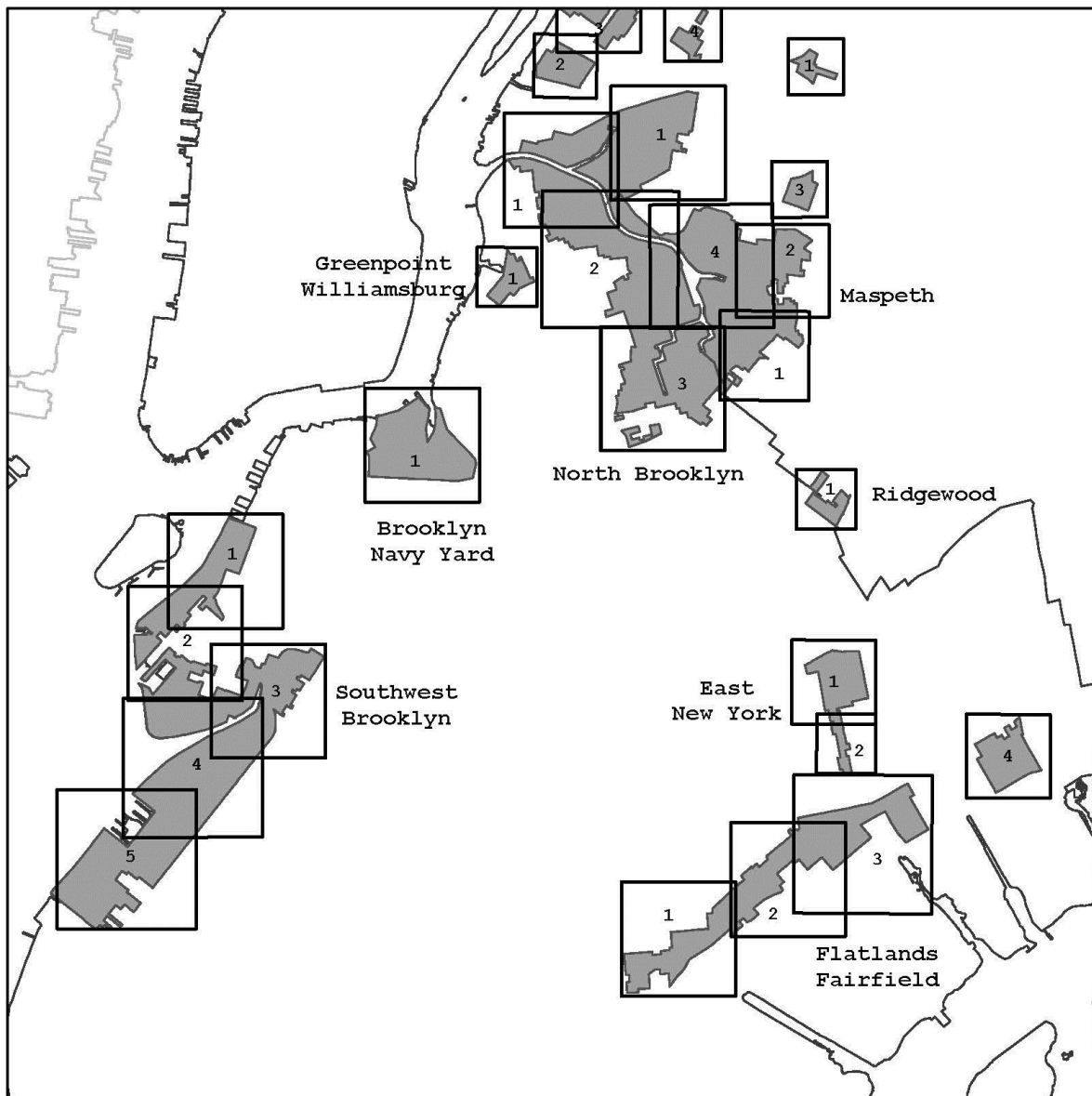
The boundaries of certain designated areas within #Manufacturing Districts# are shown on the maps in this APPENDIX, and include areas in the following Community Districts:

<u>Borough</u>	<u>Community Districts</u>	<u>Name of Designated Area in M District</u>	<u>Map No</u>
<u>The Bronx</u>	<u>1, 2</u>	<u>Port Morris</u>	<u>Maps 1-3</u>
<u>The Bronx</u>	<u>2</u>	<u>Hunts Point</u>	<u>Maps 1-3</u>
<u>The Bronx</u>	<u>9, 10</u>	<u>Zerega</u>	<u>Maps 1, 2</u>
<u>The Bronx</u>	<u>3, 4, 6</u>	<u>Bathgate</u>	<u>Map 1</u>
<u>The Bronx</u>	<u>10, 12</u>	<u>Eastchester</u>	<u>Map 1</u>
<u>Brooklyn</u>	<u>2</u>	<u>Brooklyn Navy Yard</u>	<u>Map 1</u>
<u>Brooklyn</u>	<u>6, 7</u>	<u>Southwest Brooklyn</u>	<u>Maps 1-5</u>
<u>Brooklyn</u>	<u>5, 16, 17, 18</u>	<u>Flatlands/Fairfield</u>	<u>Maps 1-4</u>
<u>Brooklyn</u>	<u>5, 16</u>	<u>East New York</u>	<u>Maps 1, 2</u>
<u>Brooklyn/Queens</u>	<u>BK 4/QN 5</u>	<u>Ridgewood</u>	<u>Map 1</u>
<u>Brooklyn</u>	<u>1</u>	<u>Williamsburg/Greenpoint</u>	<u>Map 1</u>
<u>Brooklyn/Queens</u>	<u>BK 1, 4/QN 2</u>	<u>North Brooklyn/Long Island City/ Maspeth</u>	<u>Maps 1-3</u>
<u>Queens/Brooklyn</u>	<u>QN 2, 5/BK 1</u>	<u>Maspeth/North Brooklyn</u>	<u>Maps 1-4</u>
<u>Queens</u>	<u>1, 2</u>	<u>Long Island City</u>	<u>Maps 1-4</u>
<u>Queens</u>	<u>2</u>	<u>Woodside</u>	<u>Map 1</u>
<u>Queens</u>	<u>1</u>	<u>Steinway</u>	<u>Maps 1, 2</u>
<u>Queens</u>	<u>9, 12</u>	<u>Jamaica</u>	<u>Maps 1-4</u>
<u>Queens</u>	<u>10, 12, 13</u>	<u>JFK</u>	<u>Maps 1-3</u>
<u>Staten Island</u>	<u>1</u>	<u>North Shore</u>	<u>Maps 1-5</u>
<u>Staten Island</u>	<u>1, 2</u>	<u>West Shore</u>	<u>Maps 1-3</u>
<u>Staten Island</u>	<u>3</u>	<u>Rossville</u>	<u>Map 1</u>

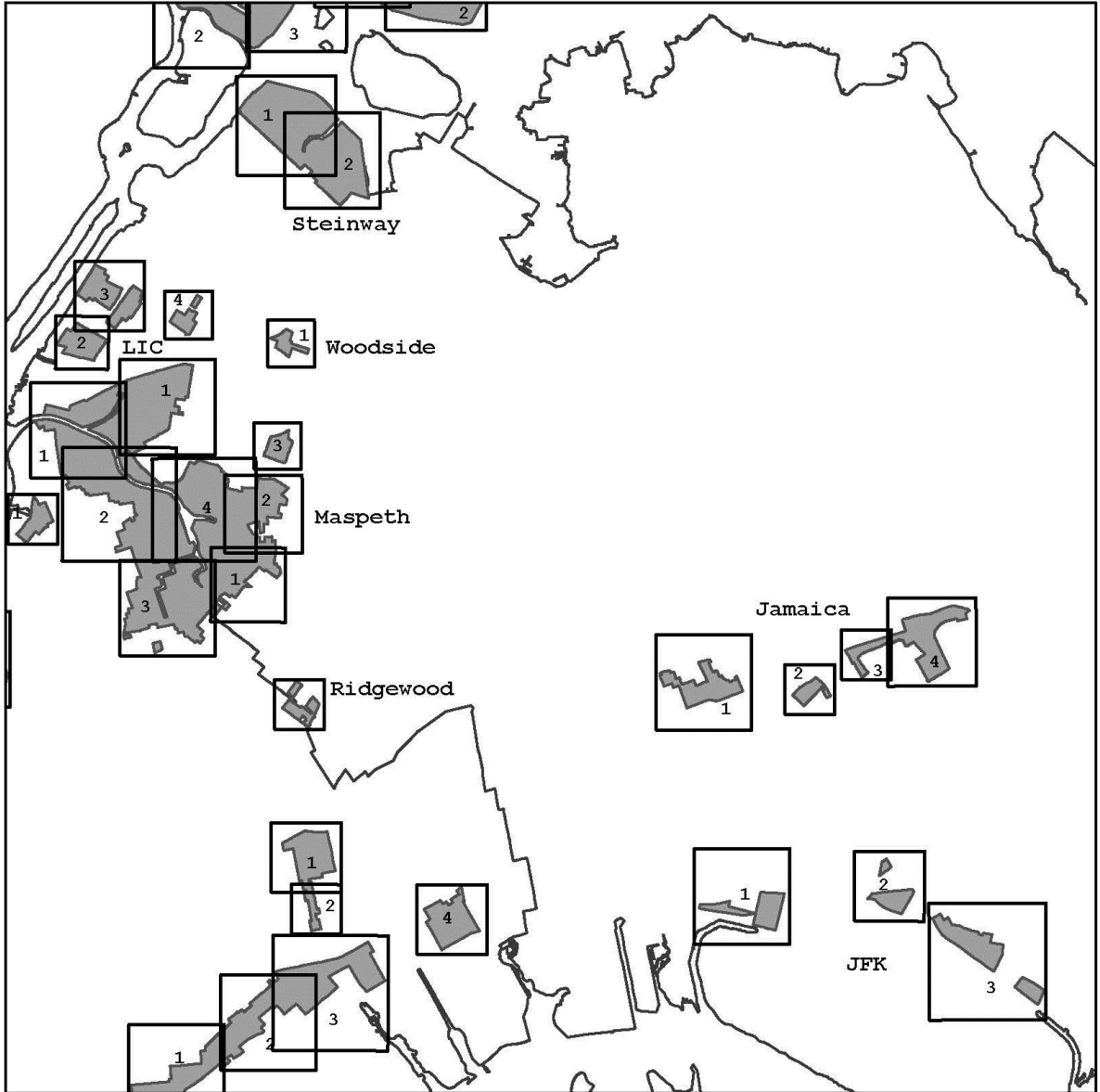
The Bronx



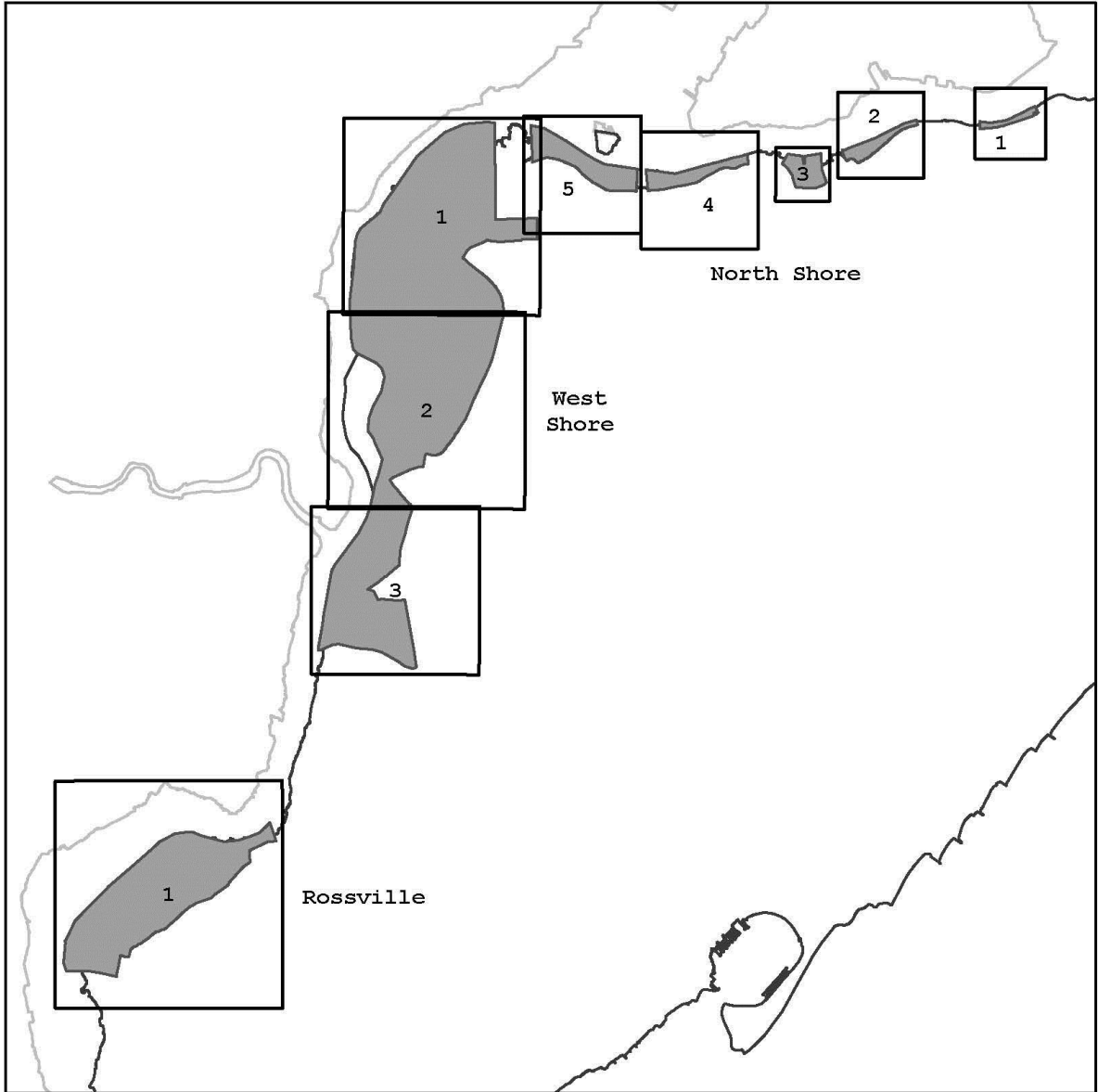
Brooklyn



Queens

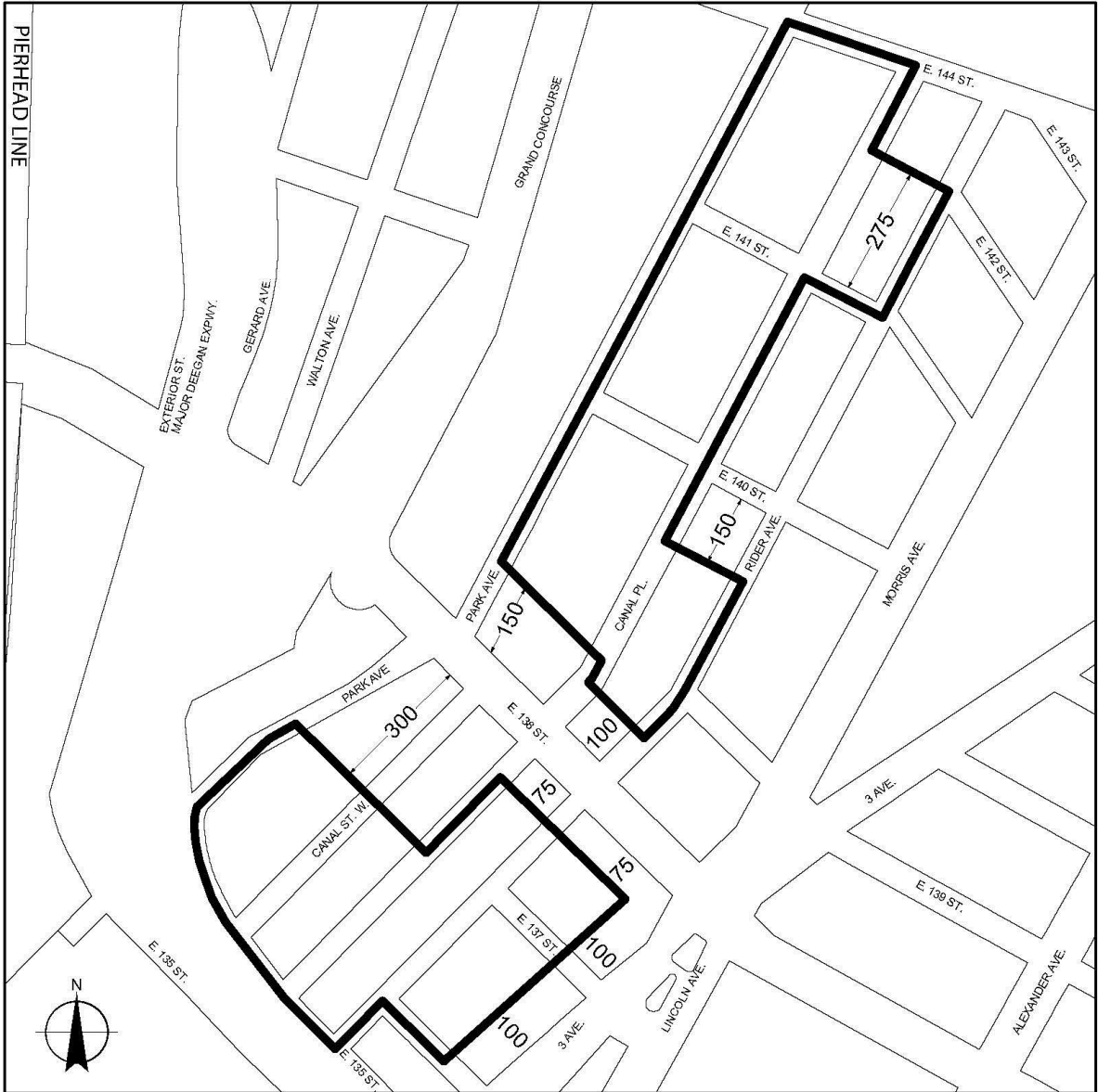


Staten Island



Port Morris

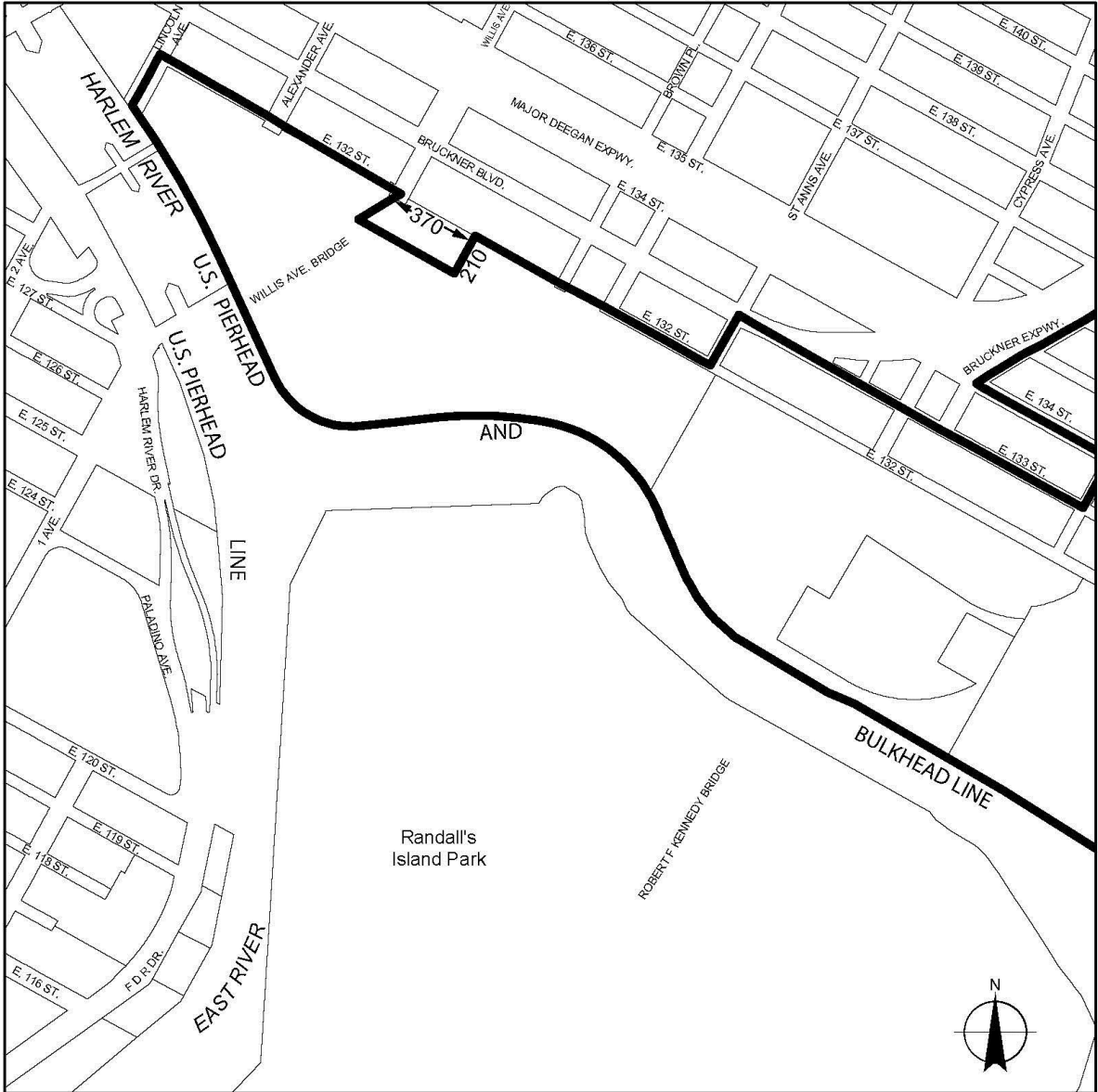
Map 1



Portion of Community District 1, Bronx

Port Morris

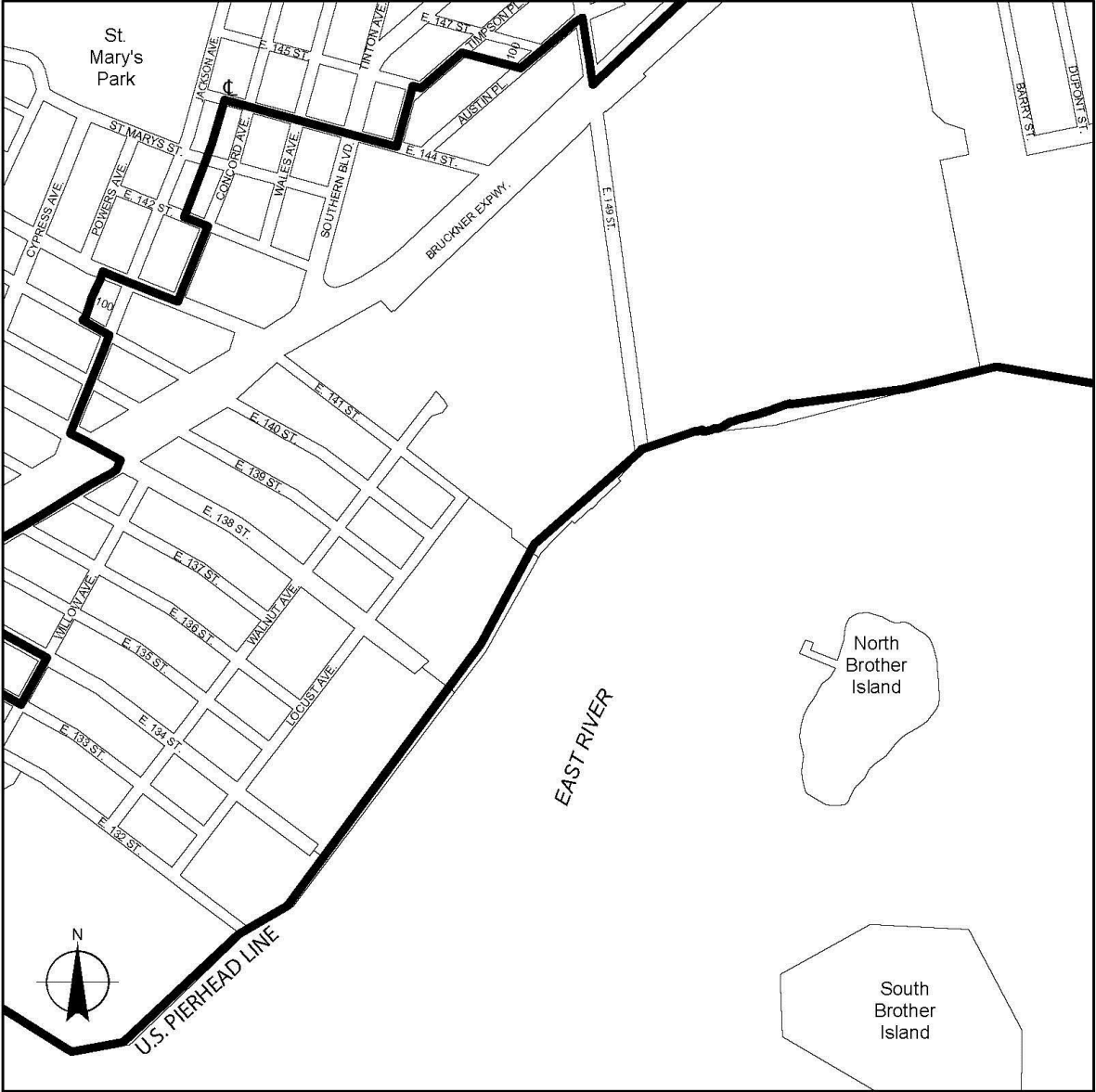
Map 2



Portion of Community District 1, Bronx

Port Morris/Hunts Point

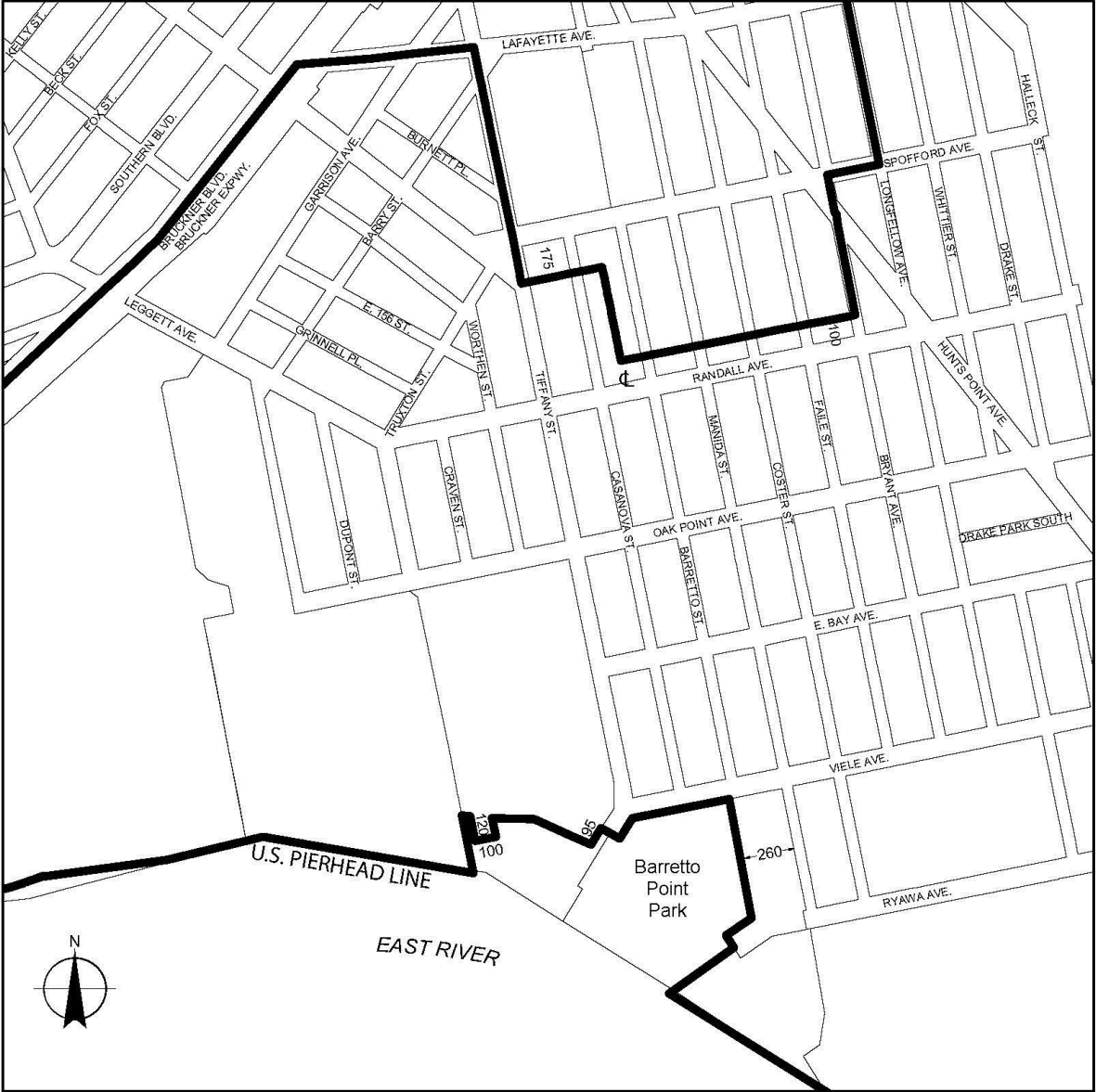
Map 3



Portions of Community Districts 1 and 2, Bronx

Hunts Point

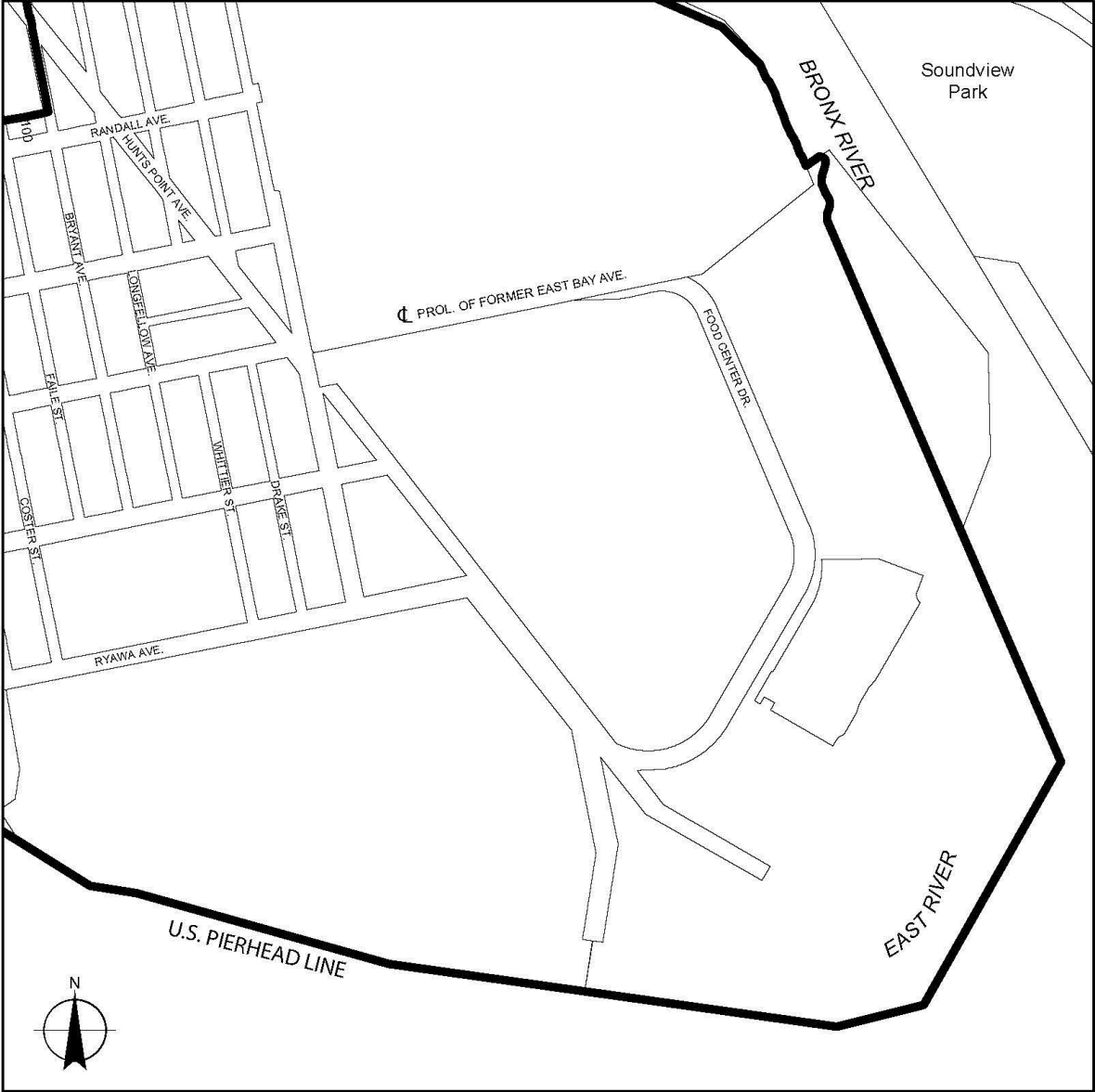
Map 1



Portion of Community District 2, Bronx

Hunts Point

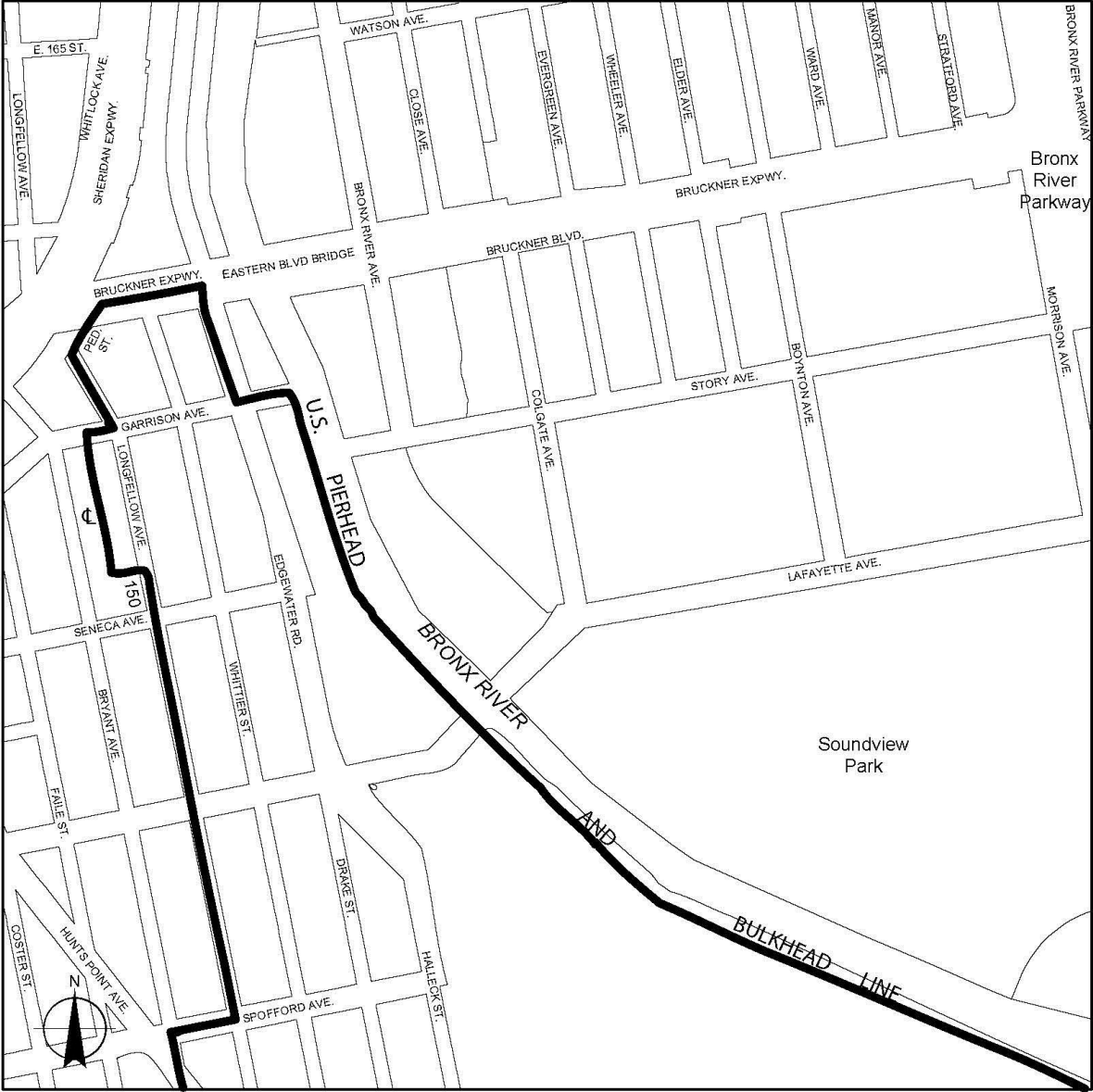
Map 2



Portion of Community District 2, Bronx

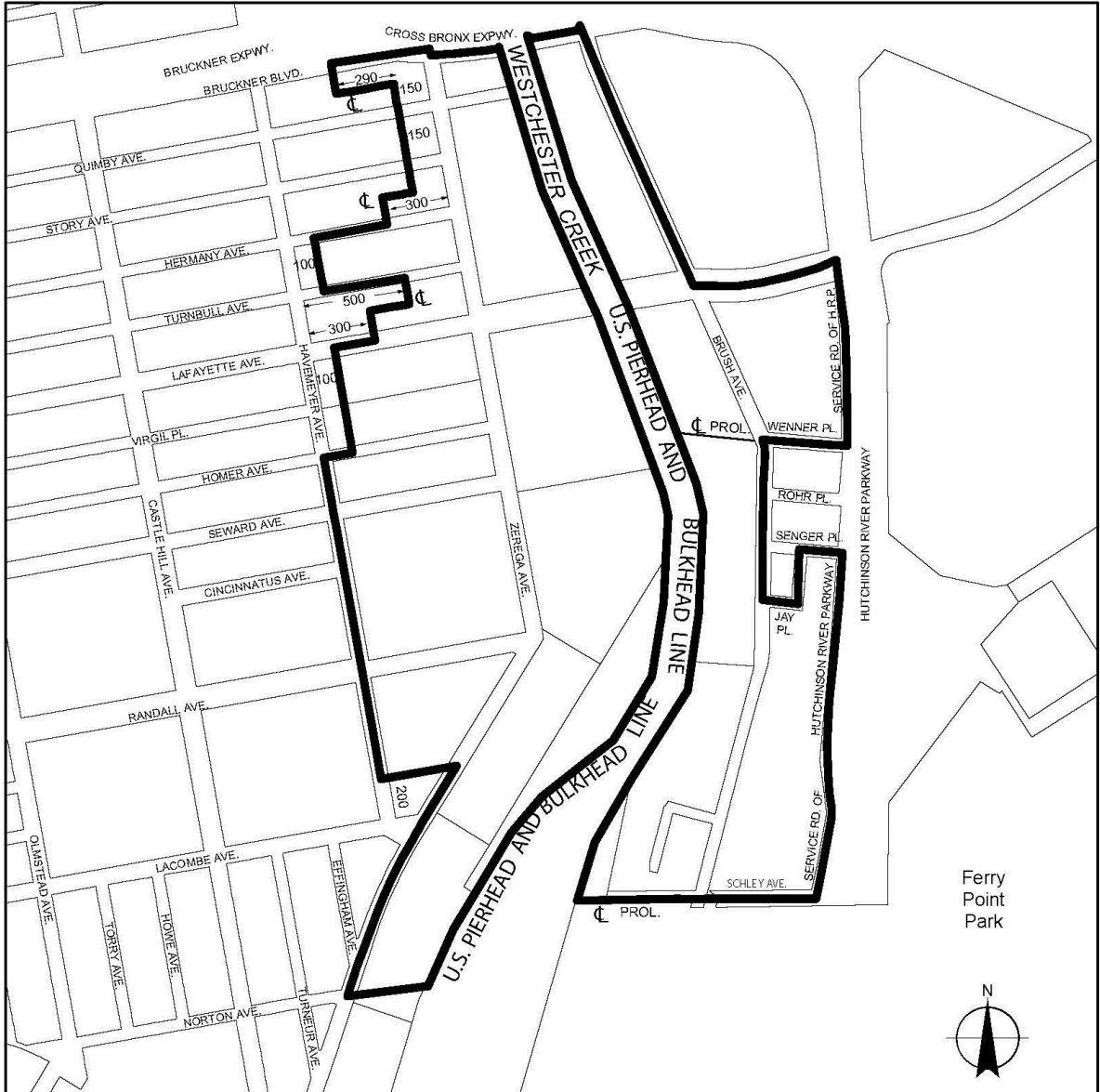
Hunts Point

Map 3



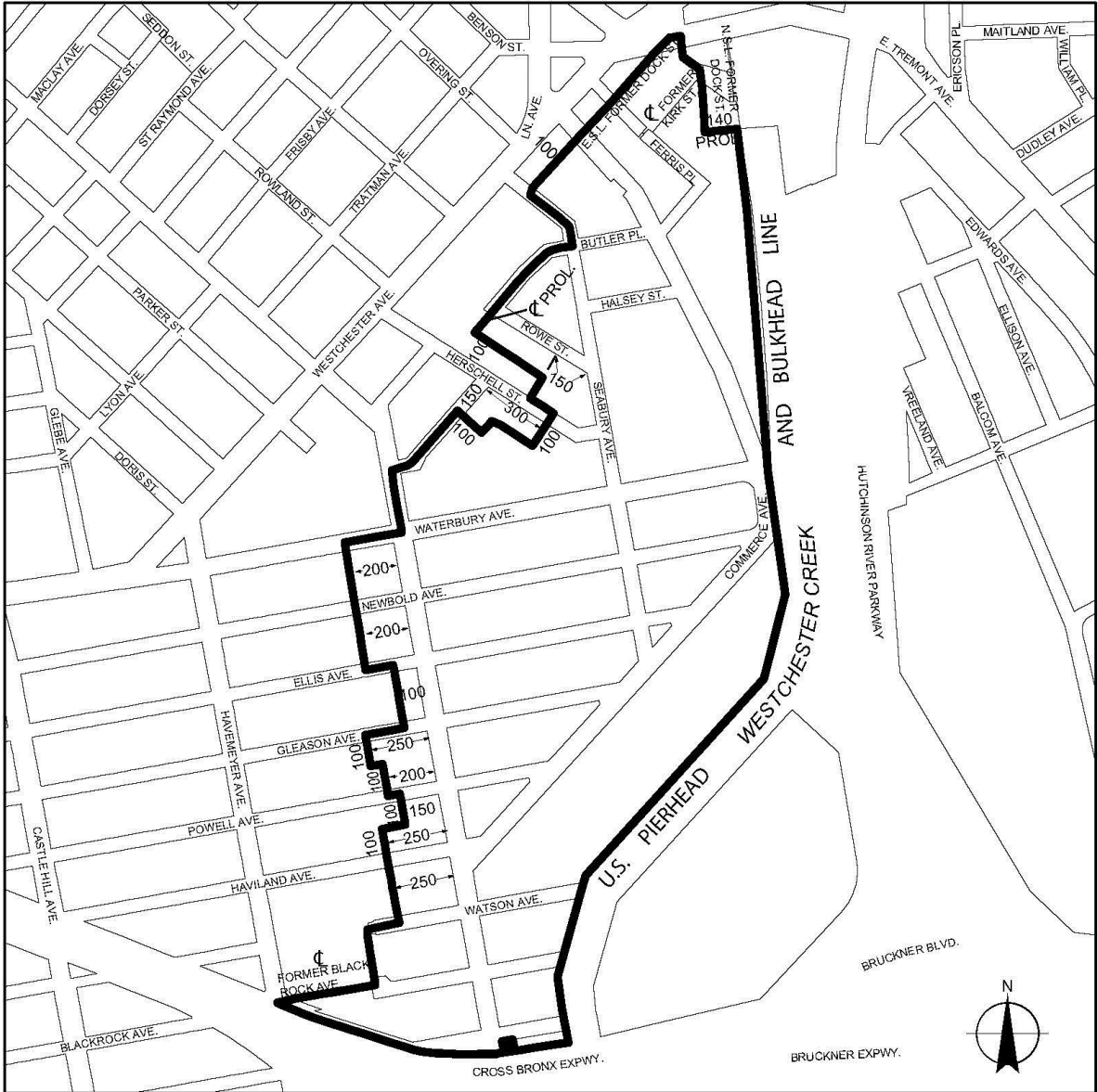
Portion of Community District 2, Bronx

Zerega
Map 1



Portion of Community District 9, Bronx

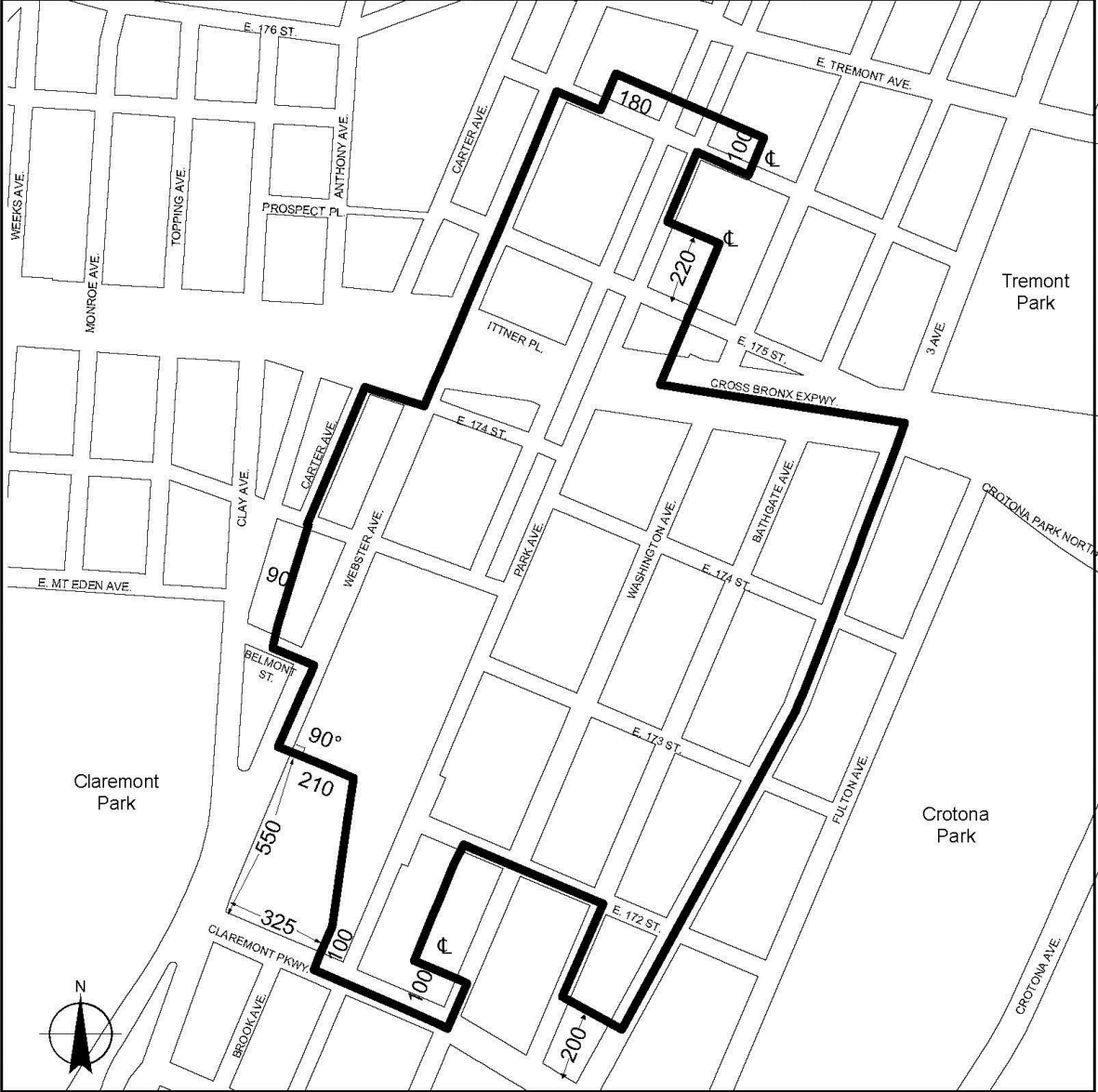
Zerega
Map 2



Portions of Community Districts 9 and 10, Bronx

Bathgate

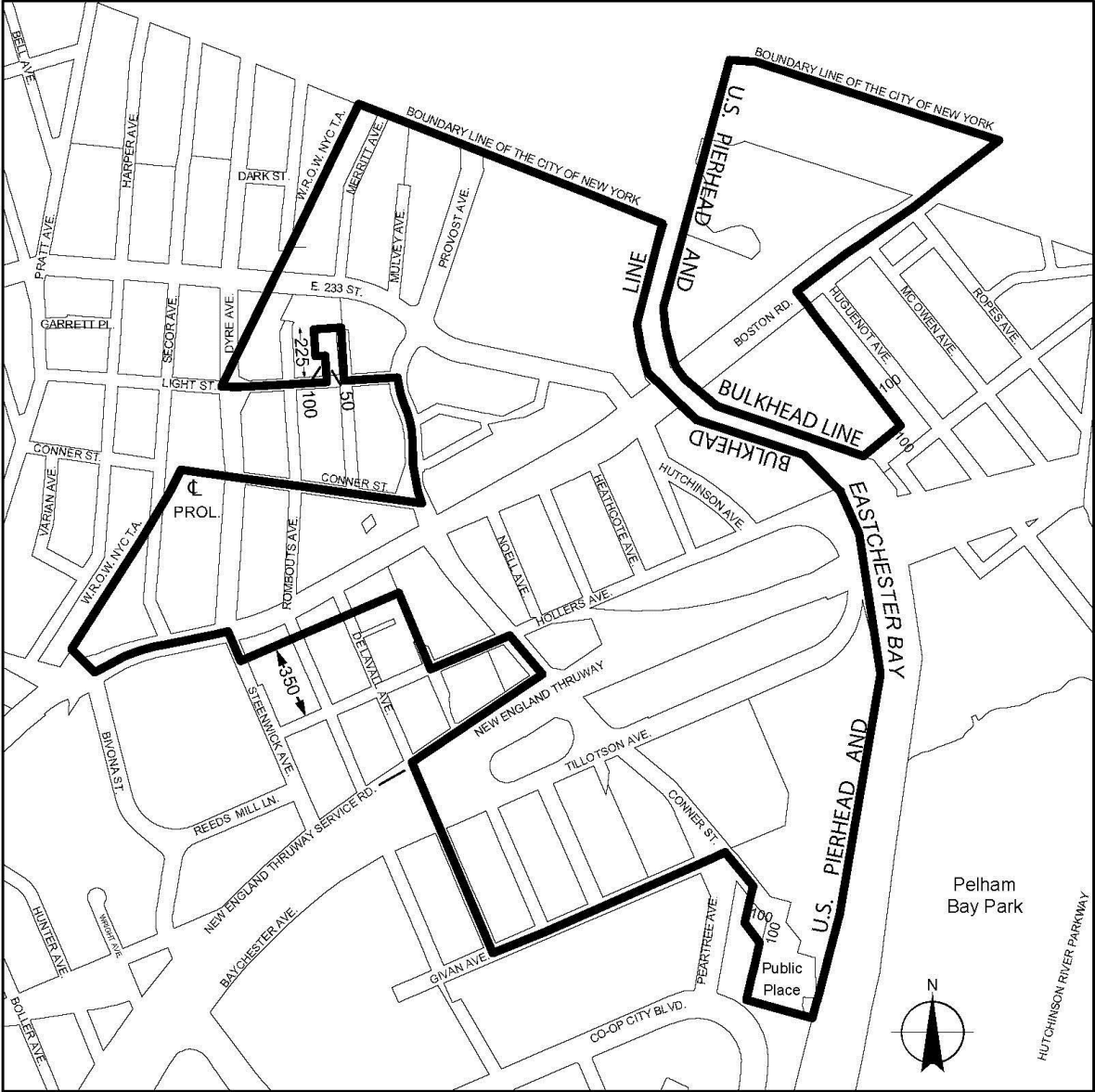
Map 1



Portion of Community Districts 3, 4, and 6, Bronx

Eastchester

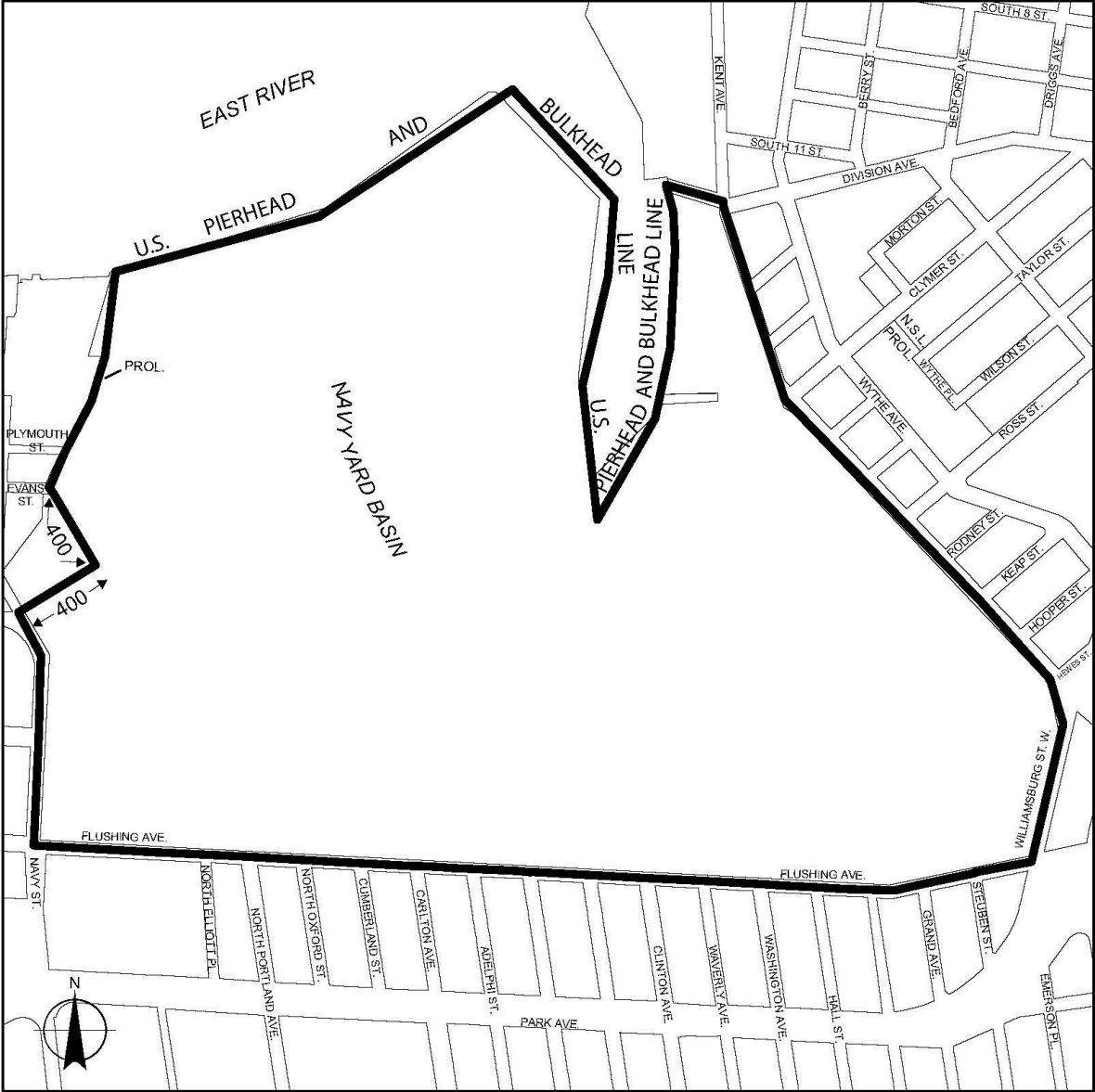
Map 1



Portions of Community Districts 10 and 12, Bronx

Brooklyn Navy Yard

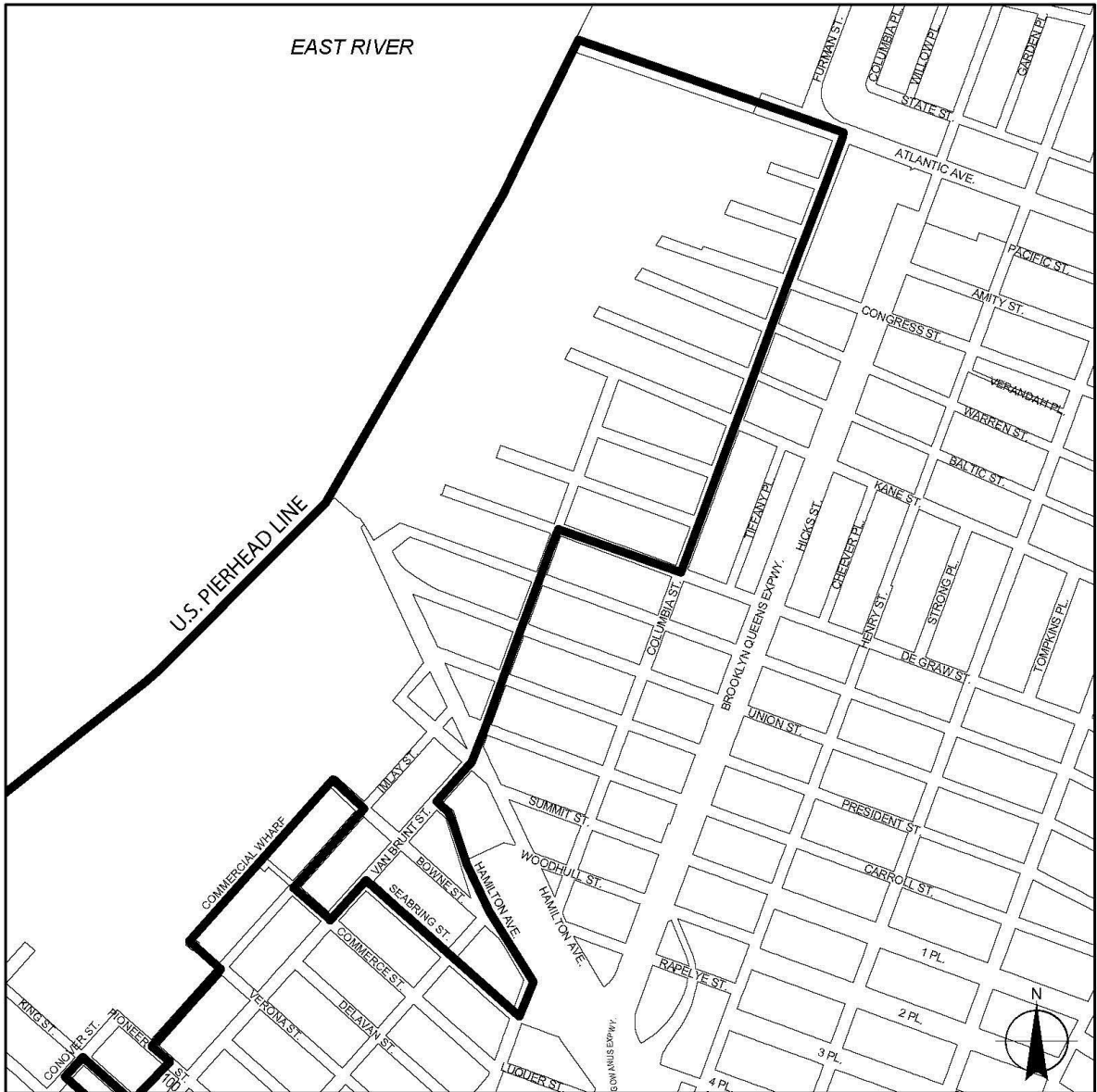
Map 1



Portion of Community District 2, Brooklyn

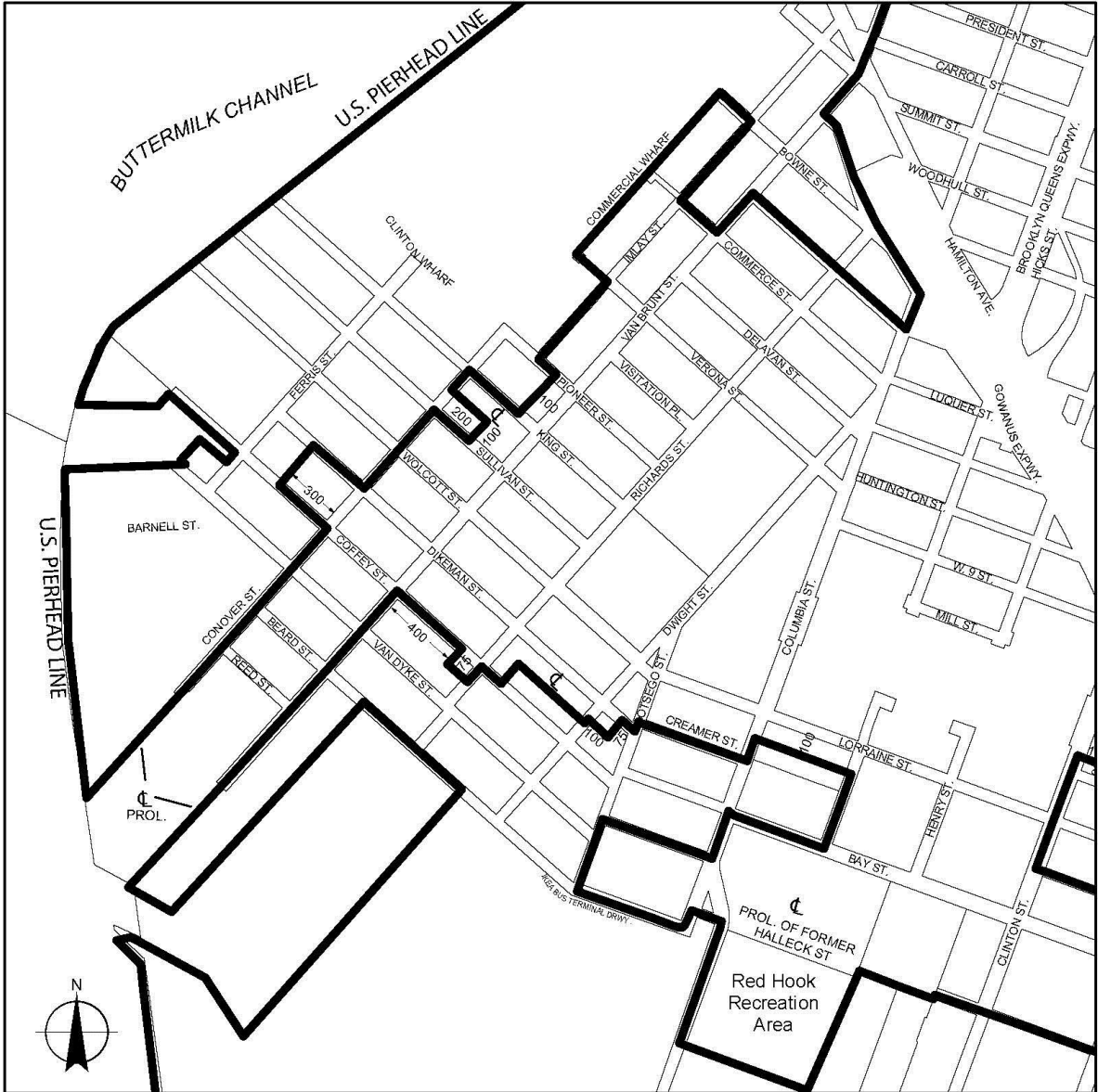
Southwest Brooklyn

Map 1



Portion of Community District 6, Brooklyn

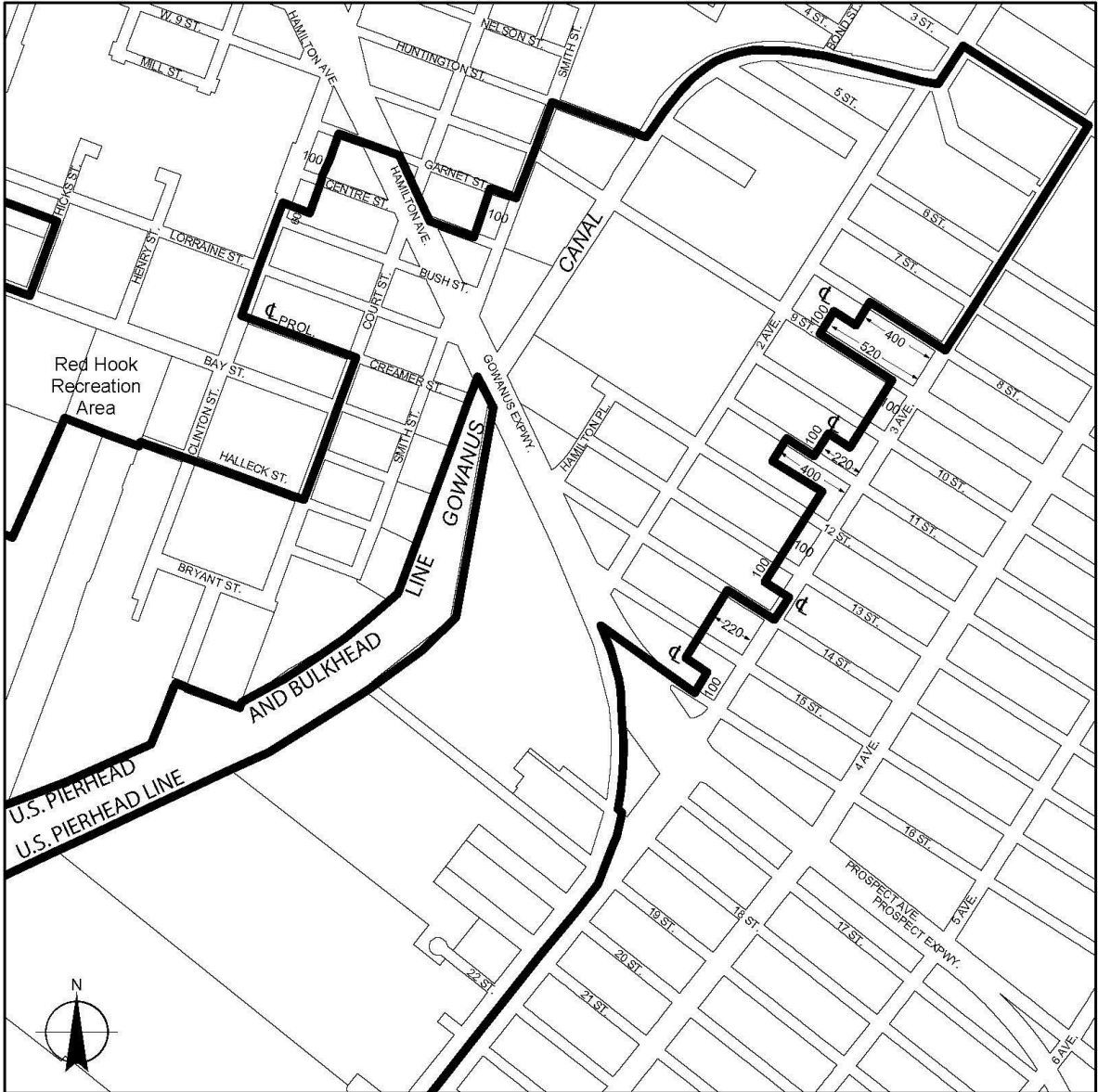
Southwest Brooklyn
Map 2



Portion of Community District 6, Brooklyn

Southwest Brooklyn

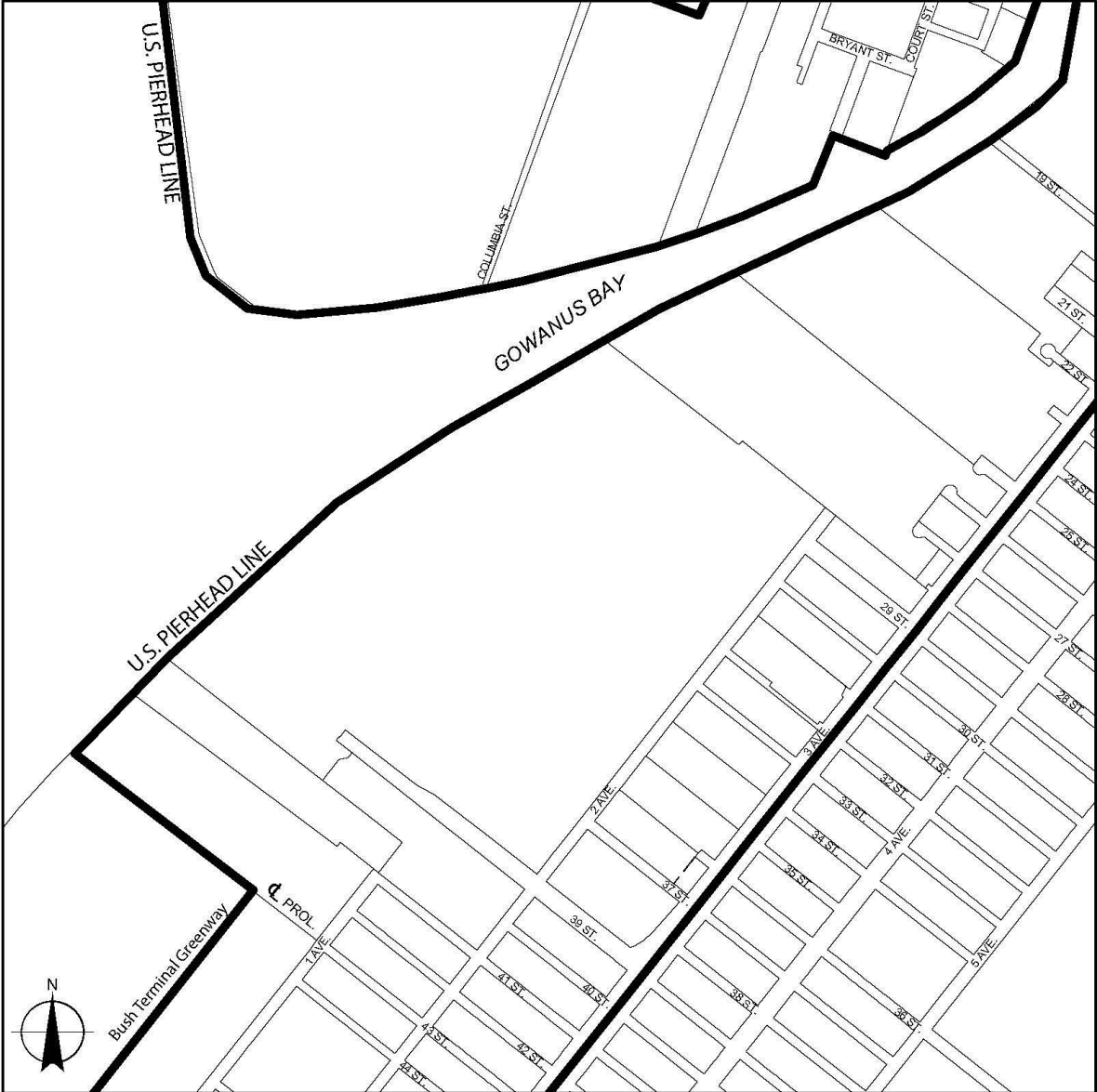
Map 3



Portions of Community Districts 6 and 7, Brooklyn

Southwest Brooklyn

Map 4



Portions of Community Districts 6 and 7, Brooklyn

Southwest Brooklyn

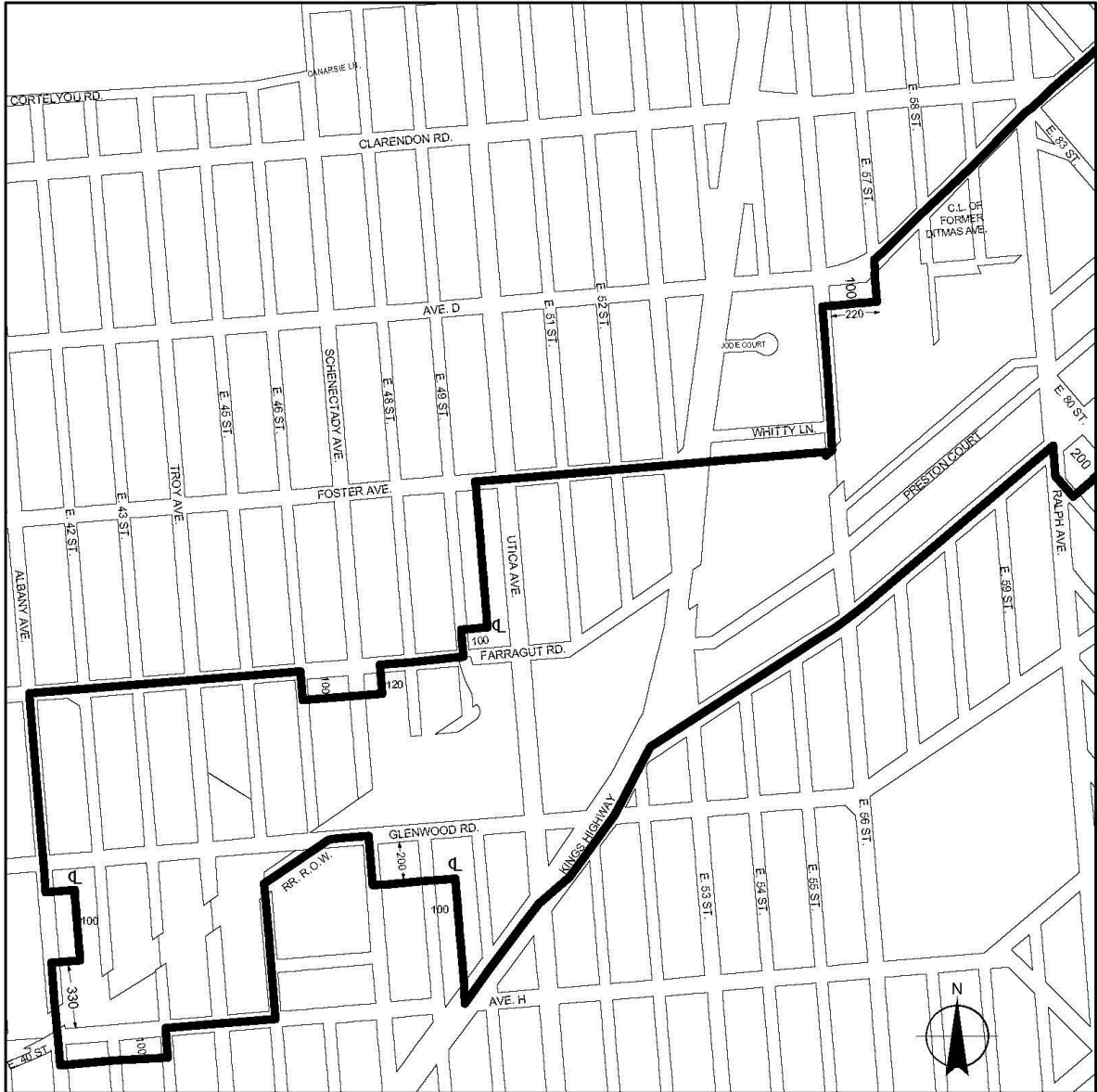
Map 5



Portion of Community District 7, Brooklyn

Flatlands/Fairfield

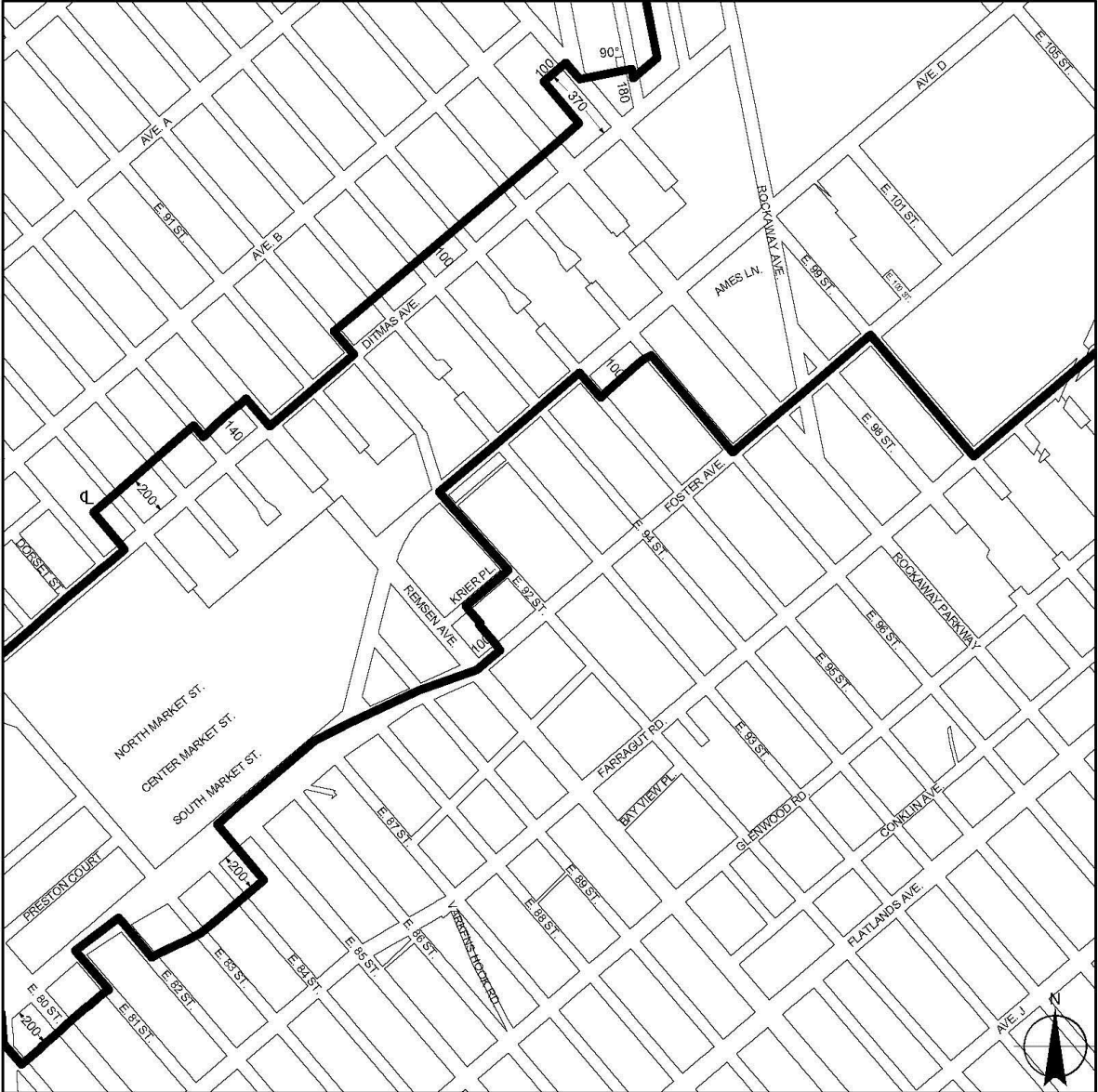
Map 1



Portions of Community Districts 17 and 18, Brooklyn

Flatlands/Fairfield

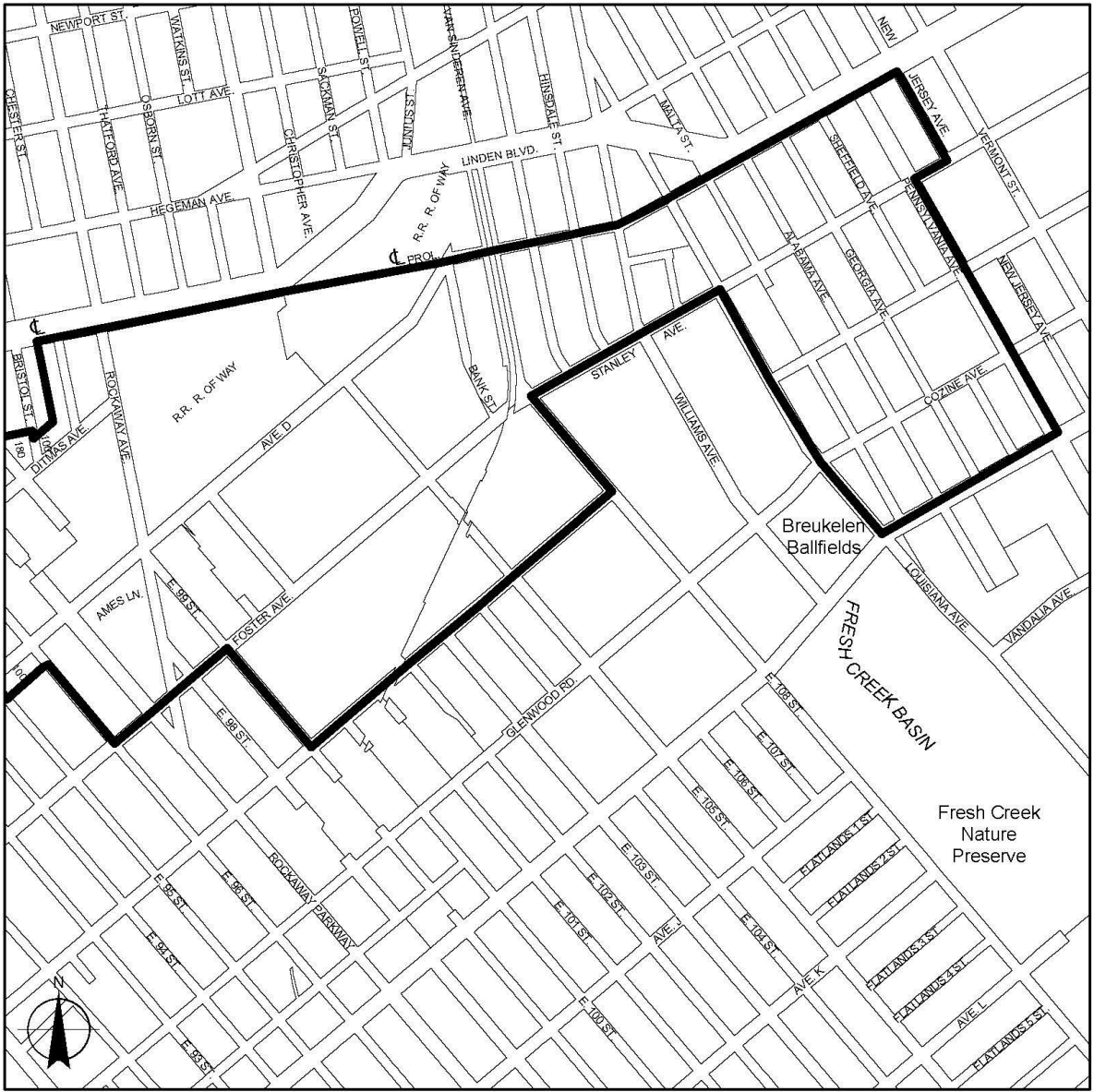
Map 2



Portions of Community Districts 17 and 18, Brooklyn

Flatlands/Fairfield

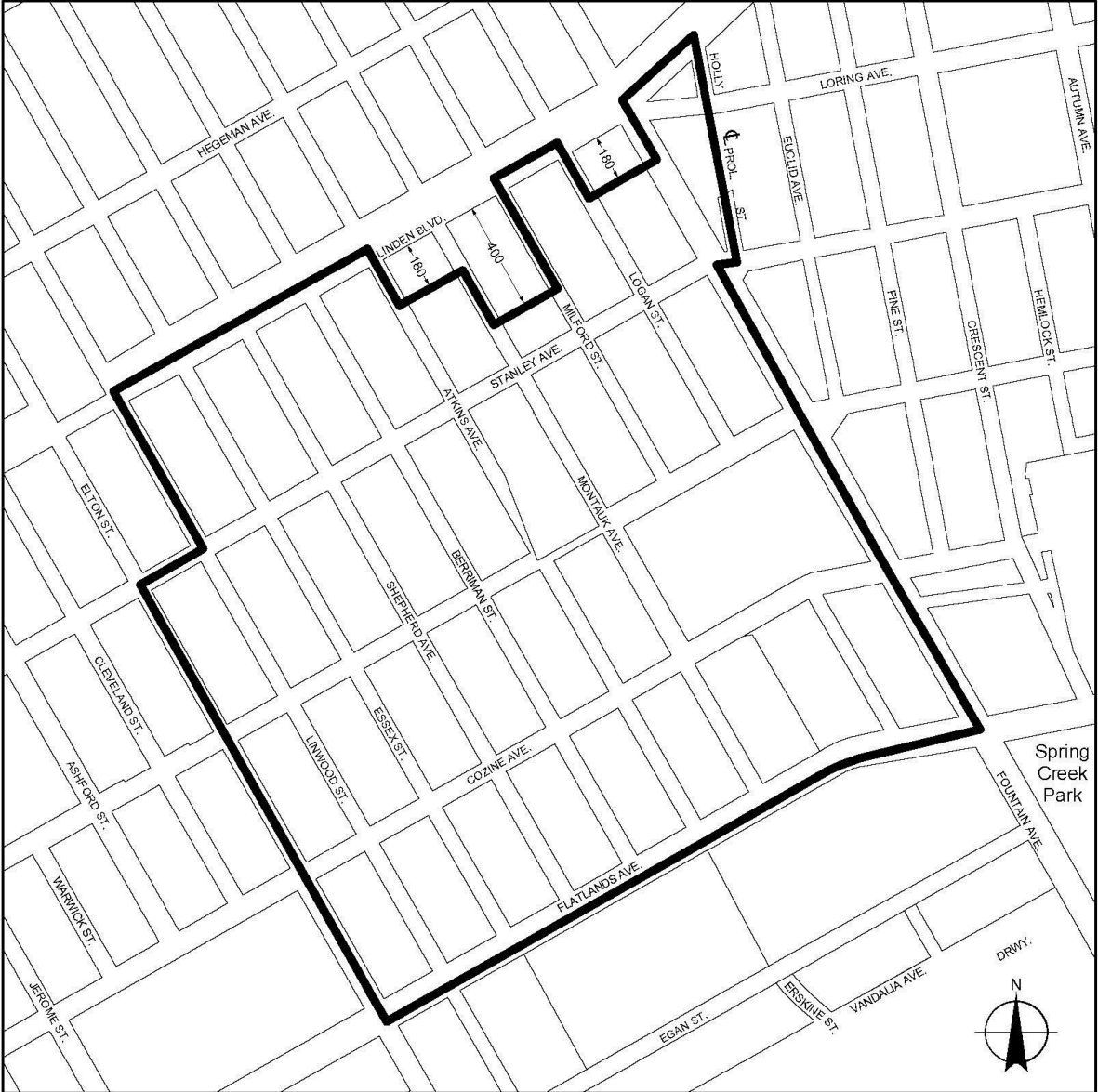
Map 3



Portions of Community Districts 5, 16, and 18, Brooklyn

Flatlands/Fairfield

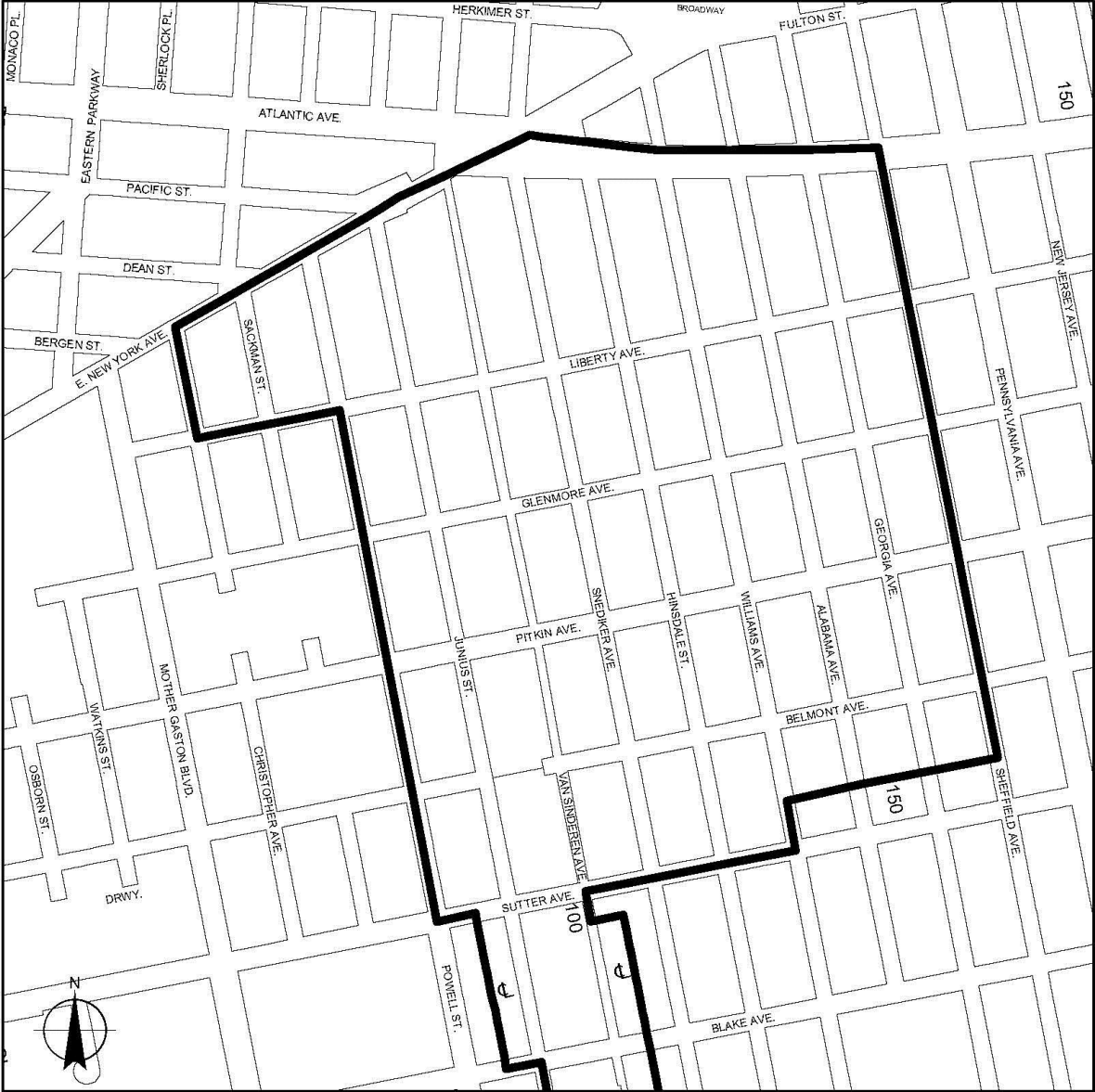
Map 4



Portion of Community District 5, Brooklyn

East New York

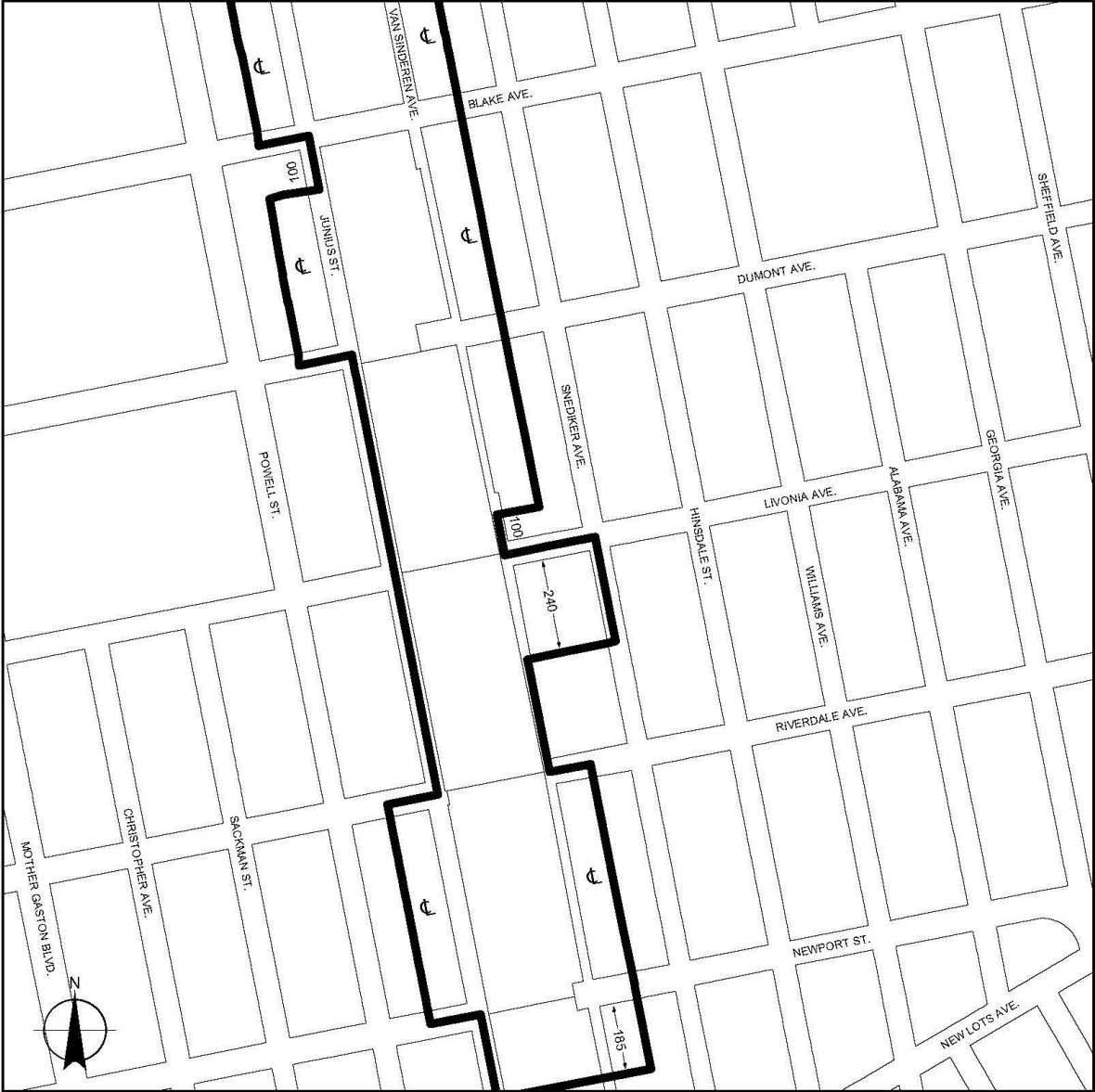
Map 1



Portion of Community District 5, Brooklyn

East New York

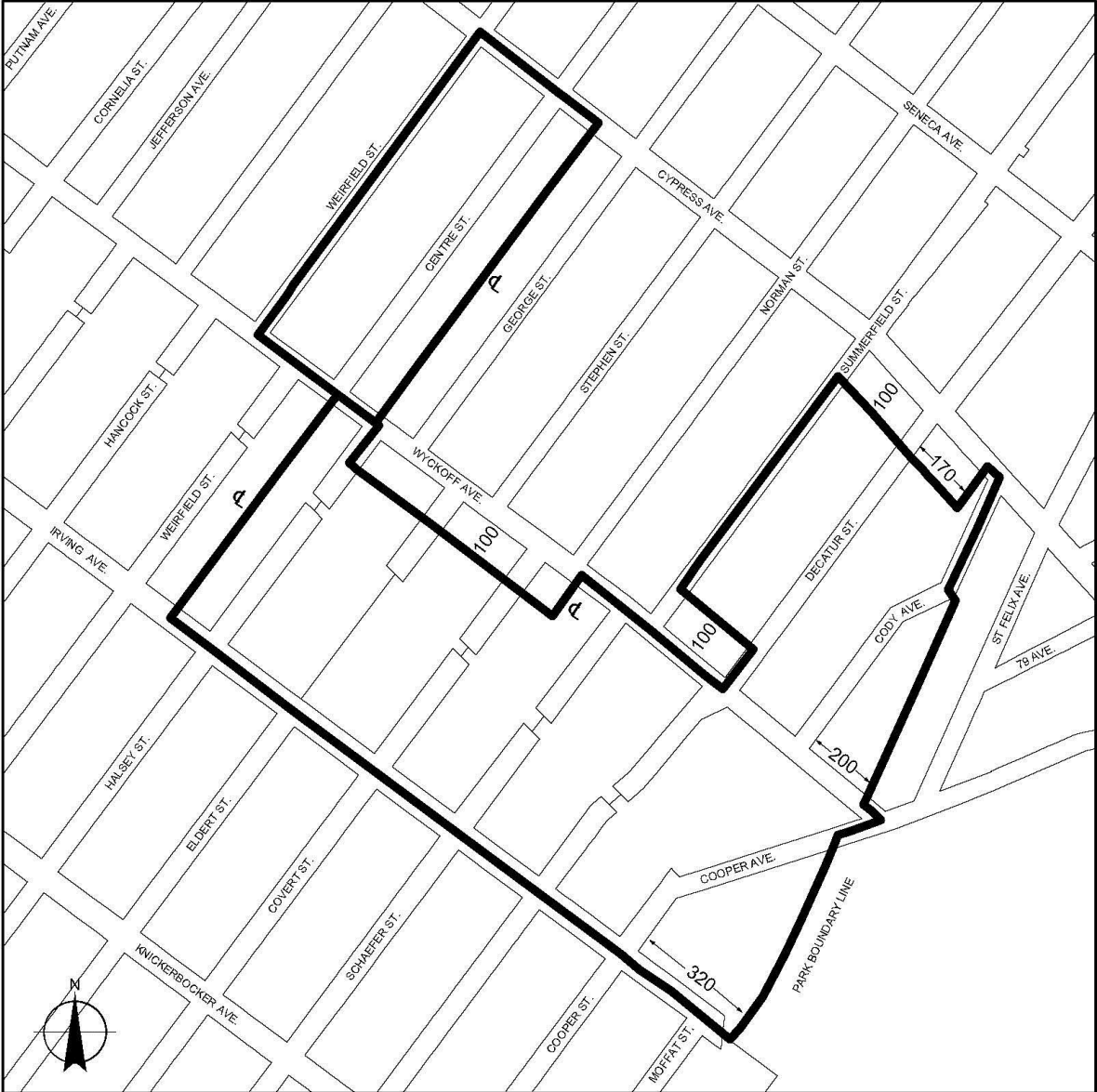
Map 2



Portions of Community Districts 5 and 16, Brooklyn

Ridgewood

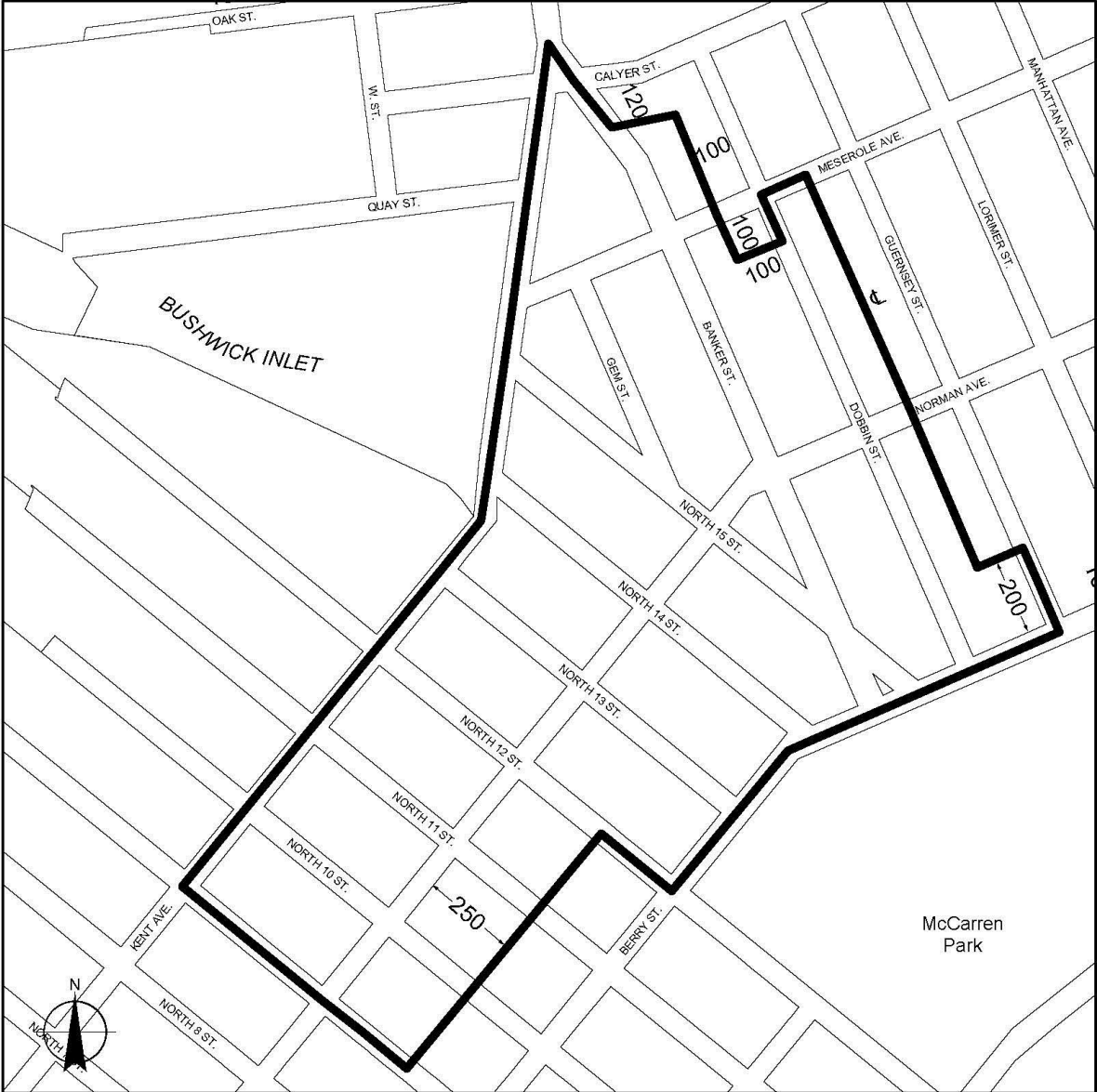
Map 1



Portions of Community District 4, Brooklyn and Community District 5, Queens

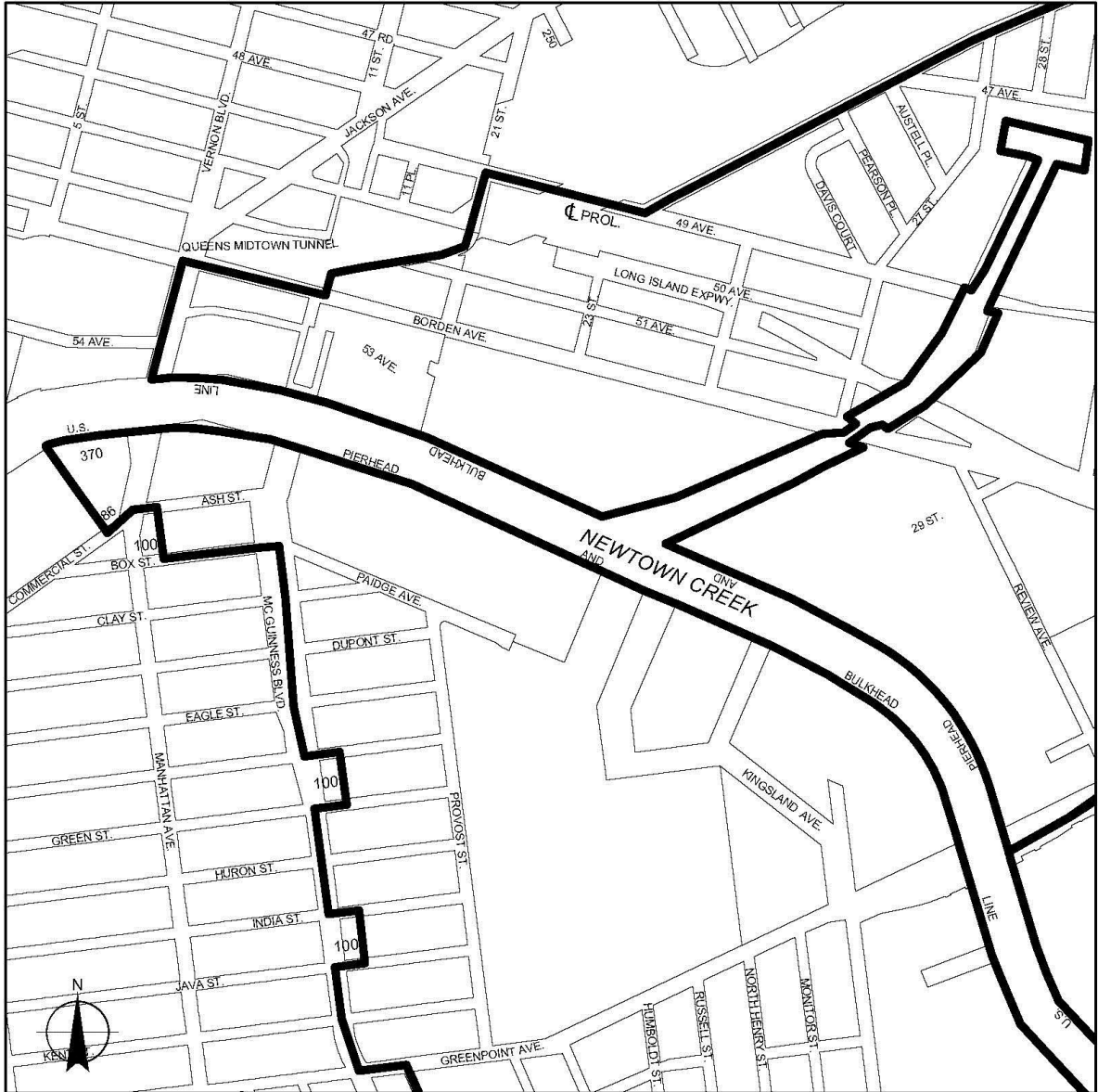
Williamsburg/Greenpoint

Map 1



Portion of Community District 1, Brooklyn

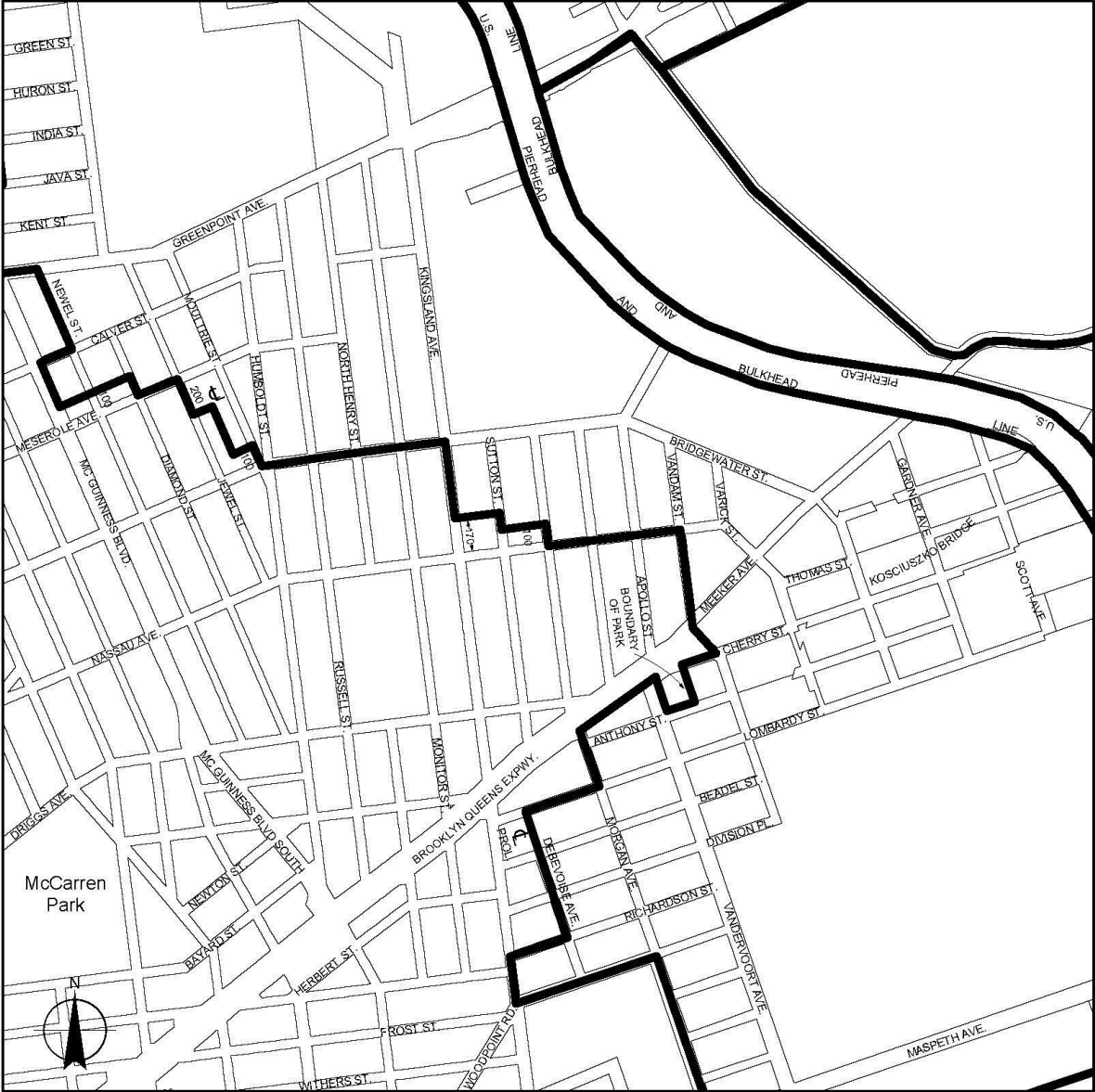
North Brooklyn/Long Island City
Map 1



Portions of Community District 1, Brooklyn and Community District 2, Queens

North Brooklyn/Maspeth

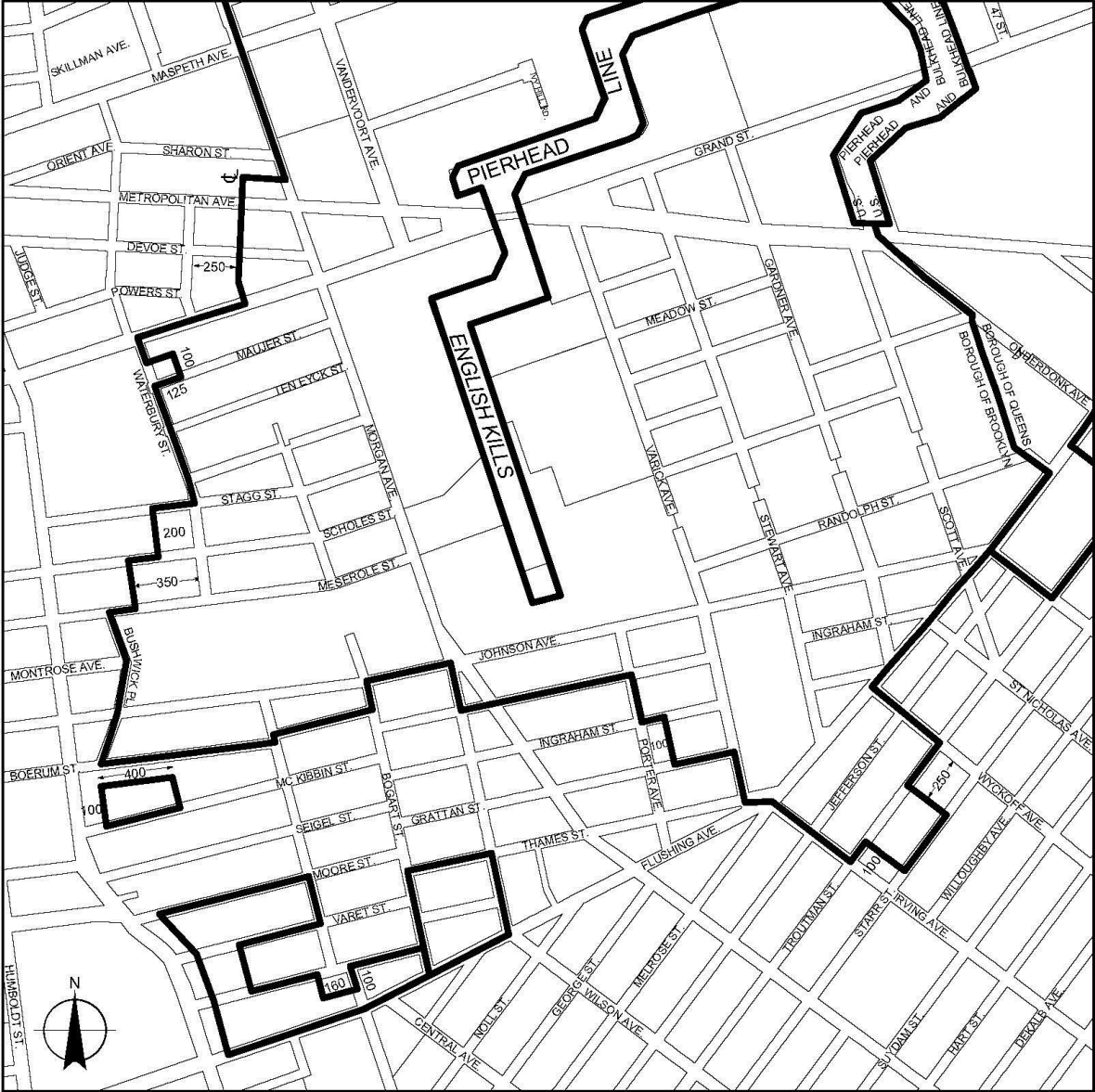
Map 2



Portions of Community District 1, Brooklyn and Community District 2, Queens

North Brooklyn

Map 3



Portions of Community District 1, Brooklyn and Community District 4, Queens

Maspeth

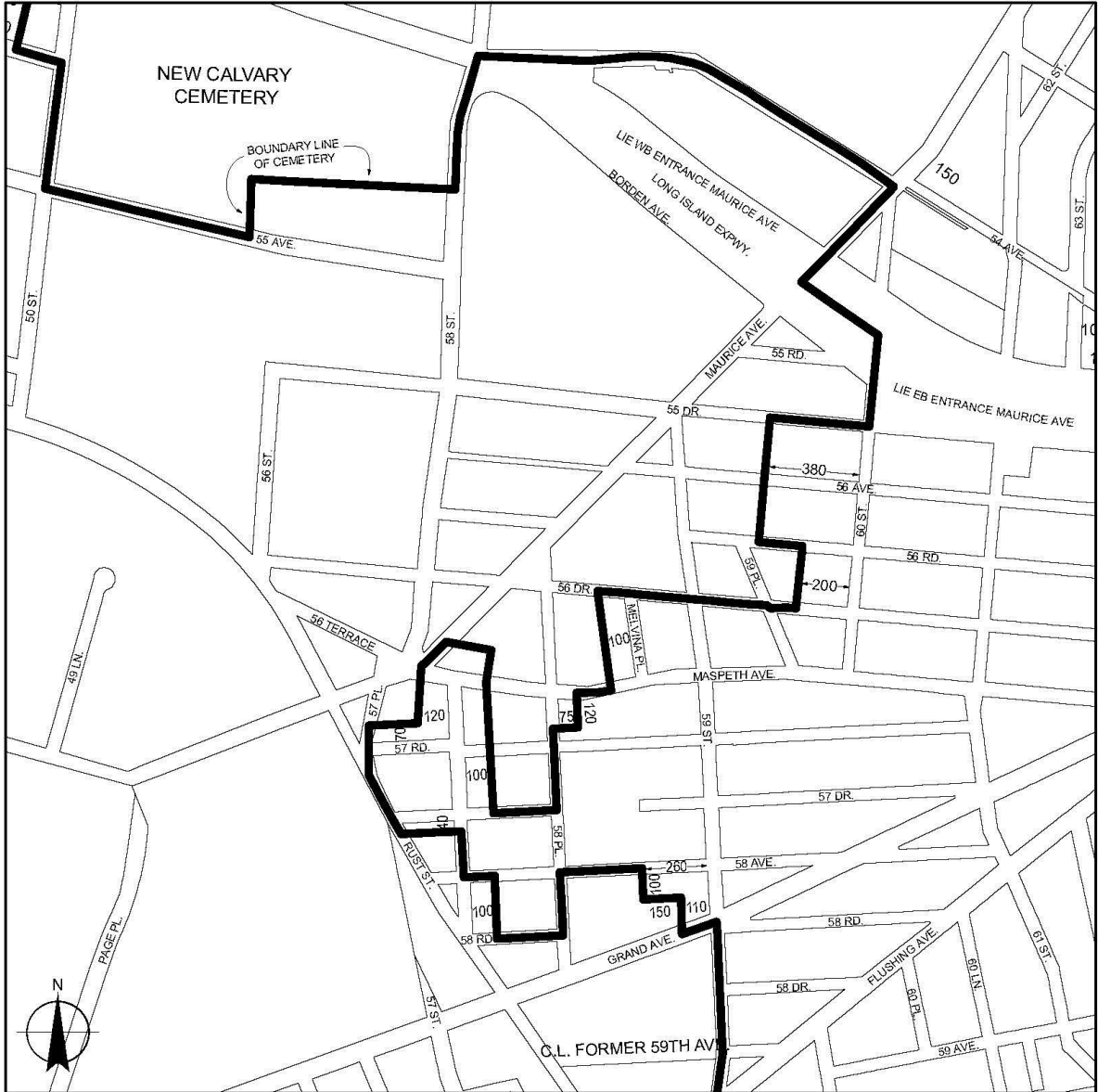
Map 1



Portion of Community District 5, Queens

Maspeth

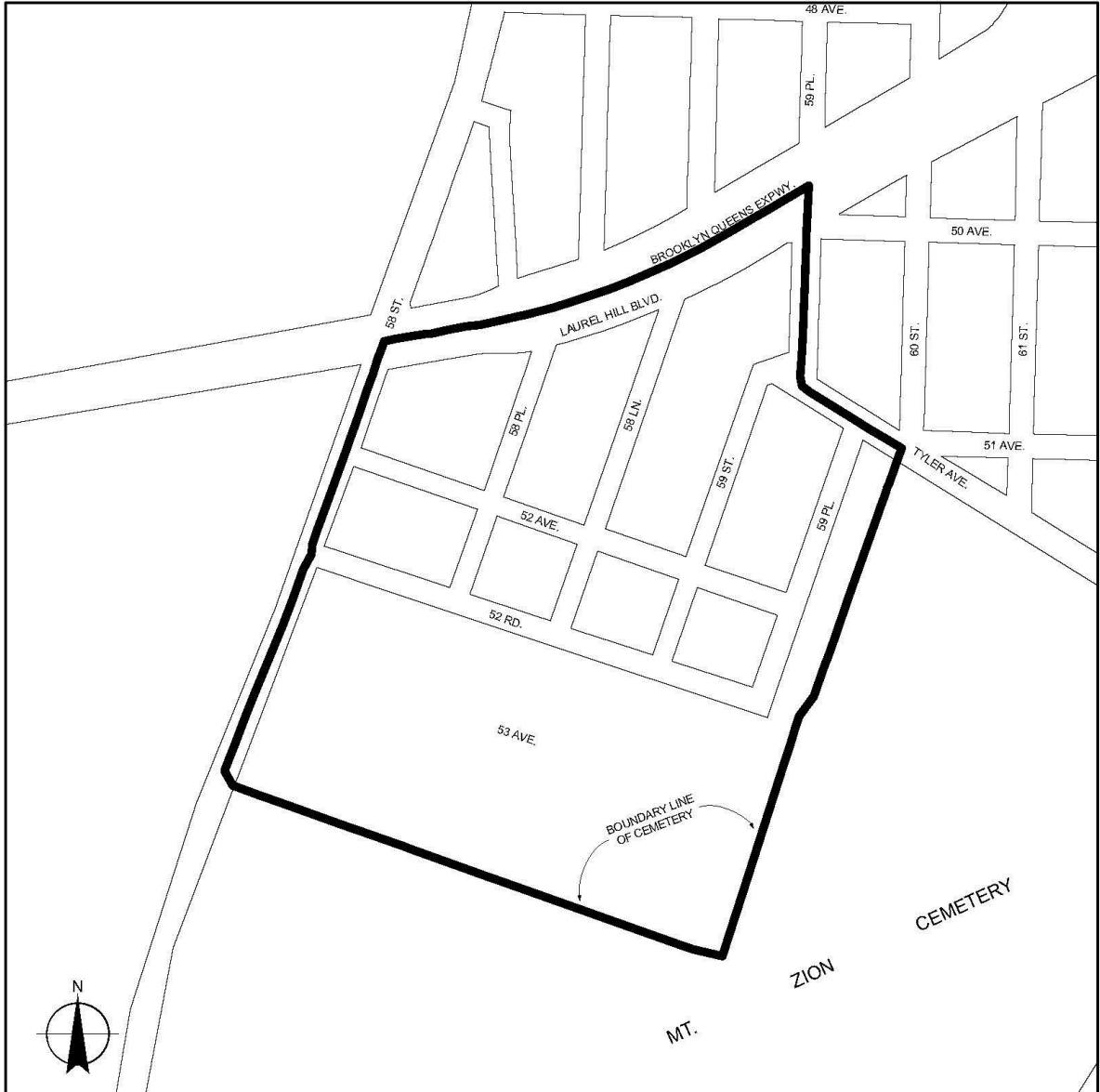
Map 2



Portions of Community Districts 2 and 5, Queens

Maspeth

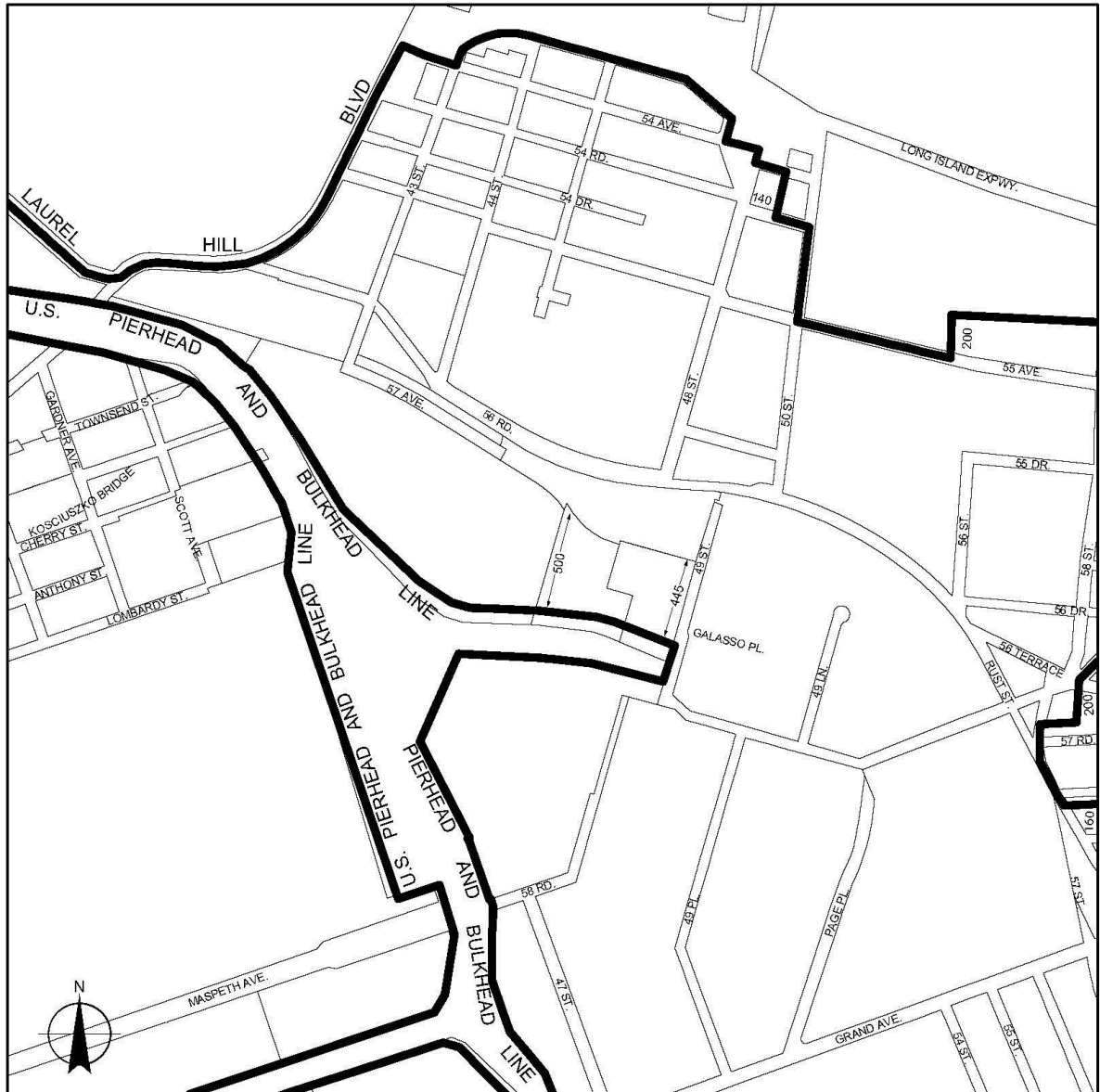
Map 3



Portion of Community District 2, Queens

Maspeth/North Brooklyn

Map 4



Portions of Community Districts 2 and 5, Queens and Community District 1, Brooklyn

Long Island City

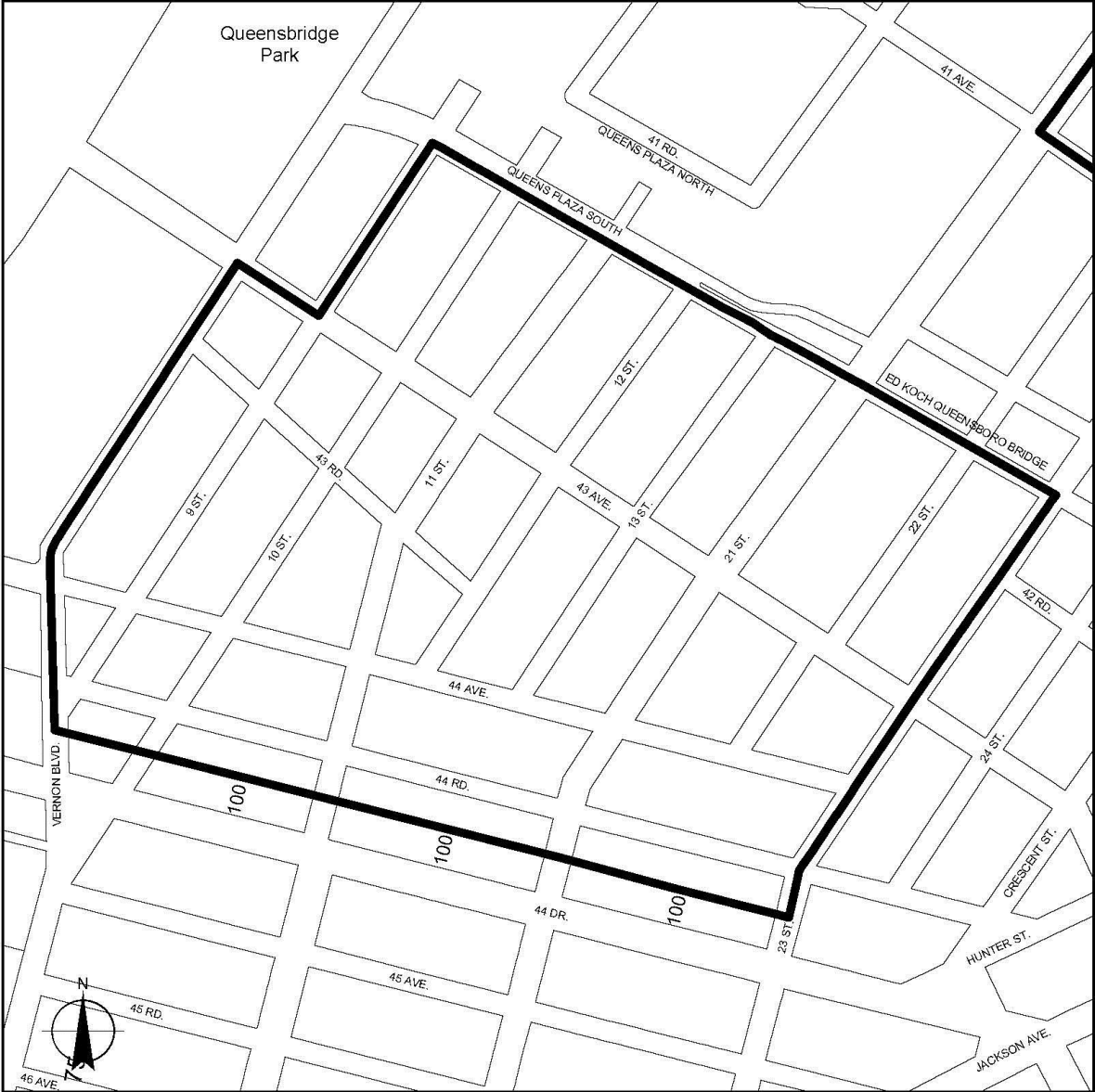
Map 1



Portion of Community District 2, Queens

Long Island City

Map 2



Portion of Community District 2, Queens

Long Island City

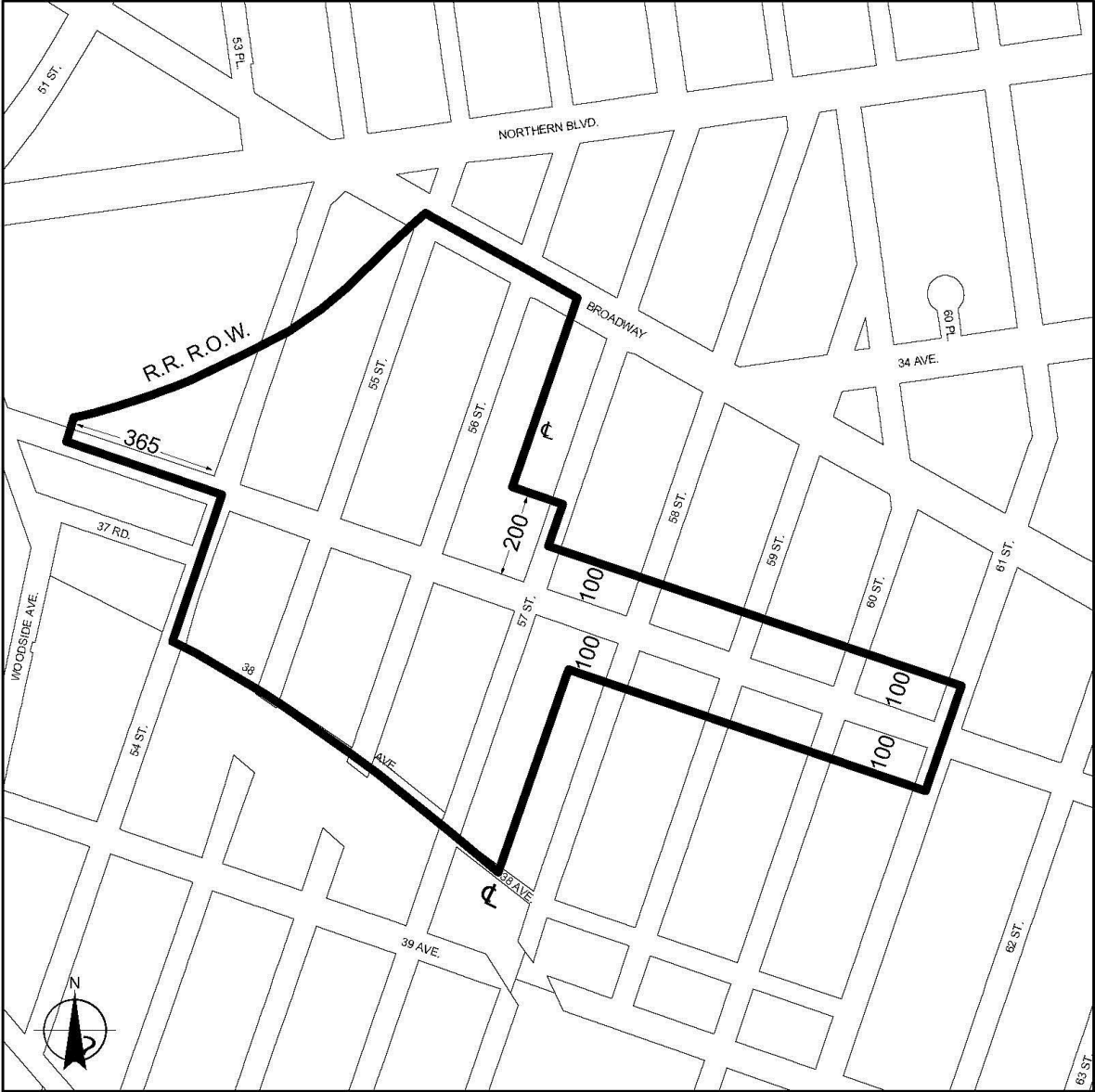
Map 4



Portion of Community District 1, Queens

Woodside

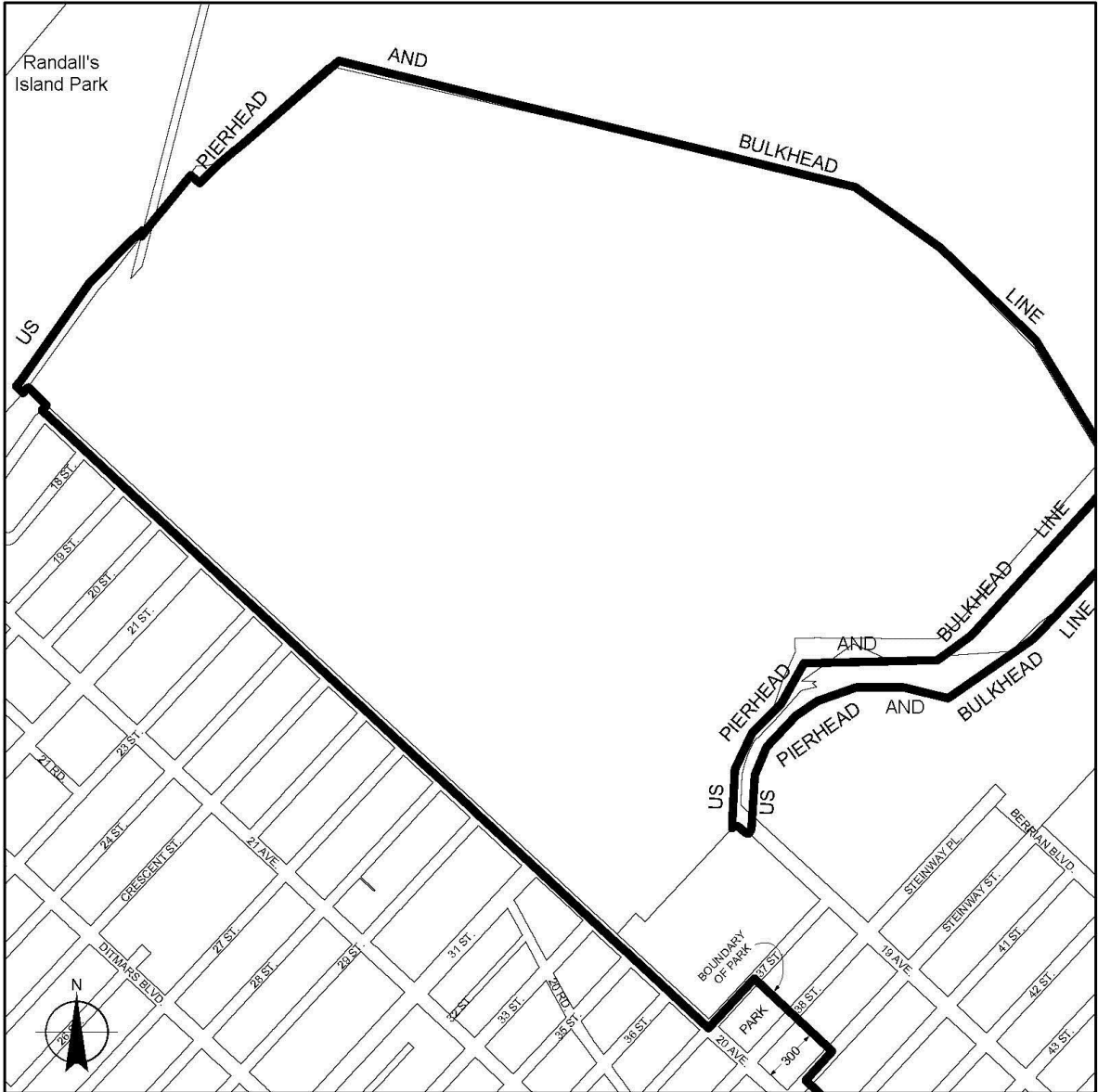
Map 1



Portion of Community District 2, Queens

Steinway

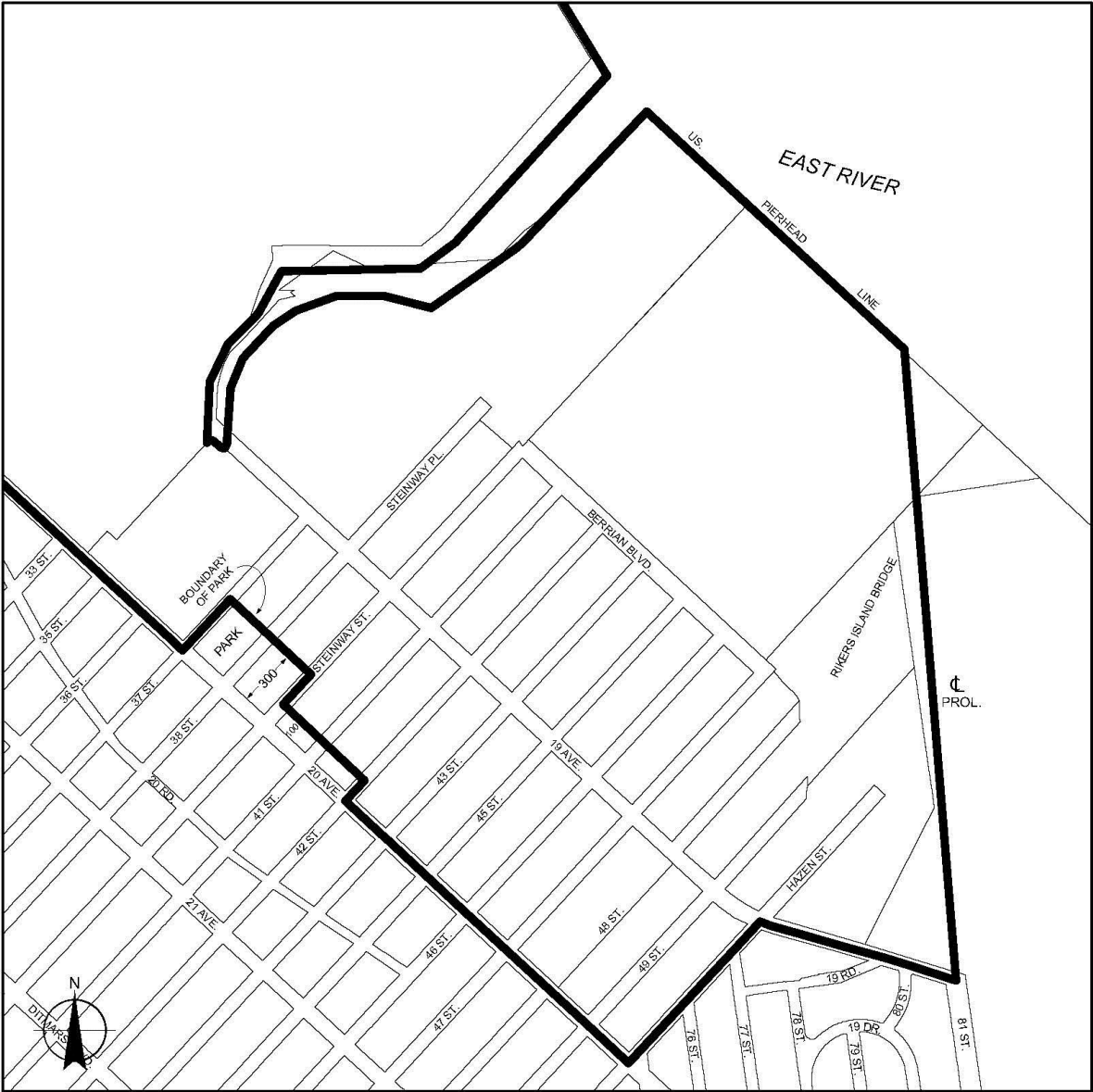
Map 1



Portion of Community District 1, Queens

Steinway

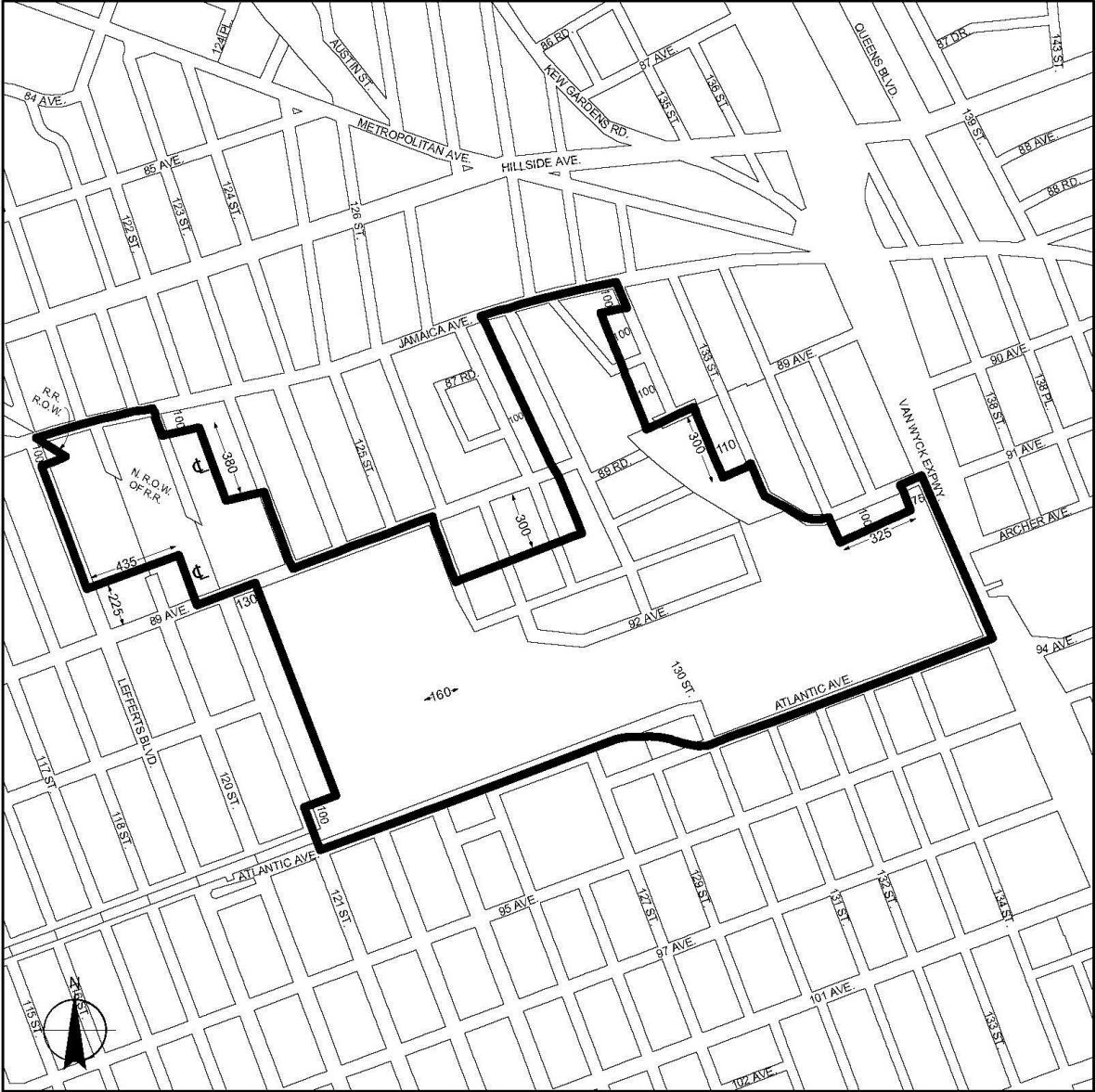
Map 2



Portion of Community District 1, Queens

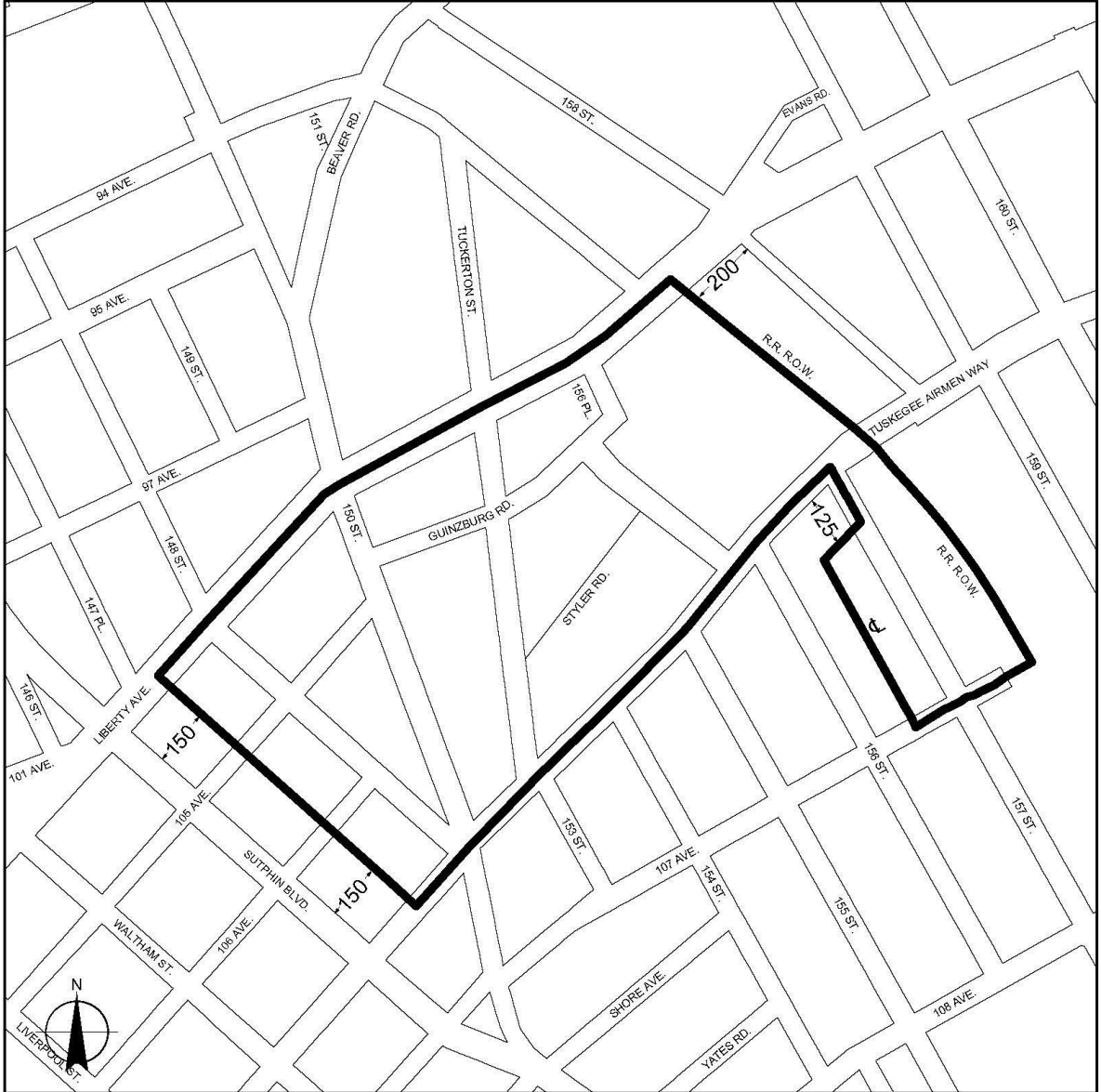
Jamaica

Map 1



Portion of Community District 9, Queens

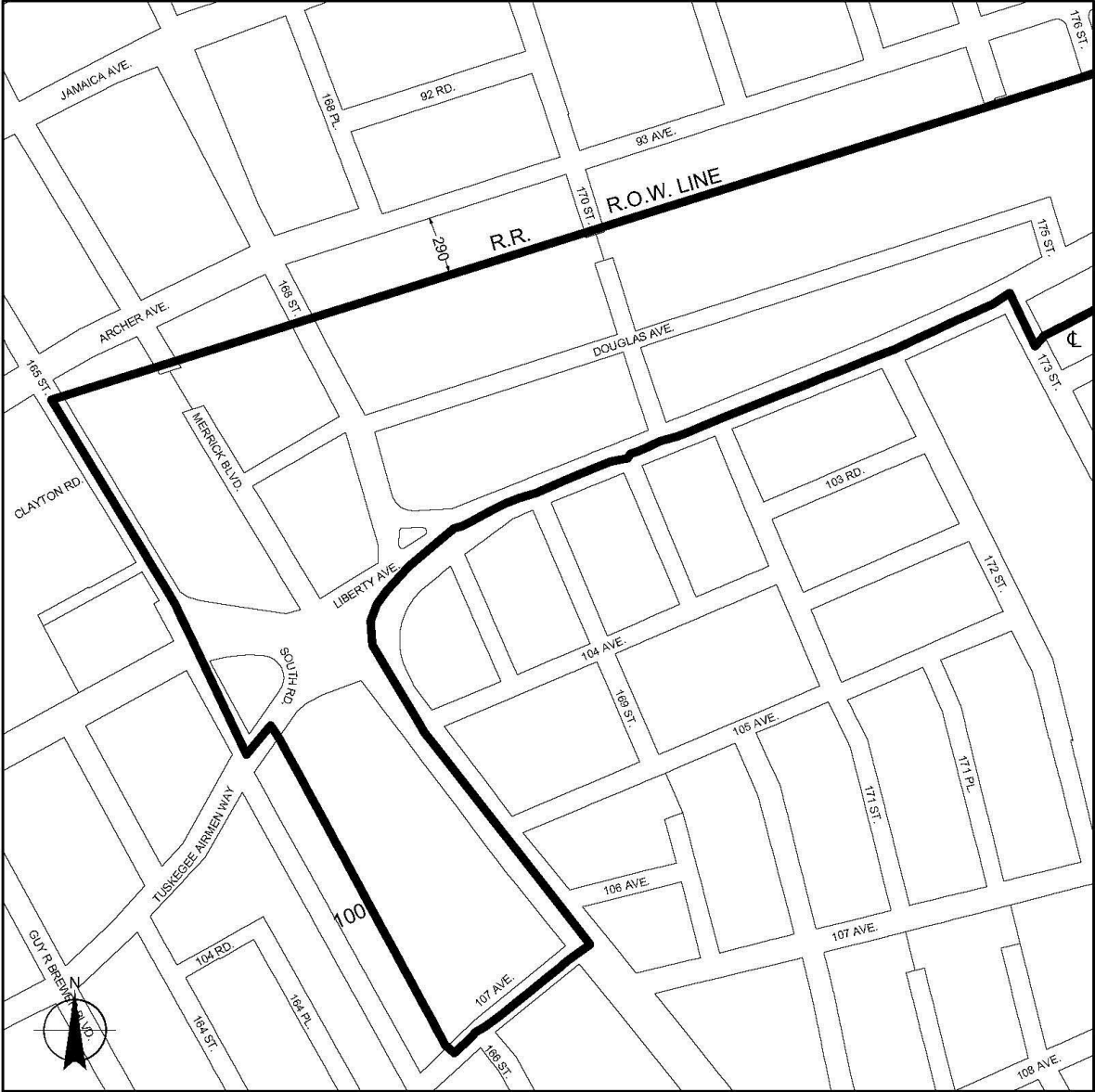
Jamaica
Map 2



Portion of Community District 12, Queens

Jamaica

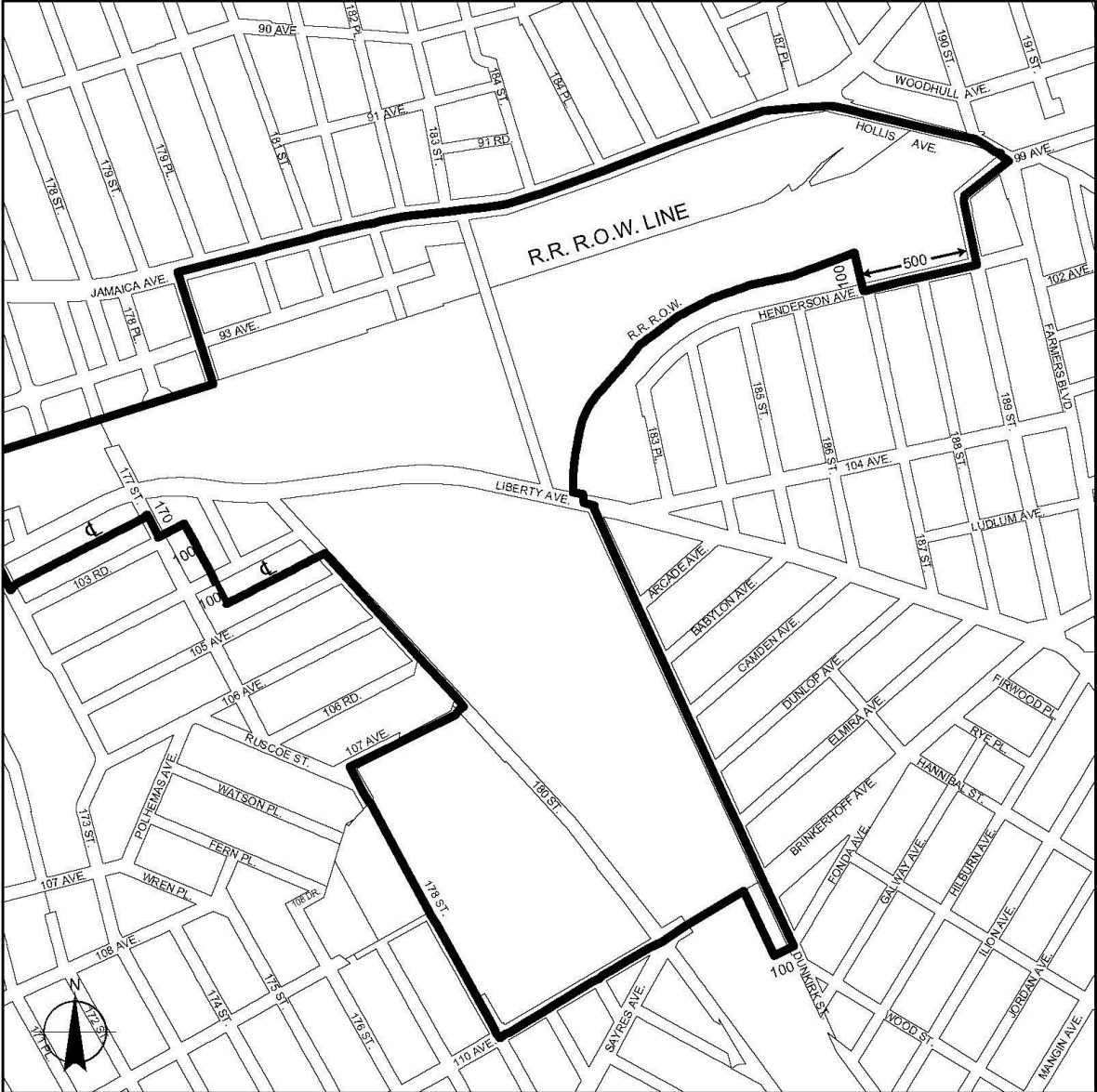
Map 3



Portion of Community District 12, Queens

Jamaica

Map 4



Portion of Community District 12, Queens

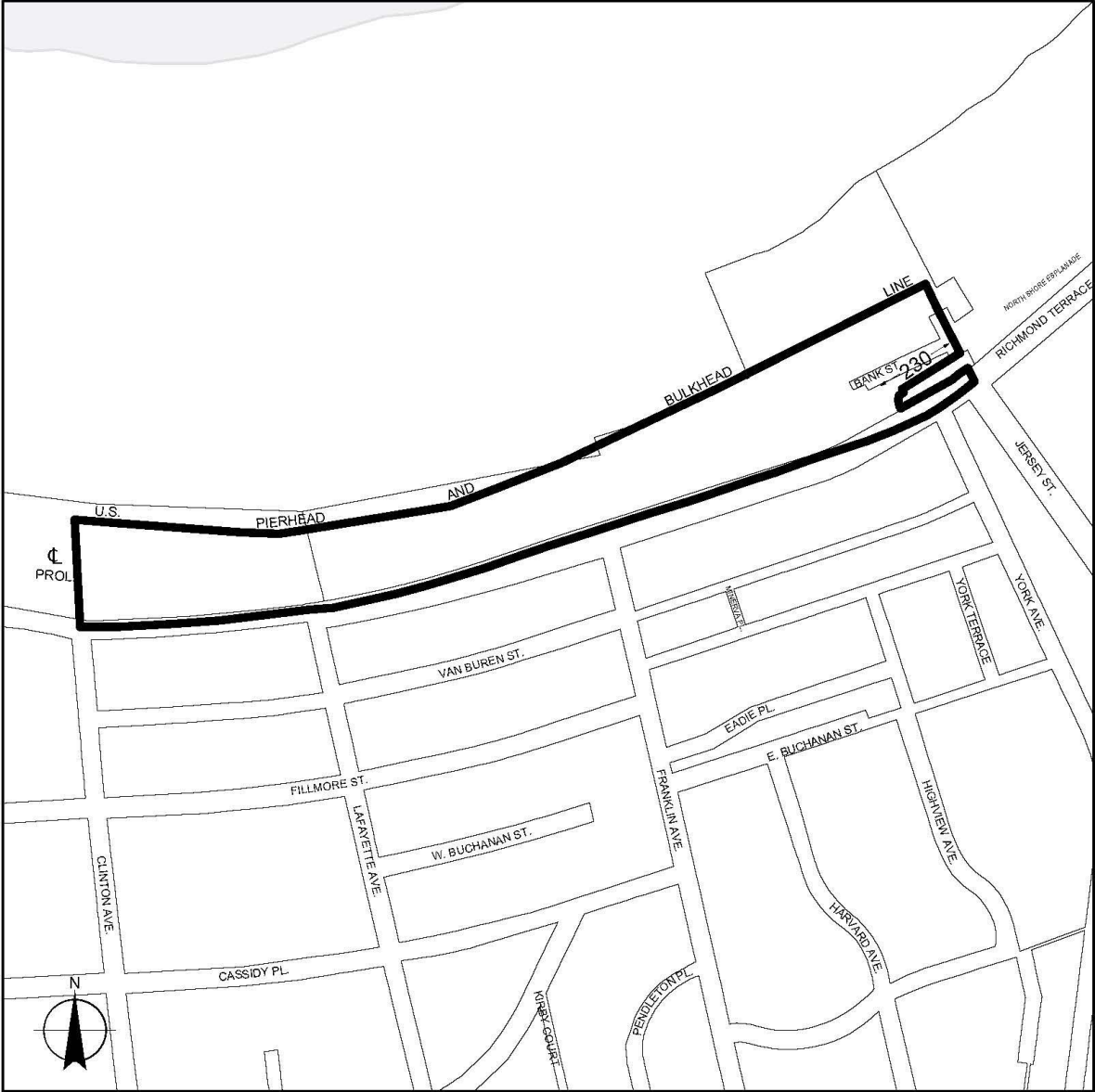
JFK
Map 1



Portion of Community District 10, Queens

North Shore

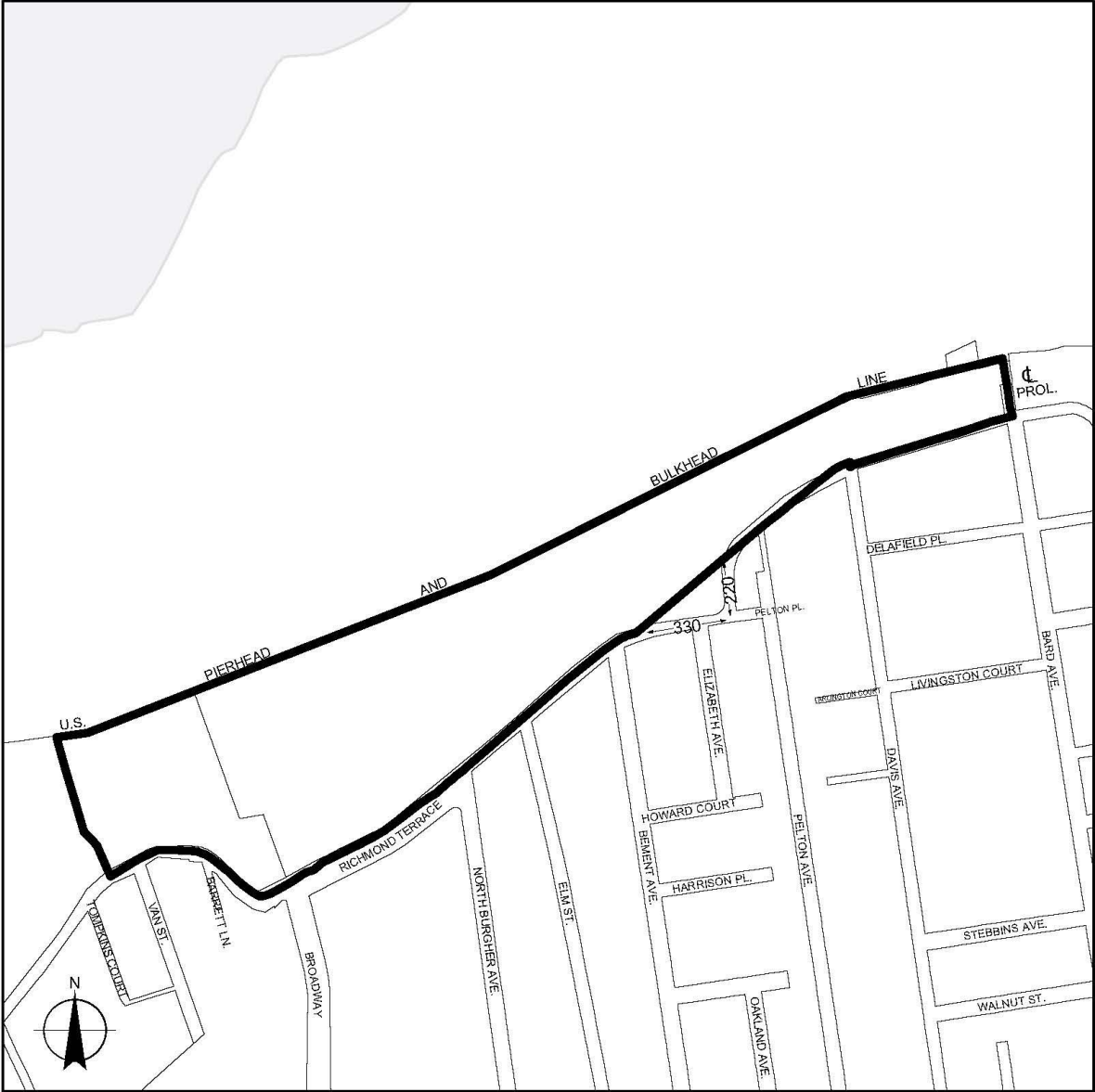
Map 1



Portion of Community District 1, Staten Island

North Shore

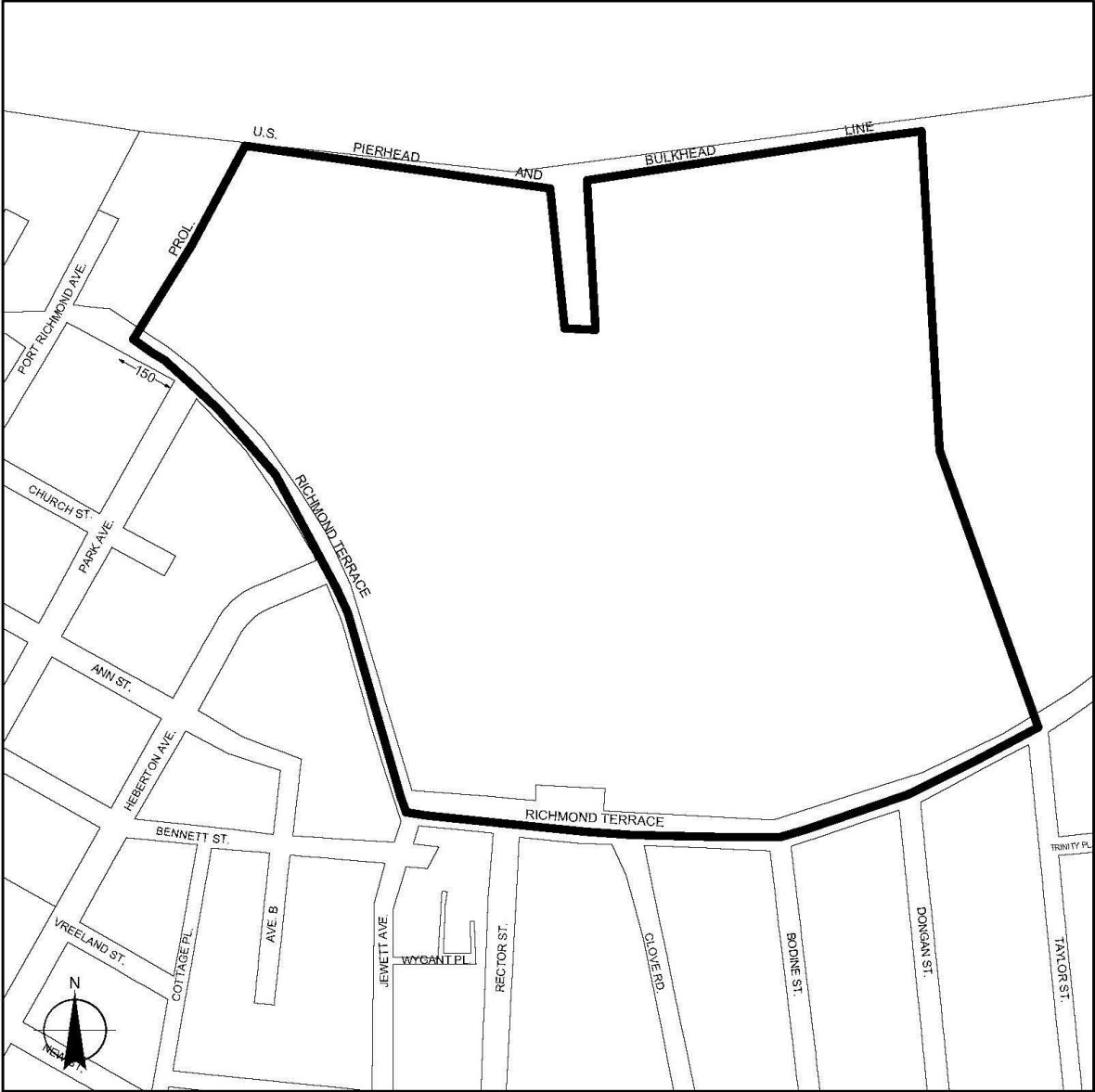
Map 2



Portion of Community District 1, Staten Island

North Shore

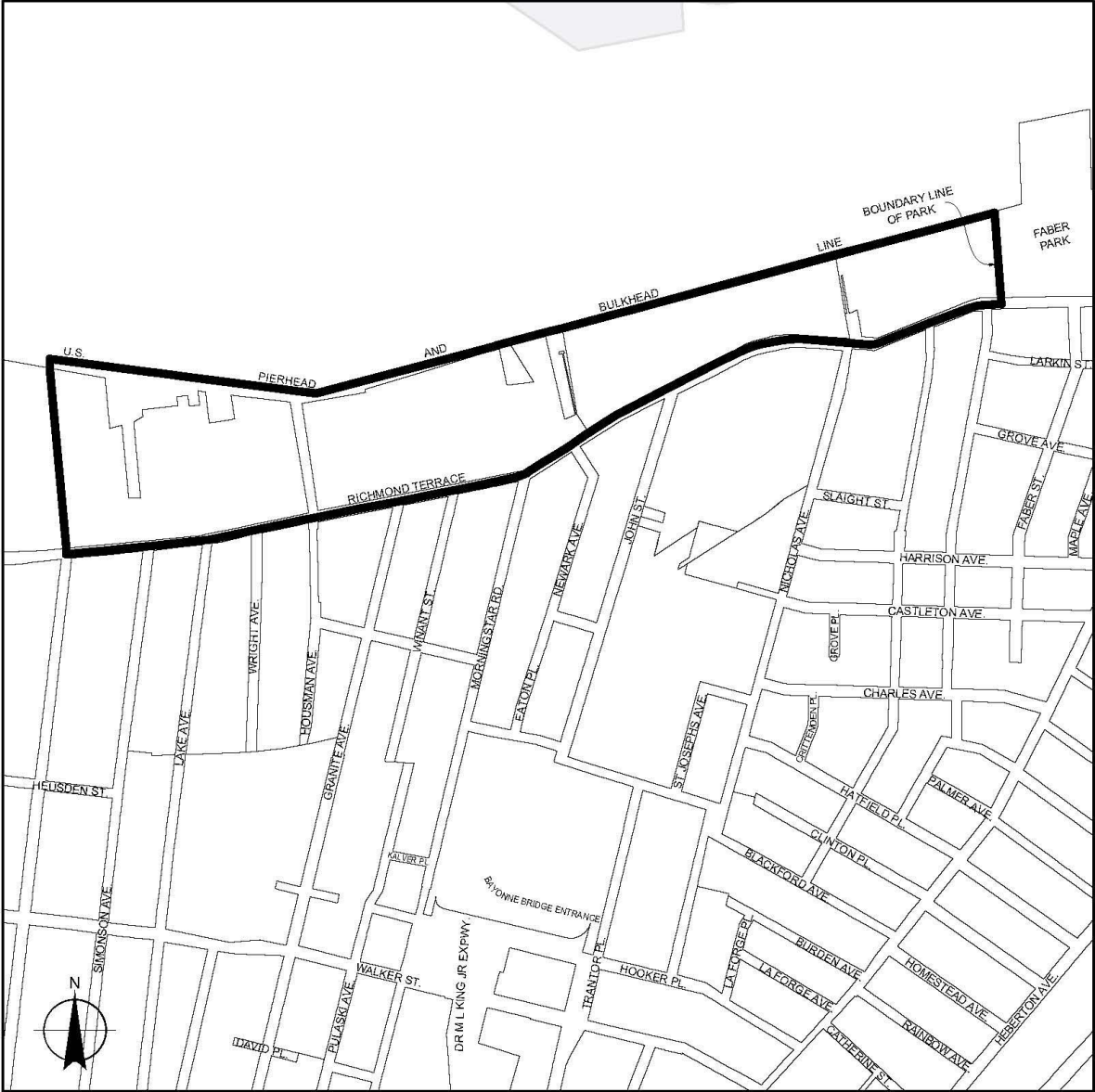
Map 3



Portion of Community District 1, Staten Island

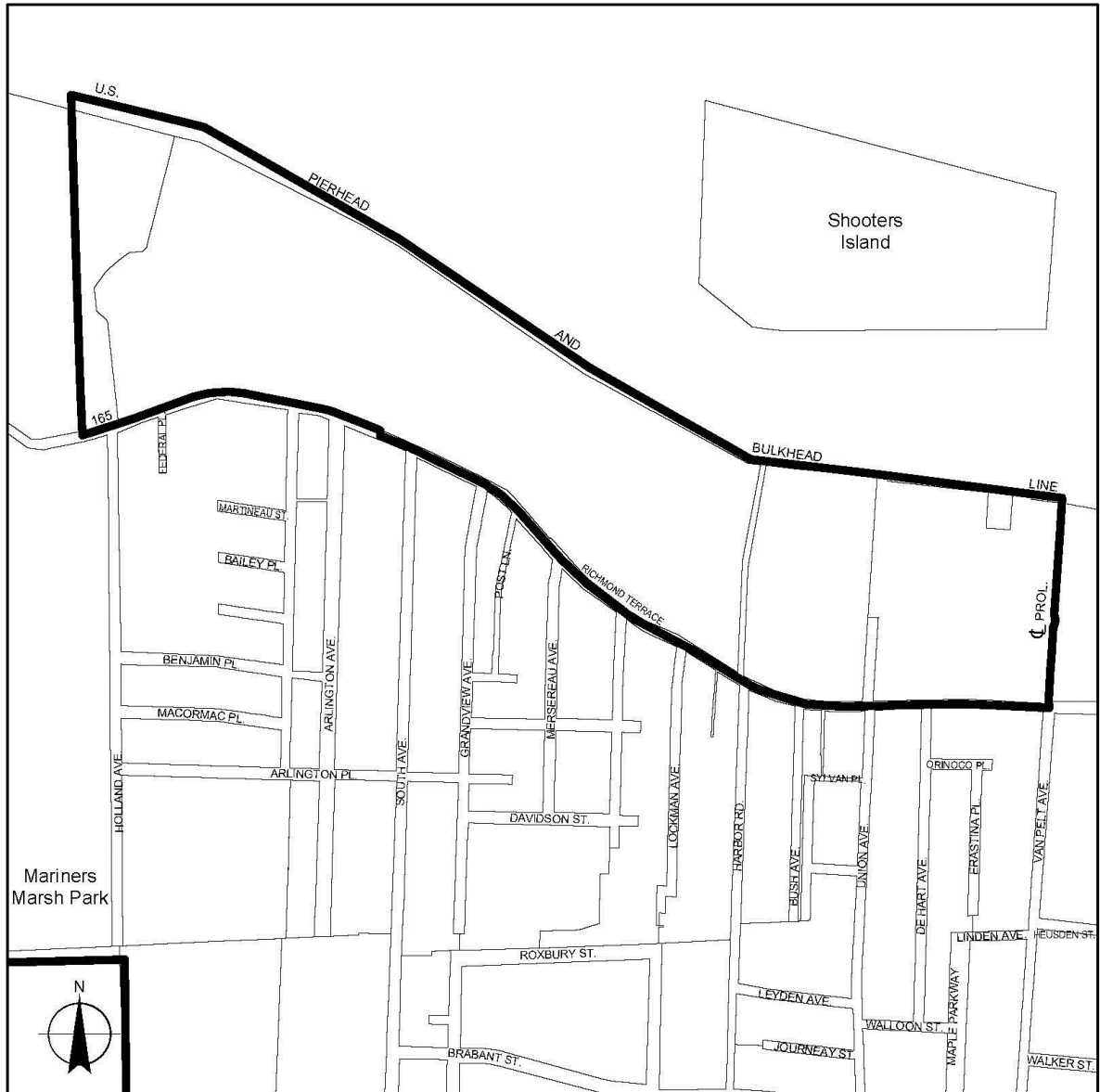
North Shore

Map 4



Portion of Community District 1, Staten Island

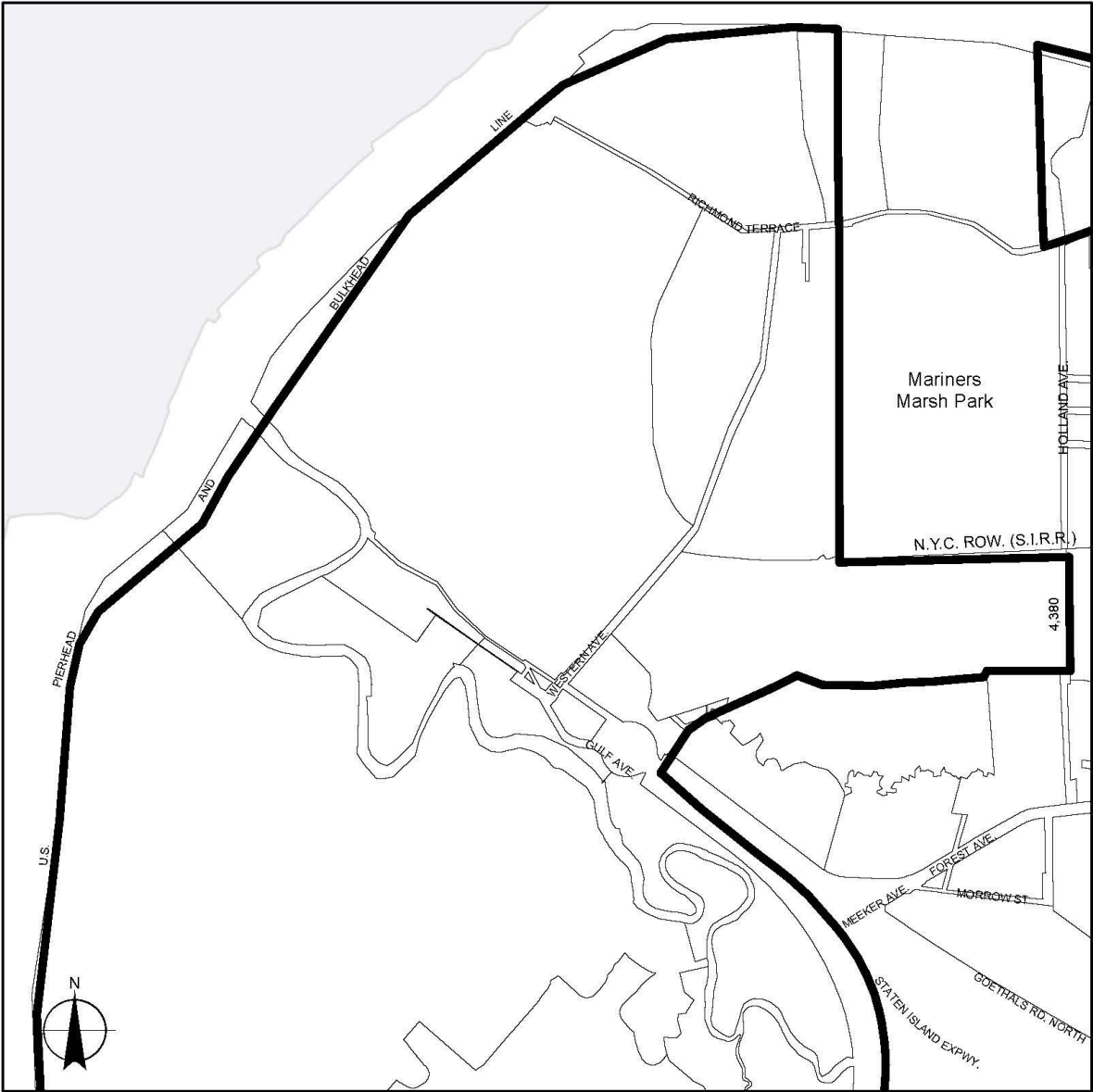
North Shore
Map 5



Portion of Community District 1, Staten Island

West Shore

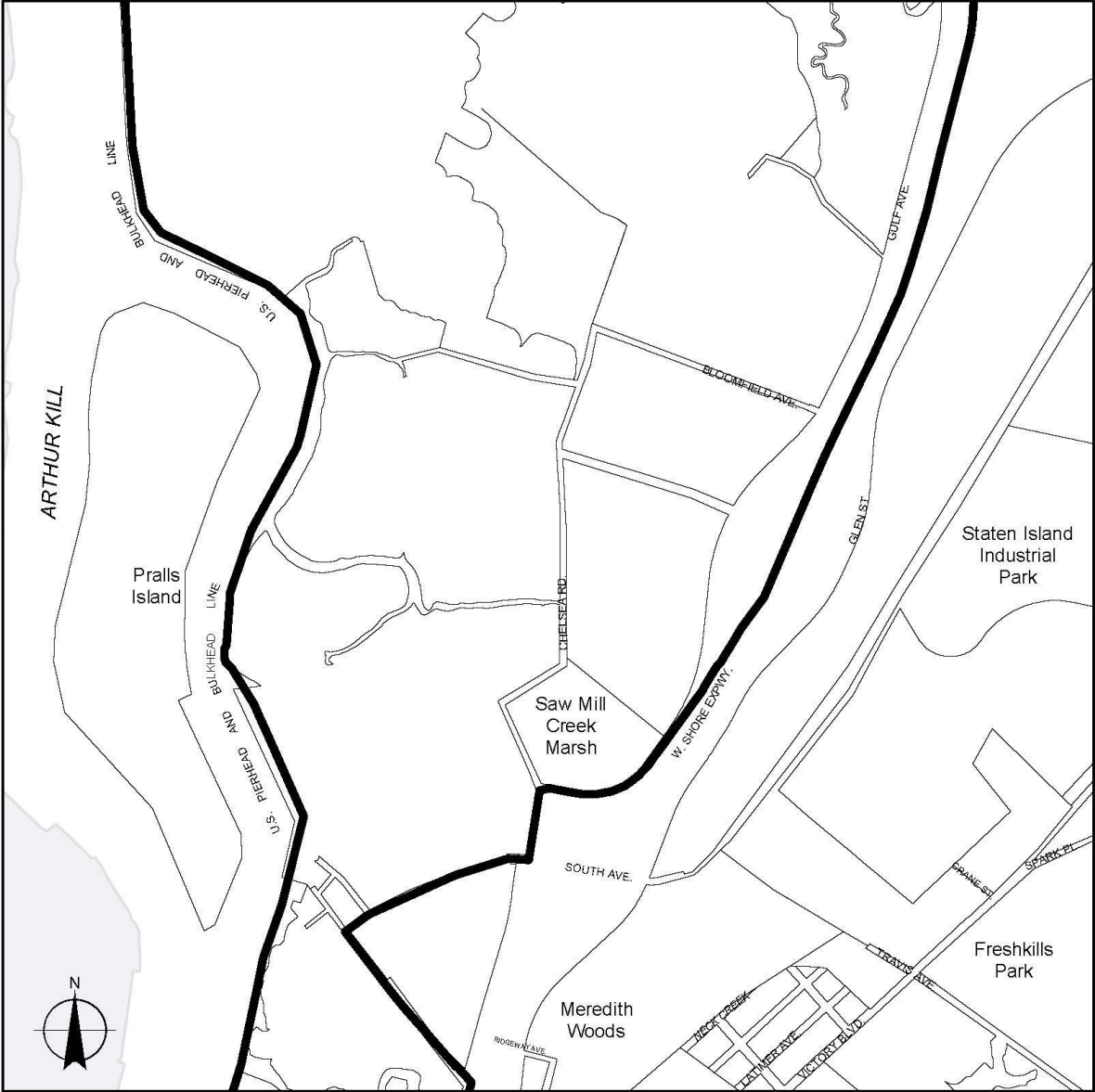
Map 1



Portion of Community District 1, Staten Island

West Shore

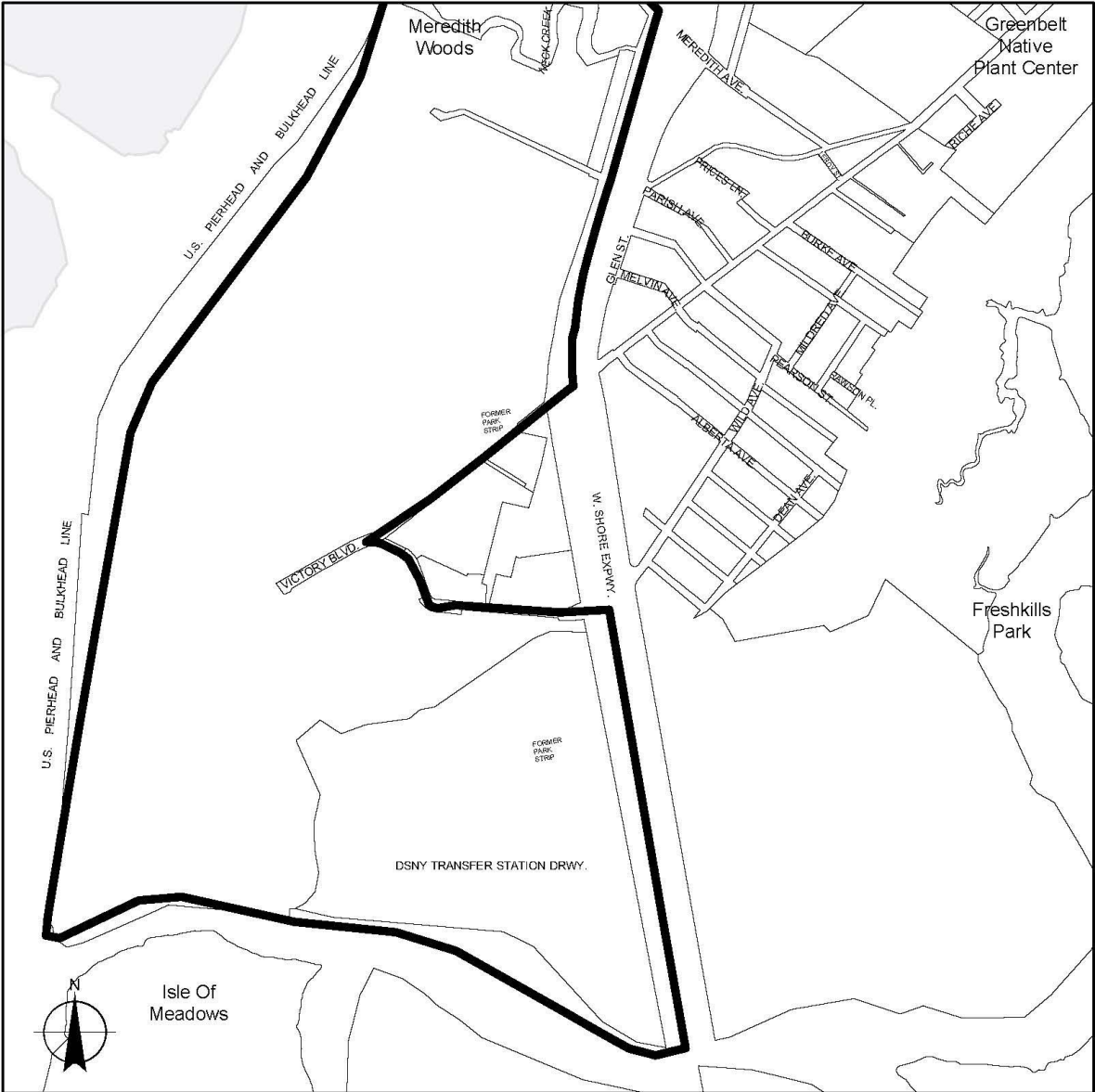
Map 2



Portion of Community District 2, Staten Island

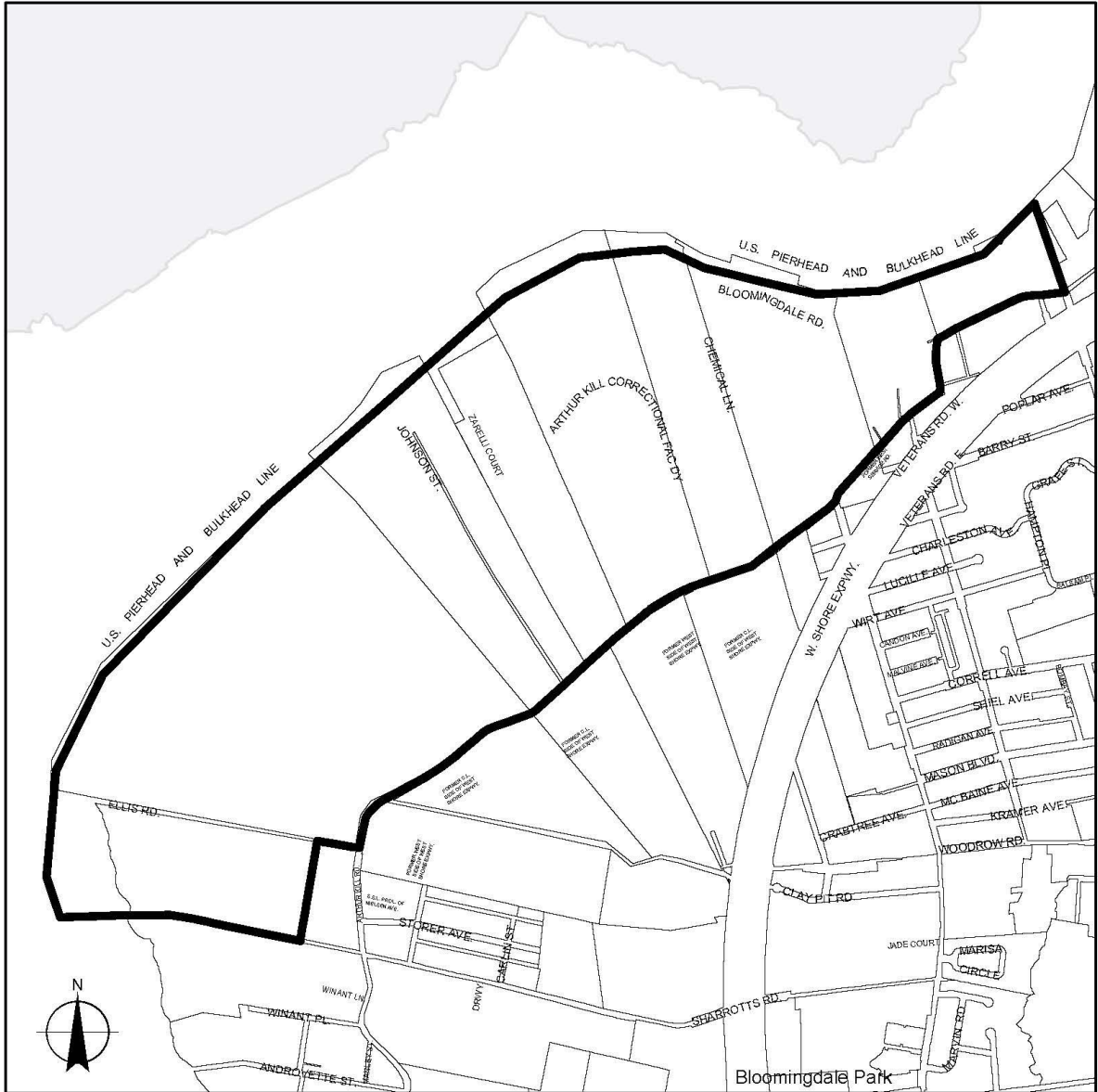
West Shore

Map 3



Portion of Community District 2, Staten Island

Rossville
Map 1



Portion of Community District 3, Staten Island

Resolution for adoption scheduling August 23, 2017 for a public hearing.



No. 2

CITYWIDE

N 170425(A) ZRY

IN THE MATTER OF an application submitted by New York City 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, to create a definition, a use and, in designated areas, a special permit for self-service storage facilities and to establish APPENDIX J (Designated Areas in Manufacturing Districts).

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I
GENERAL PROVISIONS

Chapter 2
Construction of Language and Definitions

* * *

12-10
DEFINITIONS

* * *

Industrial ground floor

An “industrial ground floor” is the ground floor of a #building# on a #zoning lot# containing a #self-service storage facility#, where at least 20,000 square feet of #floor area# on such ground floor is allocated to one or more of the manufacturing, semi-industrial or industrial #uses# listed in Use Groups 10A (limited to photographic or motion picture production studios and radio or television studios), 11A, 16A, 16B, 16D (other than a #self-service storage facility#), 17 or 18. In addition, in a #development# or horizontal #enlargement#, an #industrial ground floor# shall have a minimum clear height from floor to floor of 15 feet, and at least one-third of such #industrial ground floor floor area# shall have a minimum clear height from floor to floor of 23 feet.

* * *

Self-service storage facility

A “self-service storage facility” is a moving or storage office, or a warehouse establishment, as listed in Use Group 16D, for the purpose of storing personal property, where:

- (d) such facility is partitioned into individual, securely subdivided space for lease; or

- (e) such facility consists of enclosed or unenclosed floor space which is subdivided by secured bins, boxes, containers, pods or other mobile or stationary storage devices; and
- (f) such floor space or storage devices less than 300 square feet in area are to be leased or rented to persons or businesses to access, store or remove property on a self-service basis.

* * *

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

* * *

**32-10
USES PERMITTED AS-OF-RIGHT**

* * *

**32-25
Use Group 16**

C8

Use Group 16 consists of automotive and other necessary semi-industrial #uses# which:

- (1) are required widely throughout the city; and
- (2) involve offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable influences, making such #uses# incompatible with #residential uses# and other #commercial uses#.

* * *

D. Heavy Service, Wholesale, or Storage Establishments

Carpet cleaning establishments [PRC-F]

Dry cleaning or cleaning and dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment [PRC-F]

Laundries, with no limitation on type of operation [PRC-F]

Linen, towel or diaper supply establishments [PRC-F]

Moving or storage offices, with no limitation as to storage or #floor area# per

establishment [PRC-G]*

Packing or crating establishments [PRC-G]

Photographic developing or printing with no limitation on #floor area# per establishment [PRC-C]

Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment [PRC-G]

Warehouses [PRC-G]*

Wholesale establishments, with no limitation on #accessory# storage [PRC-C]

E. #Accessory Uses#

* In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of Section 42-121 (Use Group 16D self-service storage facilities).

* * *

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2
Use Regulations**

* * *

**42-10
USES PERMITTED AS-OF-RIGHT**

* * *

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

M1 M2 M3

Use Group 3A shall be limited to Museums that are ancillary to existing Motion Picture Production Studios or Radio or Television Studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25.. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores,

including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of #floor area# per establishment.

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 rental; photographic or motion picture production studios; and radio or television studios.

In the #Manhattan Core#, automobile rental establishments, #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), #public parking garages# and #public parking lots# in Use Groups 8C and 12D are subject to the provisions of Article I, Chapter 6.

In designated areas within #Manufacturing Districts# as shown on the maps in APPENDIX J additional regulations for #self-service storage facilities# as listed in Use Group 16D, are set forth in Section 42-121 (Use Group 16D self-service storage facilities).

42-121

Use Group 16D self-service storage facilities

In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, any #development# of a #building# containing a #self-service storage facility#, #enlargement# of a #building# to establish a #self-service storage facility#, or a change of #use# within an existing #building# to a #self-service storage facility#, shall be required to provide an #industrial ground floor# on the #zoning lot#, except where the City Planning Commission, by special permit, allows a modification or waiver of such #industrial ground floor# requirement pursuant to Section 74-932 (Self-service storage facilities in designated areas within Manufacturing Districts).

Any #self-service storage facility# existing on [date of adoption] on a #zoning lot# in a designated area within #Manufacturing Districts#, as shown on the maps in APPENDIX J, shall be considered a #conforming use#, provided that the owner of such #self-service storage facility# has filed documentation satisfactory to the Department of Buildings, that it existed and would have met the definition of #self-service storage facility# as set forth in Section 12-10 (DEFINITIONS). Any #enlargement# or #extension# to such existing #conforming# facility need not provide a #industrial ground floor#, provided there is no increase in #lot area#. In the event a casualty damages or destroys a #building# for which satisfactory documentation has been filed with the Department of Buildings, such #building# may be reconstructed and continue as a #self-service storage facility# without providing an #industrial ground floor#, provided that the #floor area# of such reconstructed #self-service storage facility# does not exceed the #floor area# permitted pursuant to the provisions of Section 43-10 (FLOOR AREA REGULATIONS), inclusive.

Any #self-service storage facility# existing on [date of adoption] that does not file such documentation satisfactory to the Department of Buildings pursuant to the provisions of this Section shall be considered #non-conforming# and subject to the provisions of Article V (Non-conforming uses and non-complying buildings).

* * *

**42-30
USES PERMITTED BY SPECIAL PERMIT**

* * *

**42-32
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.

* * *

M1 M2 M3
Trade expositions, with rated capacity of more than 2,500 persons [PRC-D]

M1 M2 M3
#Self-service storage facilities# in designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, when located on #zoning lots# that do not contain a #building# that provides an #industrial ground floor#, as set forth in Section 42-121 (Use Group 16D self-service storage facilities)

M1 M2 M3
#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

* * *

**Chapter 3
Bulk Regulations**

* * *

**43-10
FLOOR AREA REGULATIONS**

* * *

43-123
Floor area increase for an industrial space within a self-service storage facility

In M1-1 Districts in designated areas, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, for a #zoning lot# containing a #self-service storage facility# and a #building# that provides an #industrial ground floor#, as set forth in Section 42-121 (Use Group 16D self-service storage facilities), the maximum permitted #floor area# for #commercial# or #manufacturing uses# on the #zoning lot#, resulting from the provisions of Section 43-12 (Maximum floor area ratio), inclusive, may be increased by 20,000 square feet.

* * *

Chapter 4
Accessory Off-street Parking and Loading Regulations

* * *

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

* * *

44-28
Parking Regulations for Residential Uses in M1-1D Through M1-5D Districts

* * *

44-29
Parking Regulations for Zoning Lots Containing Self-Service Storage Facilities in
Designated Areas

In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, for a #zoning lot# containing a #self-service storage facility# and a #building# that provides an #industrial ground floor#, as set forth in Section 42-121 (Use Group 16D for self-service storage facilities), #accessory# off-street parking spaces, open or enclosed, shall be provided for all #uses# in Use Groups 10A (limited to photographic or motion picture production studios and radio or television studios), 11A, 16A, 16B, 16D, 17 and 18 at the rate of one space per 2,000 square feet of #floor area#, or one space per three employees, whichever will require a lesser number of spaces.

* * *

44-50
GENERAL PURPOSES

* * *

44-58
Additional Regulations for Permitted or Required Berths

* * *

44-586
Regulations for permitted or required berths for zoning lots containing self-service
storage facilities in designated areas

In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, for a #zoning lot# containing a #self-service storage facility# and a #building# that provides an #industrial ground floor#, as set forth in Section 42-121 (Use Group 16D self-service storage facilities), all required #accessory# off-street loading berths for a #self-service

storage facility# shall have a minimum length of 37 feet. The dimensions of off-street berths shall not include driveways, or entrances to or exits from such off-street berths. In addition, the number of #accessory# off-street loading berths required for all #uses# in Use Groups 10A (limited to photographic or motion picture production studios and radio or television studios), 11A, 16A, 16B, 16D, 17 and 18 shall be as set forth in the following table:

<u>#Floor Area# (in square feet)</u>	<u>Required Berths</u>
<u>First 15,000</u>	<u>None</u>
<u>Next 25,000</u>	<u>1</u>
<u>Next 40,000</u>	<u>1</u>
<u>Each additional 80,000 or fraction thereof</u>	<u>1</u>

In addition, a change of #use# within an existing #building# from Use Group 16D to a #self-service storage facility# shall not necessitate additional loading berths.

* * *

**ARTICLE VII
ADMINISTRATION**

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

* * *

**74-90
USE AND BULK MODIFICATIONS FOR CERTAIN COMMUNITY FACILITY USES**

* * *

**74-93
Special Commercial and Manufacturing Developments**

**74-931
Special Commercial or Mixed Use Developments in Commercial Districts**

* * *

**74-932
Self-service storage facilities in designated areas within Manufacturing Districts**

On #zoning lots# in designated areas within #Manufacturing Districts# as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, the City Planning Commission may permit, for a #self-service storage facility#, a modification, or waiver of the #industrial ground floor#, as required in Section 42-121 (Use Group 16D self-service storage facilities), provided the Commission finds that:

- (a) the #zoning lot# is appropriate for such #self-service storage facility use#, considering the economic development objectives of the City; and
- (b) it is impractical to provide an #industrial ground floor# as defined in Section 42-121 (Use Group 16D self-service storage facilities) on such #zoning lot#.

In making this determination, the Commission may consider the following:

- (1) the size and configuration of the #zoning lot# and its suitability to establish an #industrial ground floor# as defined in Section 42-121;
- (2) the design and layout of loading berths, interior column spacing, floor to floor height and other relevant physical characteristics in an existing #building# and its suitability for #industrial ground floor uses#;
- (3) the accessibility of the #zoning lot# to an arterial highway, or a designated truck route; the width of the existing #streets# providing access to the #zoning lot# and the ability of such #streets# to handle the traffic generated for such #industrial ground floor uses#;
- (4) recent trends and levels of investment in the surrounding area for such #industrial ground floor uses# within the last five calendar years;
- (5) the potential for conflict between such #industrial ground floor uses# and existing #uses# in the surrounding area;
- (6) the proximity of the #zoning lot# to rail and bus transit to serve employees; and
- (7) the need to undertake environmental remediation work on the #zoning lot#.

The Commission may impose additional terms and conditions to ensure the compatibility of a #self-service storage facility# with the surrounding area.

* * *

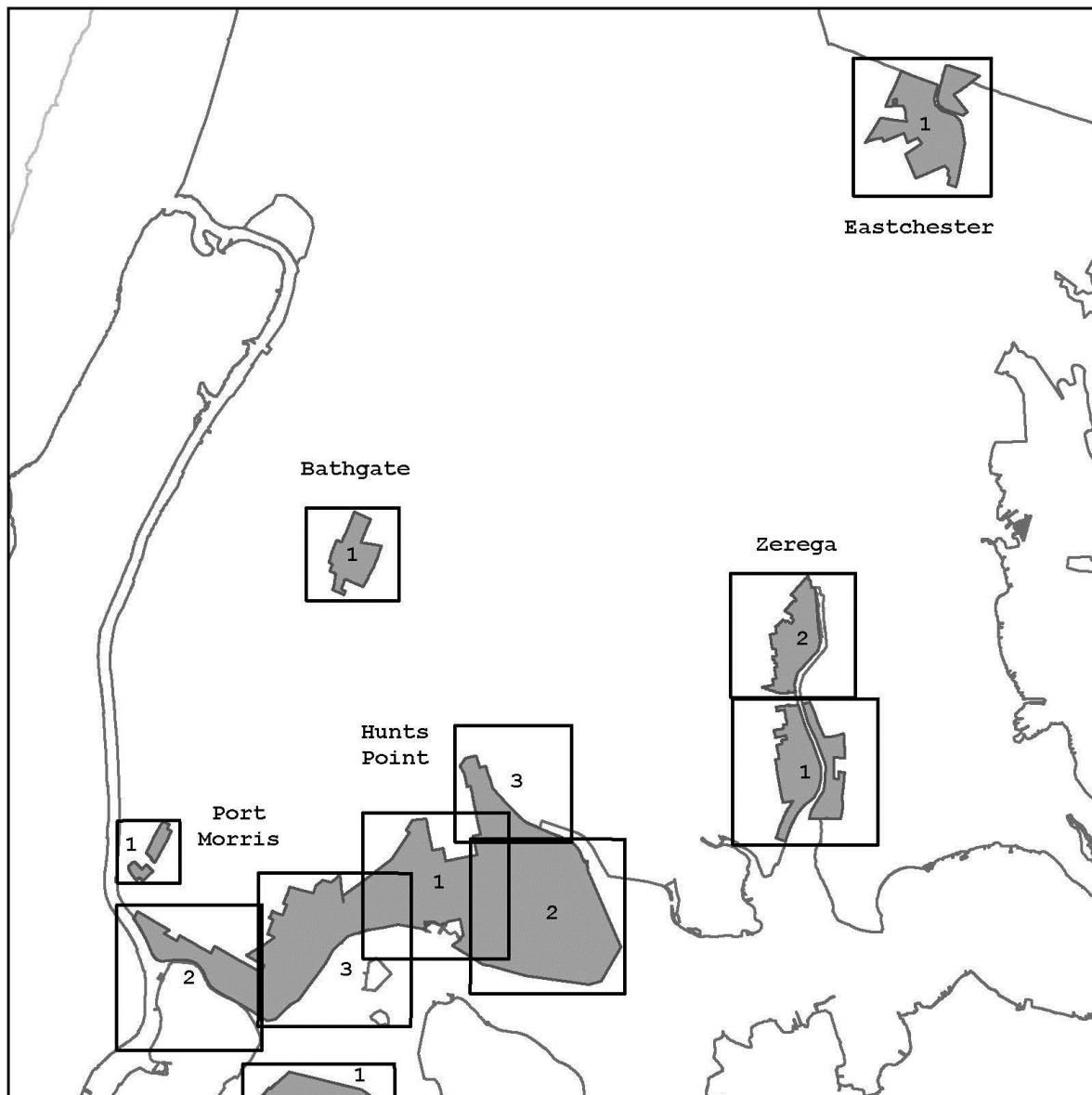
APPENDIX J - Designated Areas Within Manufacturing Districts

The boundaries of certain designated areas within #Manufacturing Districts# are shown on the maps in this APPENDIX, and include areas in the following Community Districts:

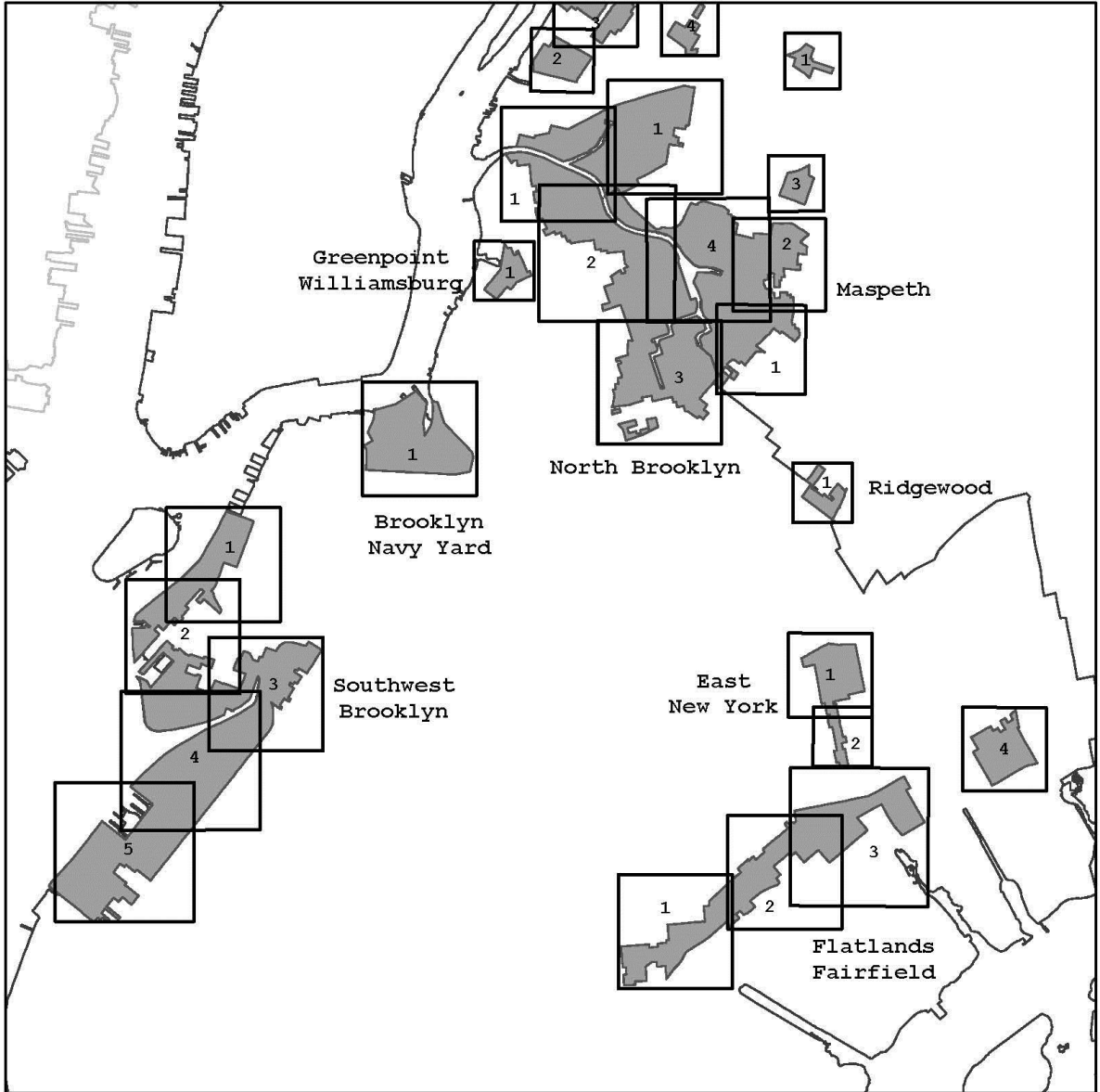
<u>Borough</u>	<u>Community Districts</u>	<u>Name of Designated Area in M District</u>	<u>Map No</u>
<u>The Bronx</u>	<u>1, 2</u>	<u>Port Morris</u>	<u>Maps 1-3</u>
<u>The Bronx</u>	<u>2</u>	<u>Hunts Point</u>	<u>Maps 1-3</u>
<u>The Bronx</u>	<u>9, 10</u>	<u>Zerega</u>	<u>Maps 1, 2</u>
<u>The Bronx</u>	<u>3, 4, 6</u>	<u>Bathgate</u>	<u>Map 1</u>
<u>The Bronx</u>	<u>10, 12</u>	<u>Eastchester</u>	<u>Map 1</u>

<u>Brooklyn</u>	<u>2</u>	<u>Brooklyn Navy Yard</u>	<u>Map 1</u>
<u>Brooklyn</u>	<u>6, 7</u>	<u>Southwest Brooklyn</u>	<u>Maps 1-5</u>
<u>Brooklyn</u>	<u>5, 16, 17, 18</u>	<u>Flatlands/Fairfield</u>	<u>Maps 1-4</u>
<u>Brooklyn</u>	<u>5, 16</u>	<u>East New York</u>	<u>Maps 1, 2</u>
<u>Brooklyn/Queens</u>	<u>BK 4/QN 5</u>	<u>Ridgewood</u>	<u>Map 1</u>
<u>Brooklyn</u>	<u>1</u>	<u>Williamsburg/Greenpoint</u>	<u>Map 1</u>
<u>Brooklyn/Queens</u>	<u>BK 1, 4/QN 2</u>	<u>North Brooklyn/Long Island City/ Maspeth</u>	<u>Maps 1-3</u>
<u>Queens/Brooklyn</u>	<u>QN 2, 5/BK 1</u>	<u>Maspeth/North Brooklyn</u>	<u>Maps 1-4</u>
<u>Queens</u>	<u>1, 2</u>	<u>Long Island City</u>	<u>Maps 1-4</u>
<u>Queens</u>	<u>2</u>	<u>Woodside</u>	<u>Map 1</u>
<u>Queens</u>	<u>1</u>	<u>Steinway</u>	<u>Maps 1, 2</u>
<u>Queens</u>	<u>9, 12</u>	<u>Jamaica</u>	<u>Maps 1-4</u>
<u>Queens</u>	<u>10, 12, 13</u>	<u>JFK</u>	<u>Maps 1-3</u>
<u>Staten Island</u>	<u>1</u>	<u>North Shore</u>	<u>Maps 1-5</u>
<u>Staten Island</u>	<u>1, 2</u>	<u>West Shore</u>	<u>Maps 1-3</u>
<u>Staten Island</u>	<u>3</u>	<u>Rossville</u>	<u>Map 1</u>

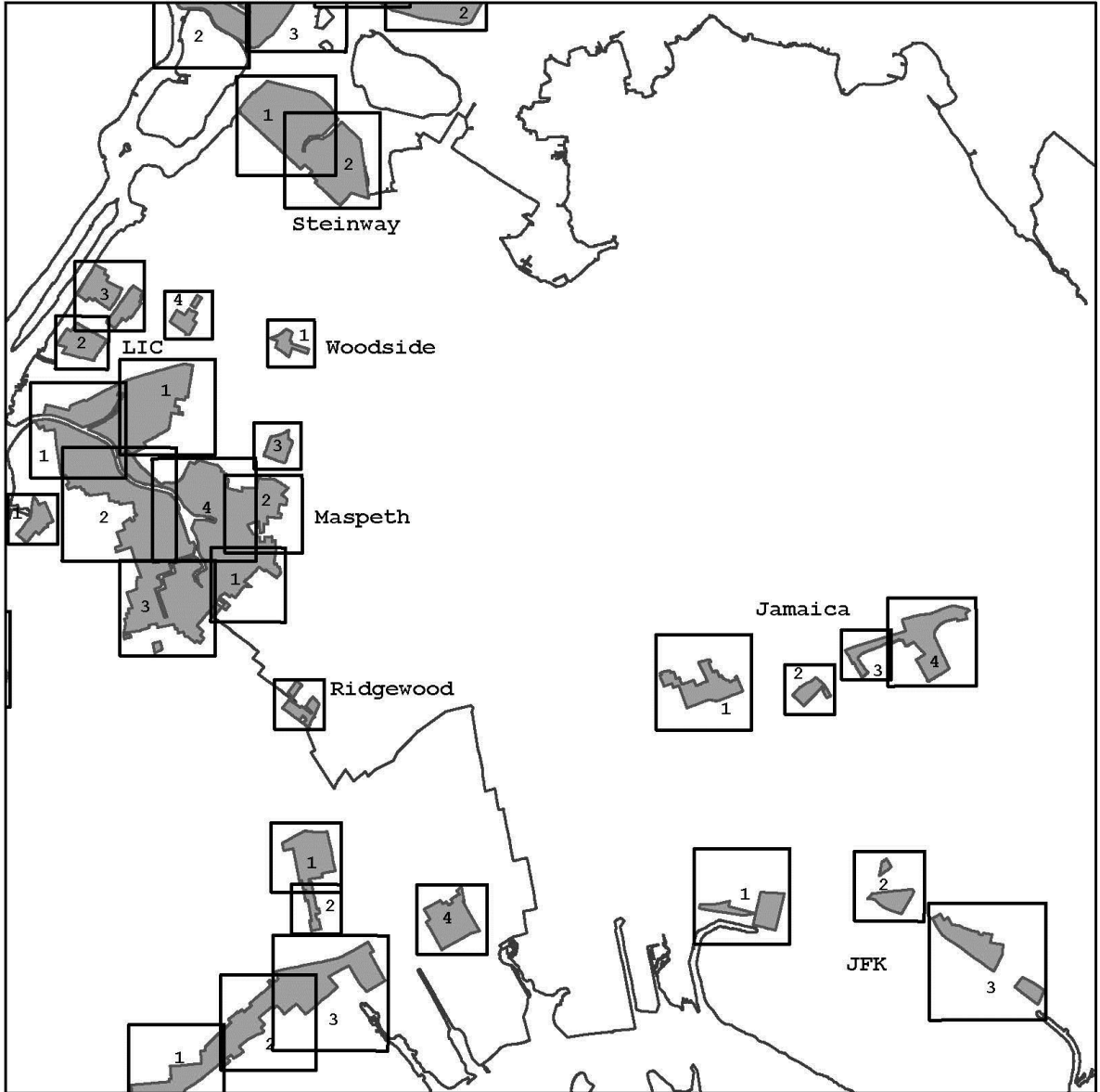
The Bronx



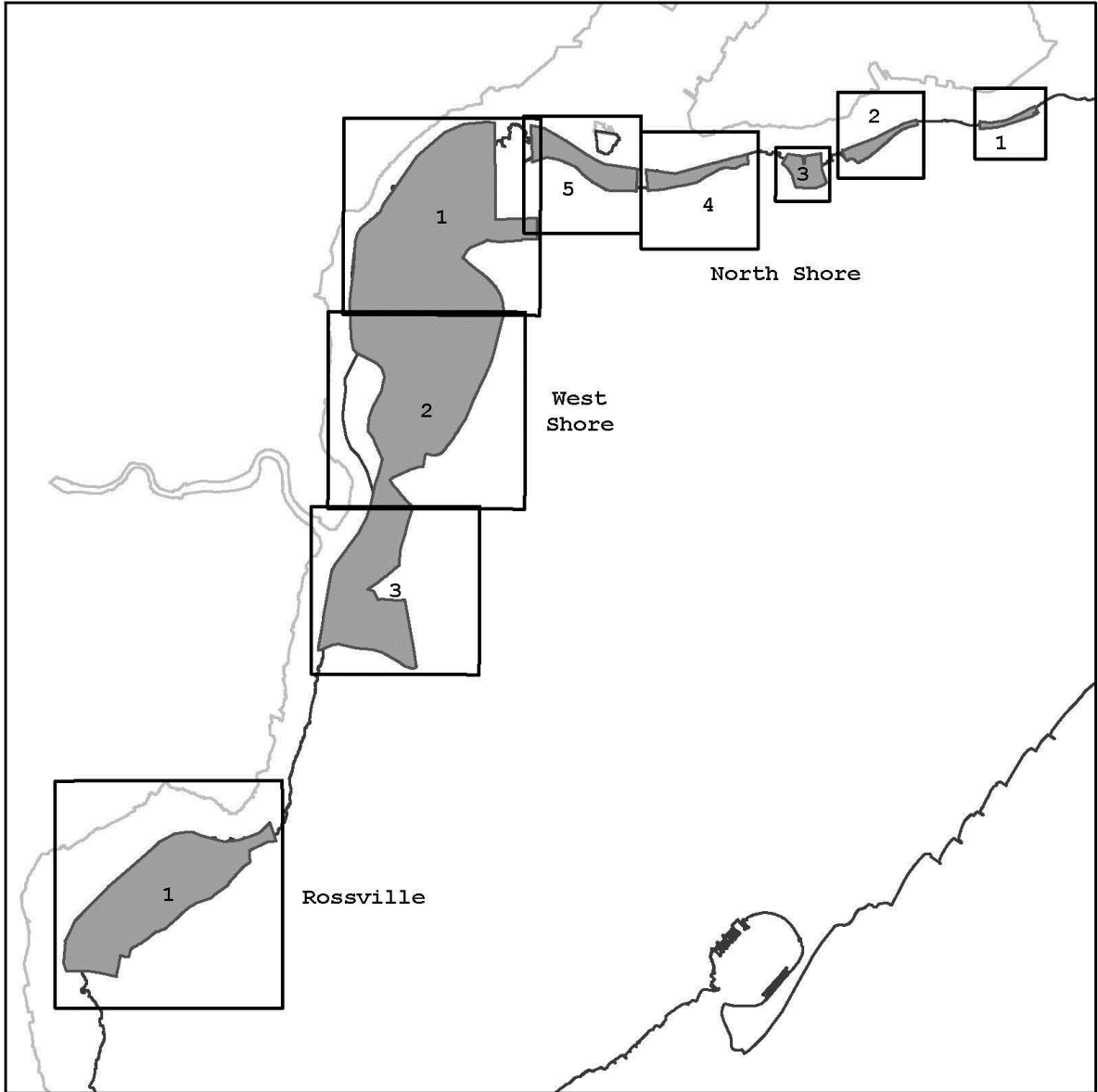
Brooklyn



Queens

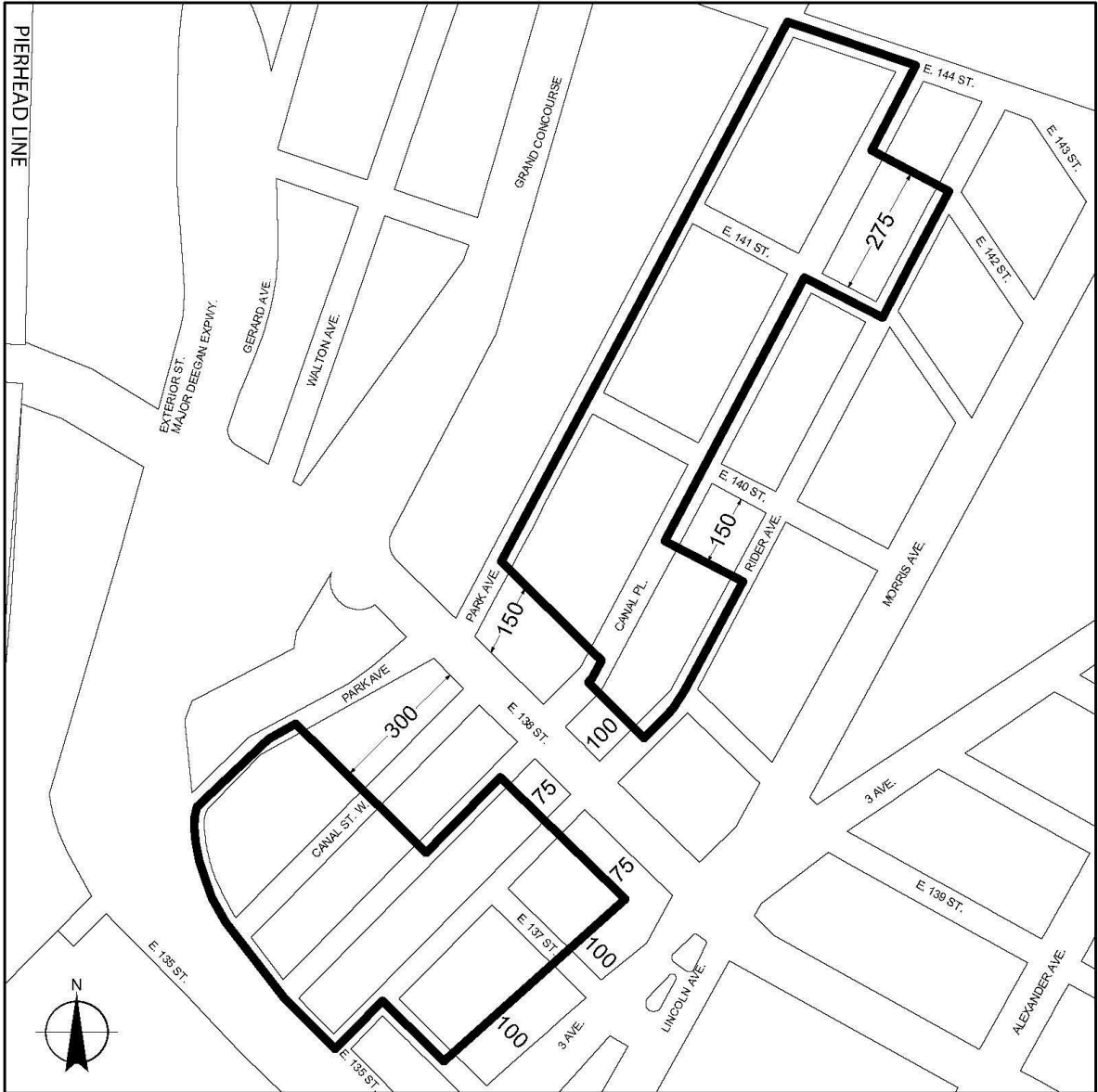


Staten Island



Port Morris

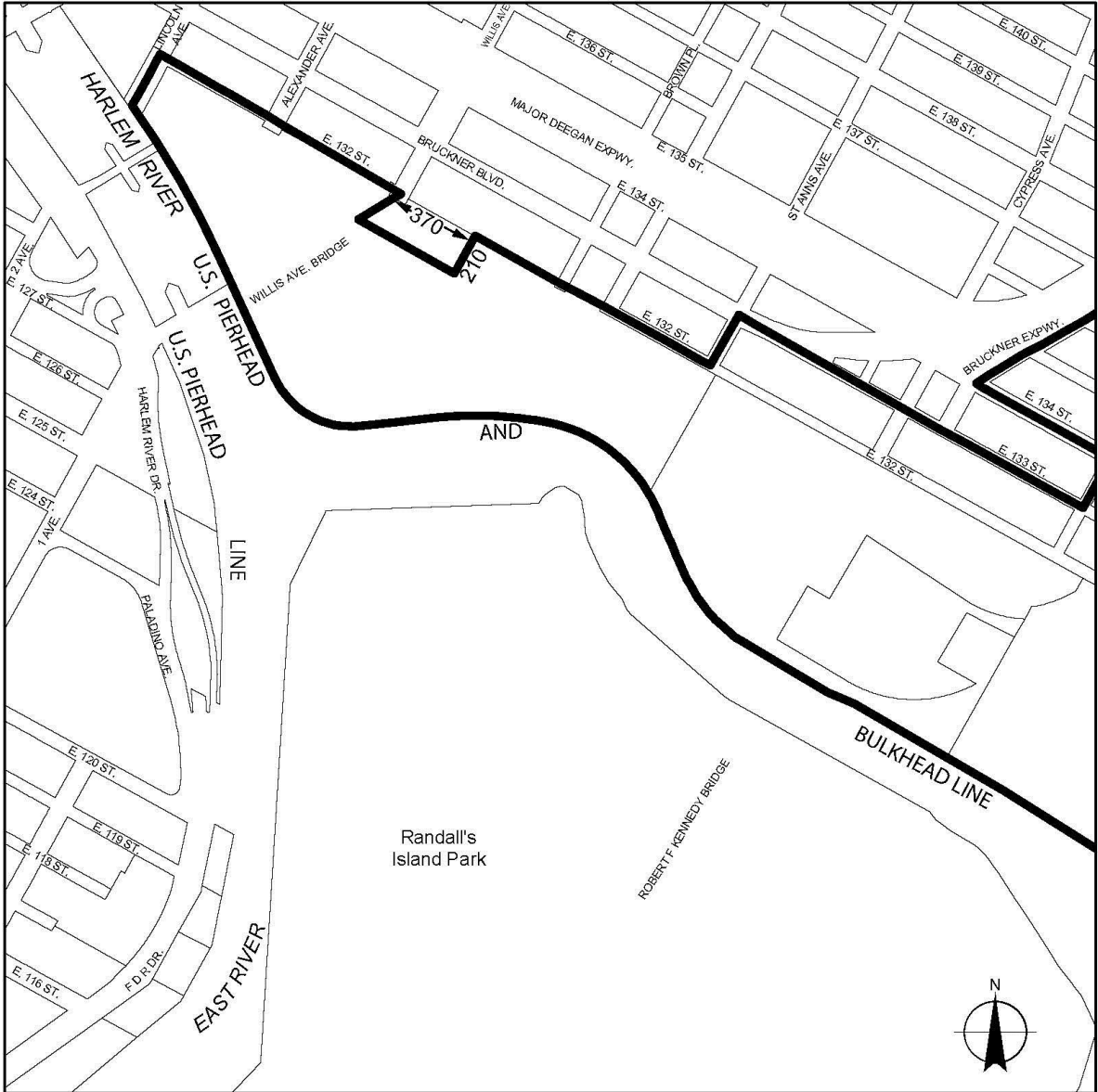
Map 1



Portion of Community District 1, Bronx

Port Morris

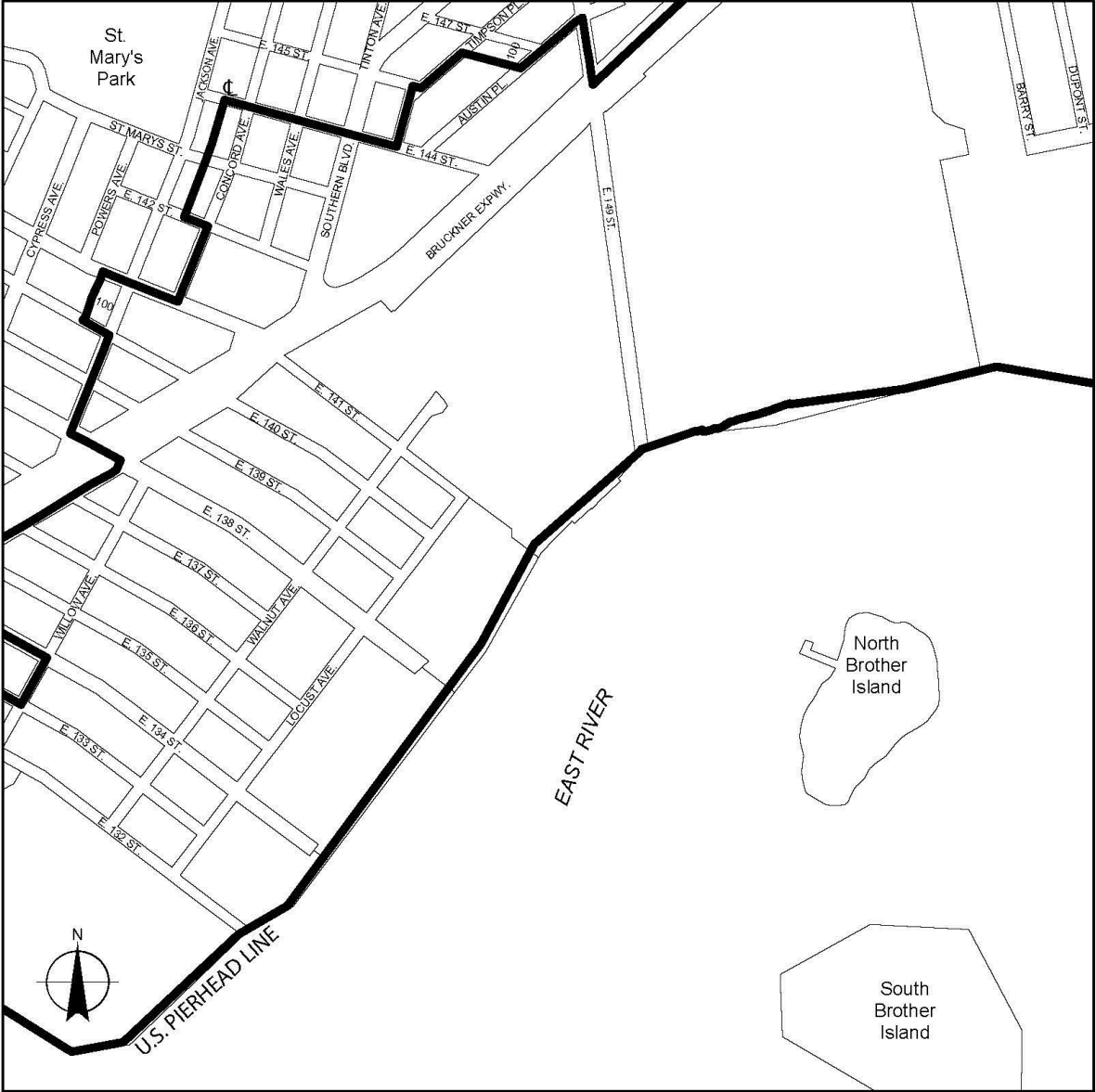
Map 2



Portion of Community District 1, Bronx

Port Morris/Hunts Point

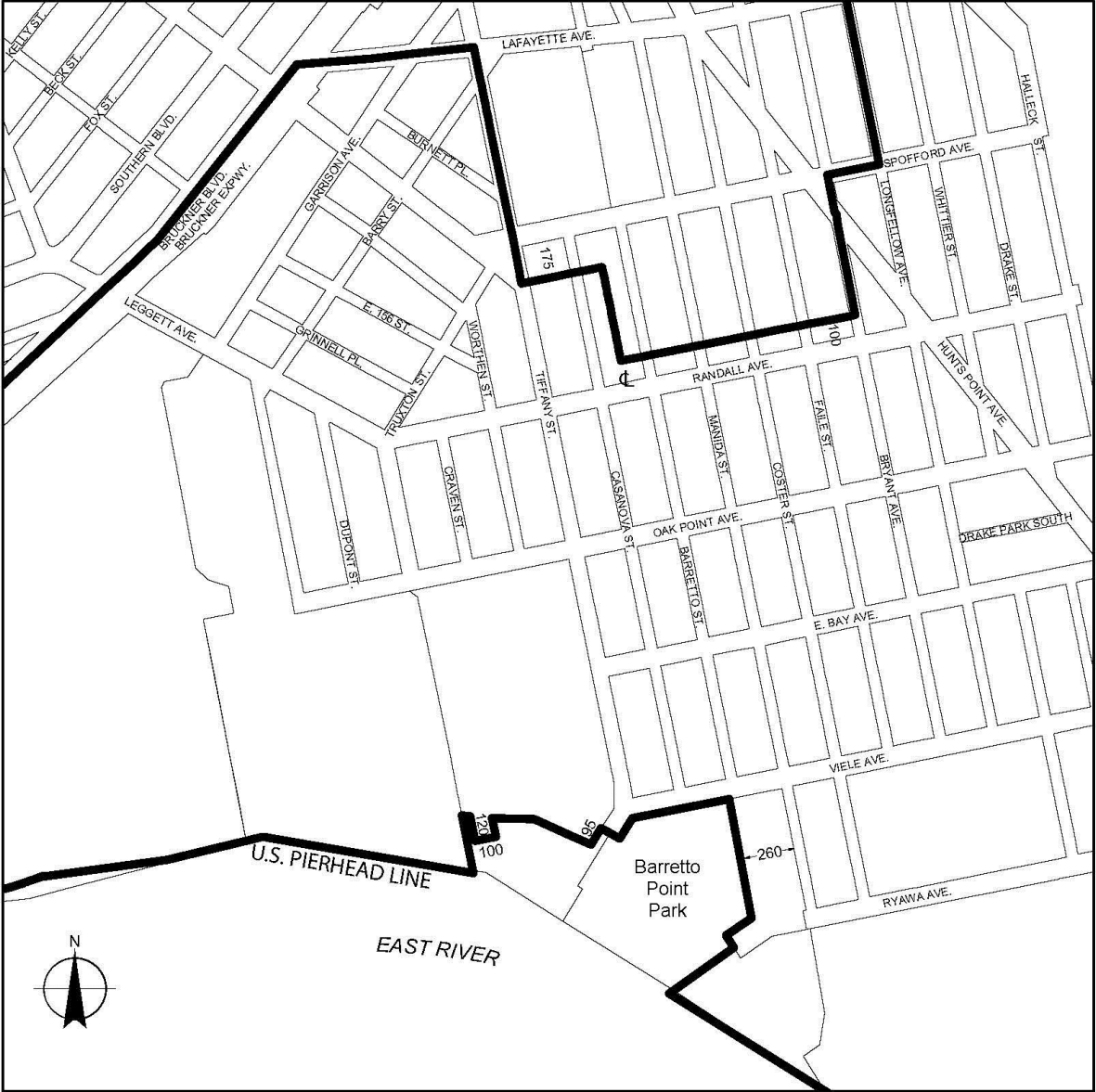
Map 3



Portions of Community Districts 1 and 2, Bronx

Hunts Point

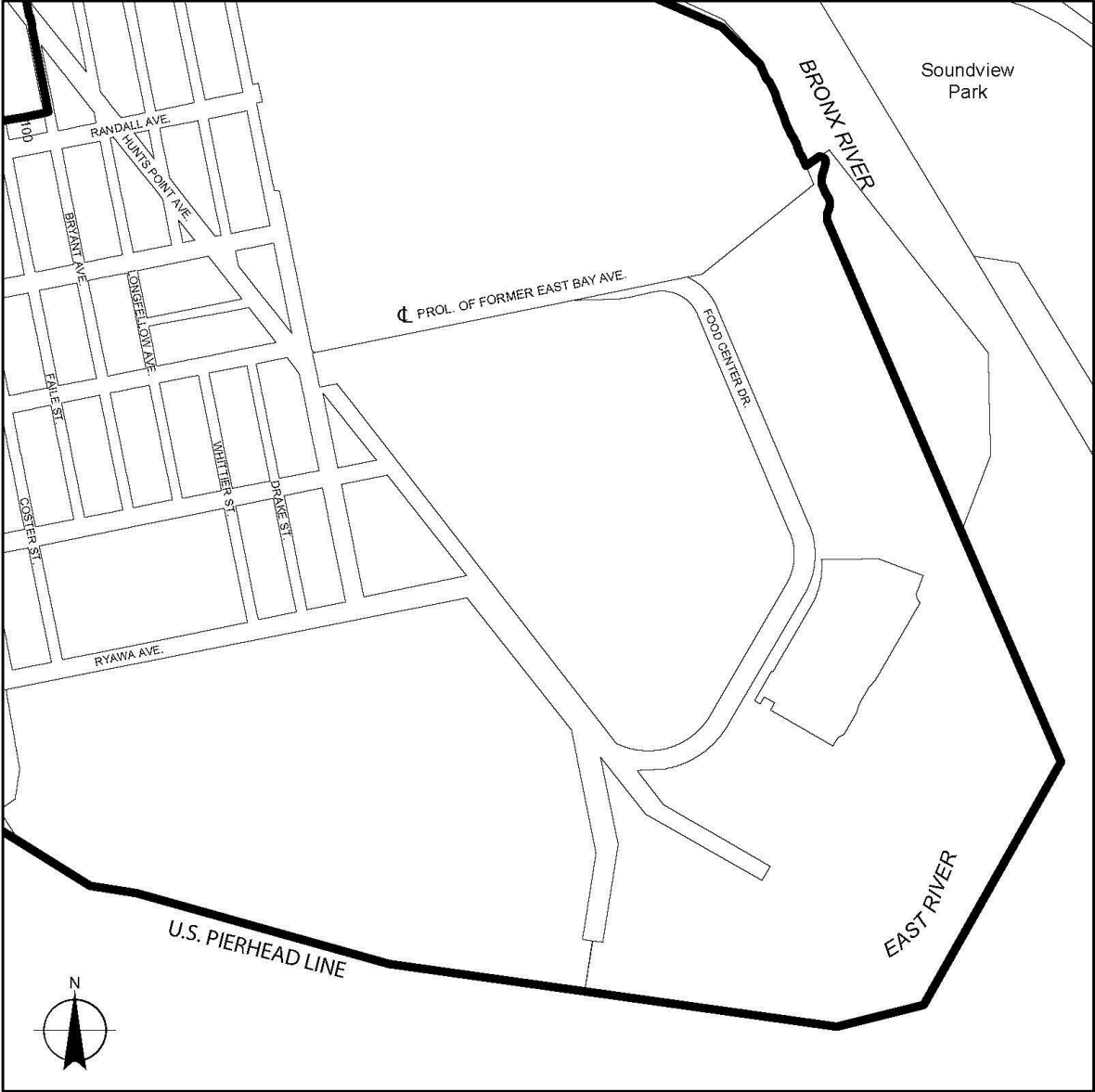
Map 1



Portion of Community District 2, Bronx

Hunts Point

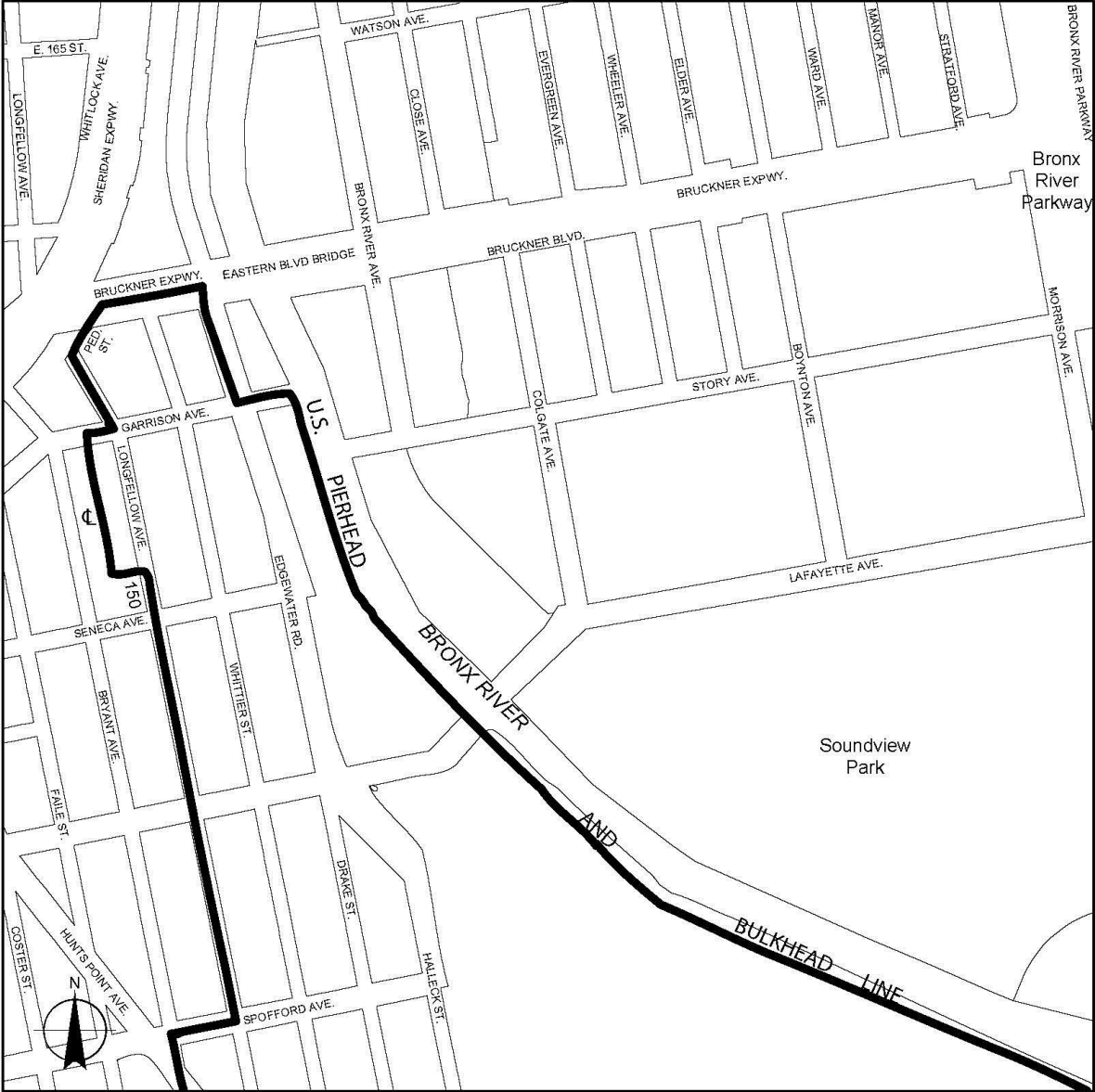
Map 2



Portion of Community District 2, Bronx

Hunts Point

Map 3



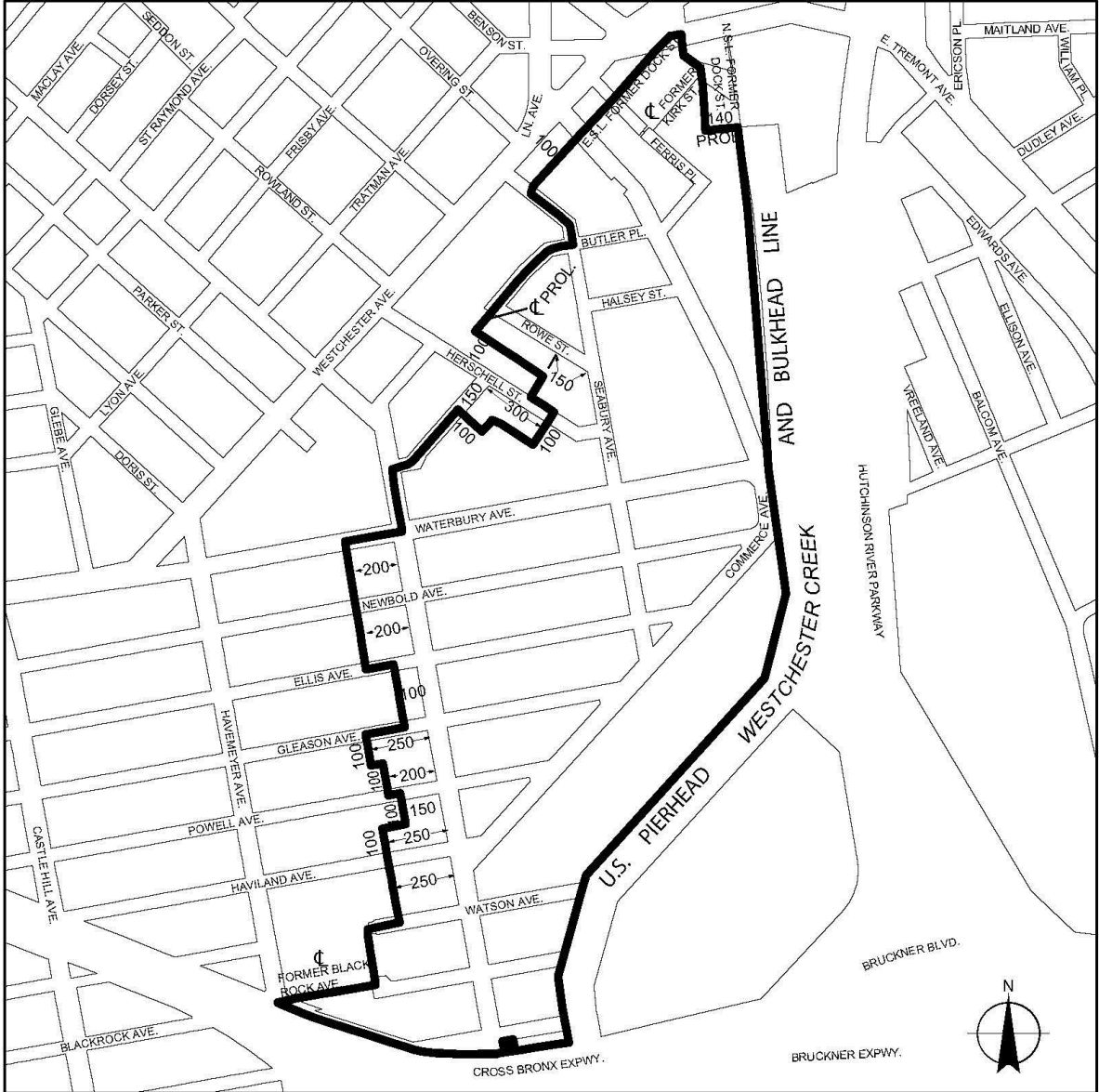
Portion of Community District 2, Bronx

Zerega
Map 1



Portion of Community District 9, Bronx

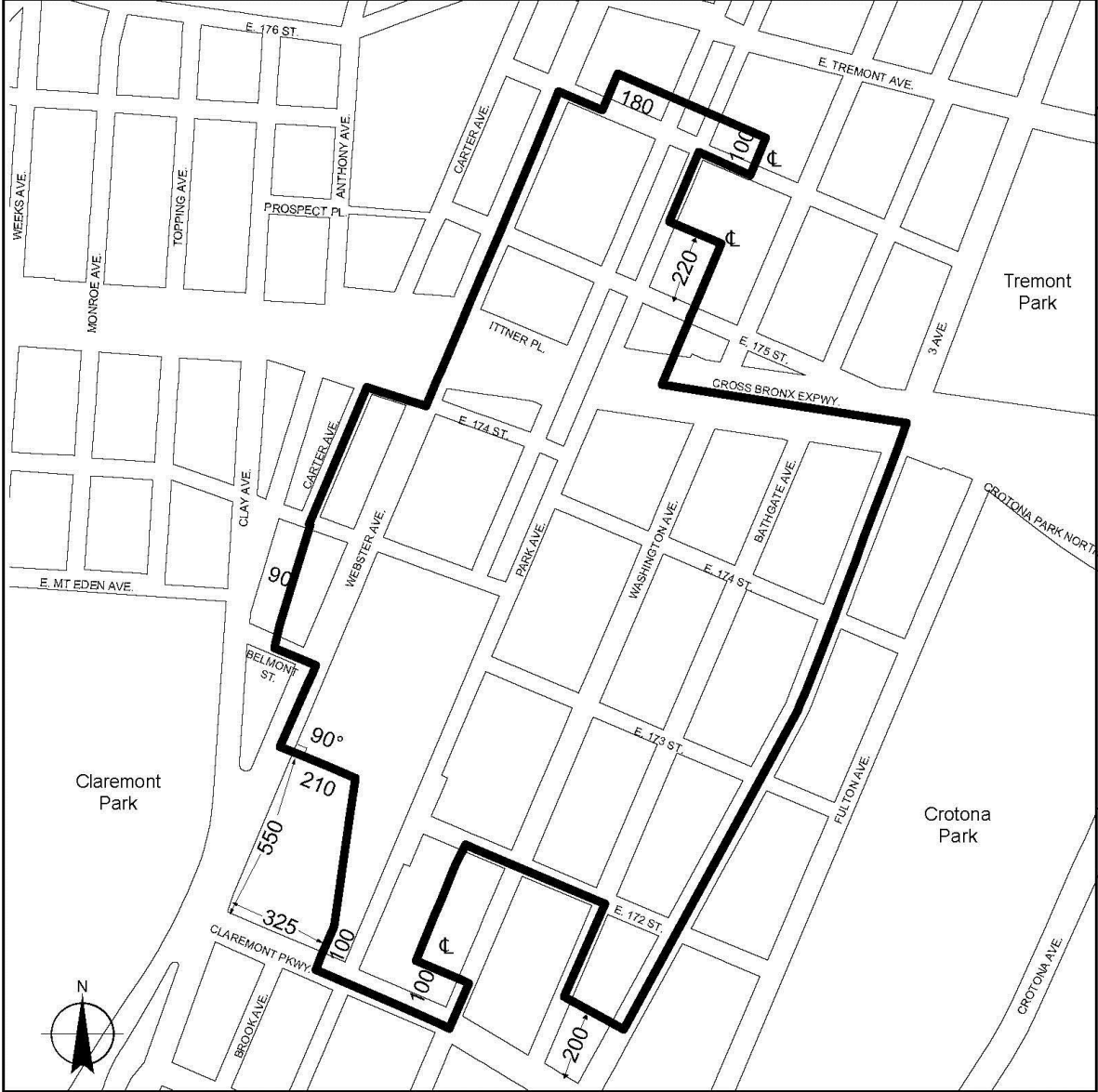
Zerega
Map 2



Portions of Community Districts 9 and 10, Bronx

Bathgate

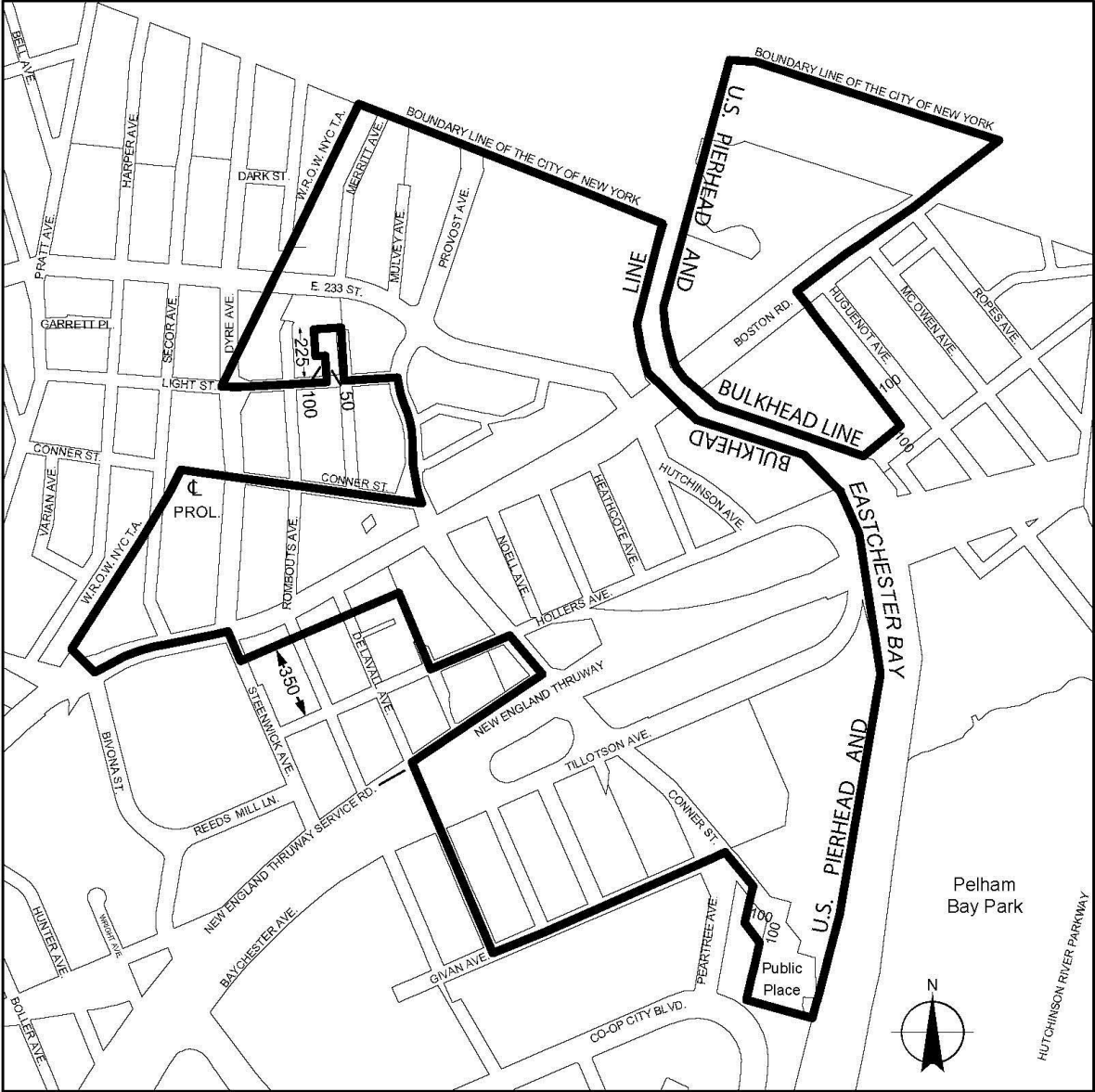
Map 1



Portion of Community Districts 3, 4, and 6, Bronx

Eastchester

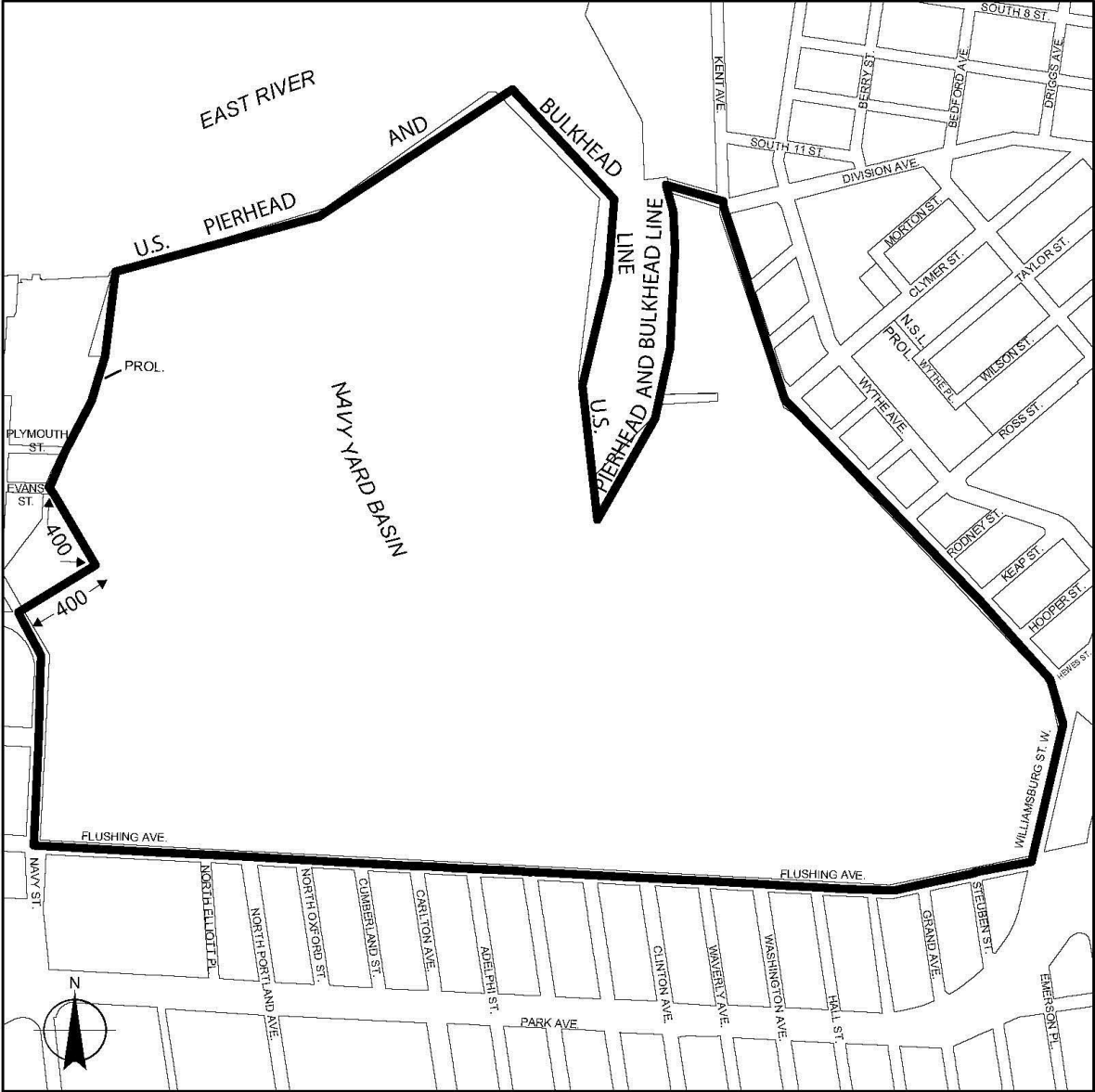
Map 1



Portions of Community Districts 10 and 12, Bronx

Brooklyn Navy Yard

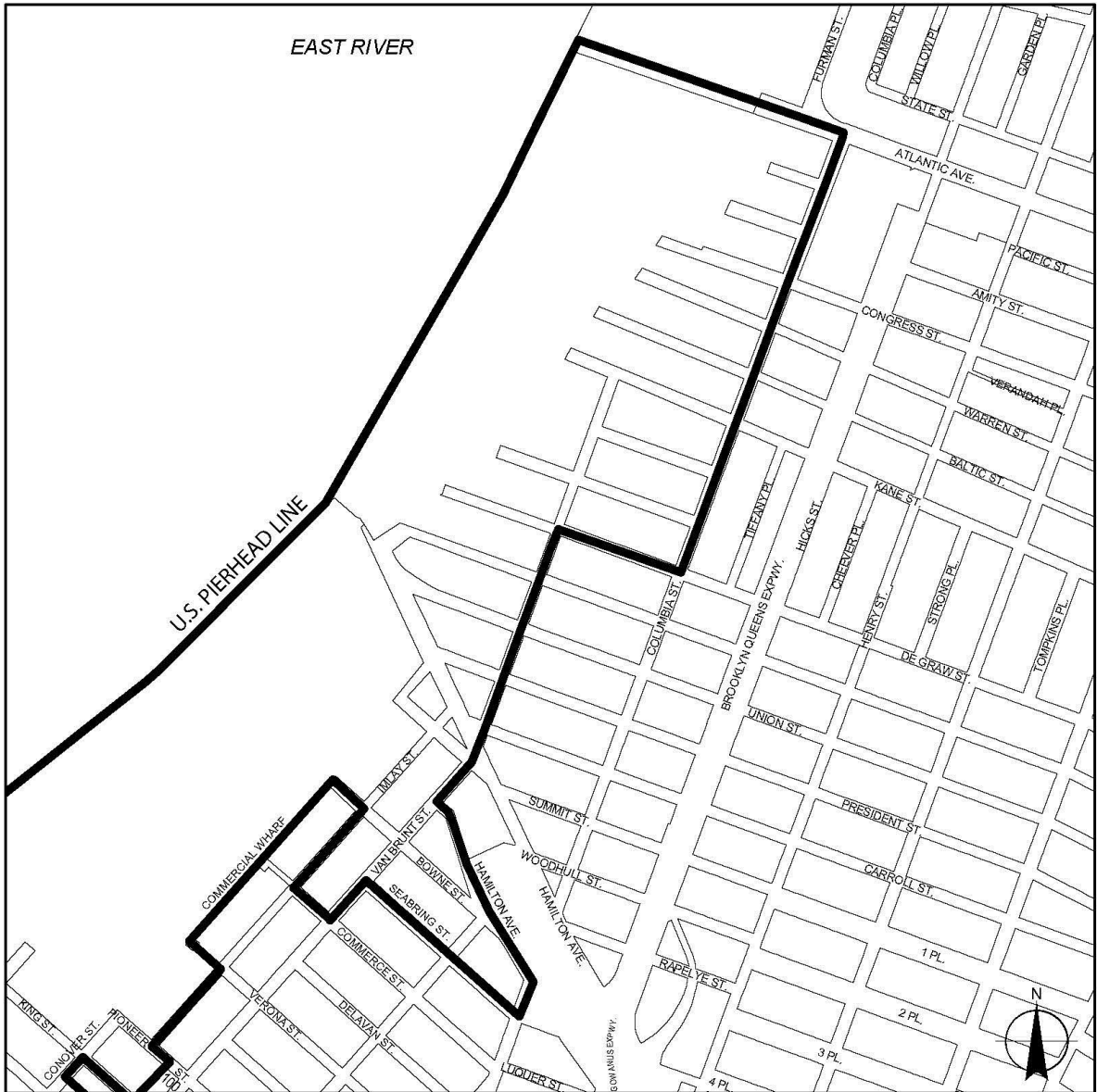
Map 1



Portion of Community District 2, Brooklyn

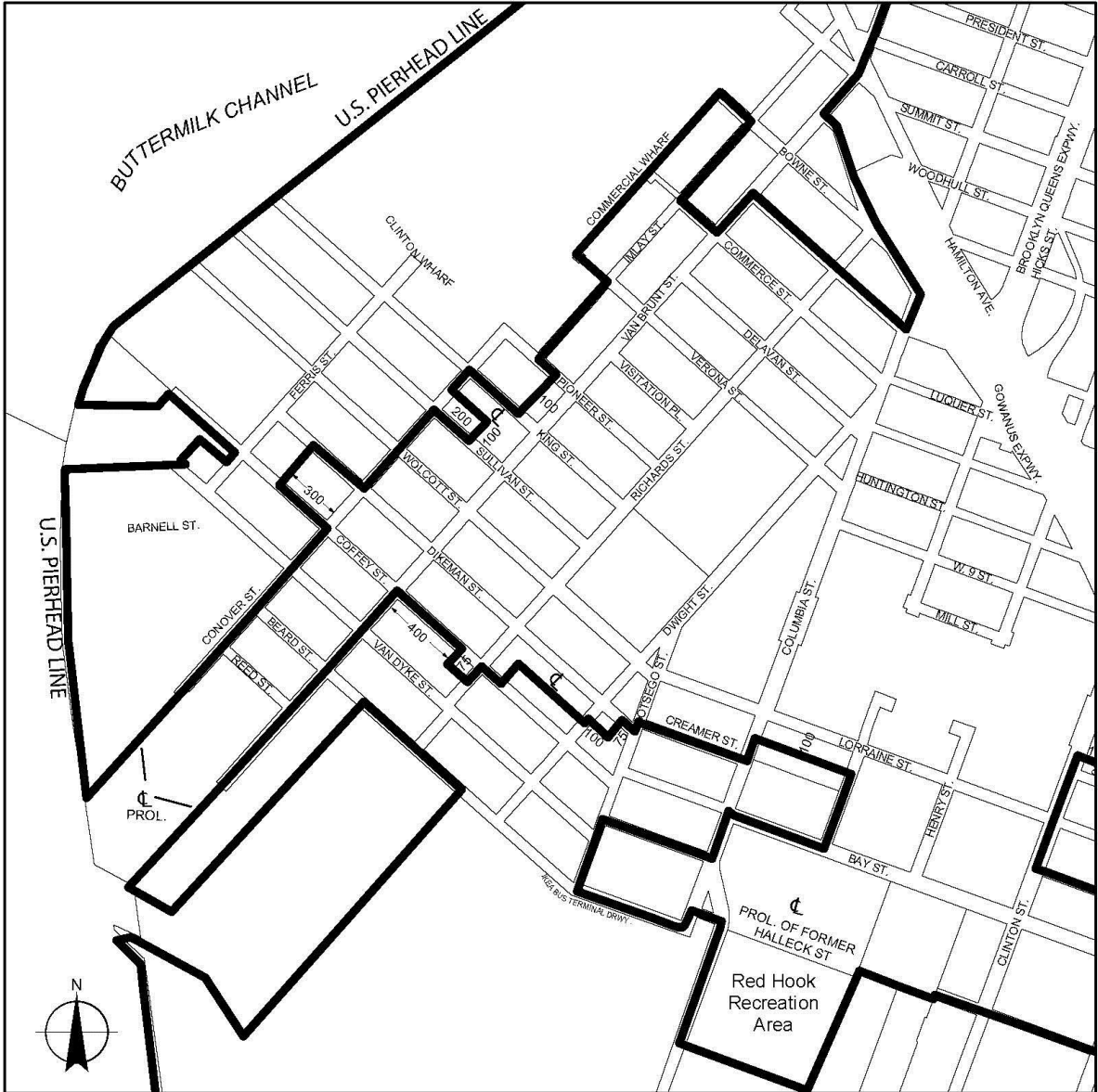
Southwest Brooklyn

Map 1



Portion of Community District 6, Brooklyn

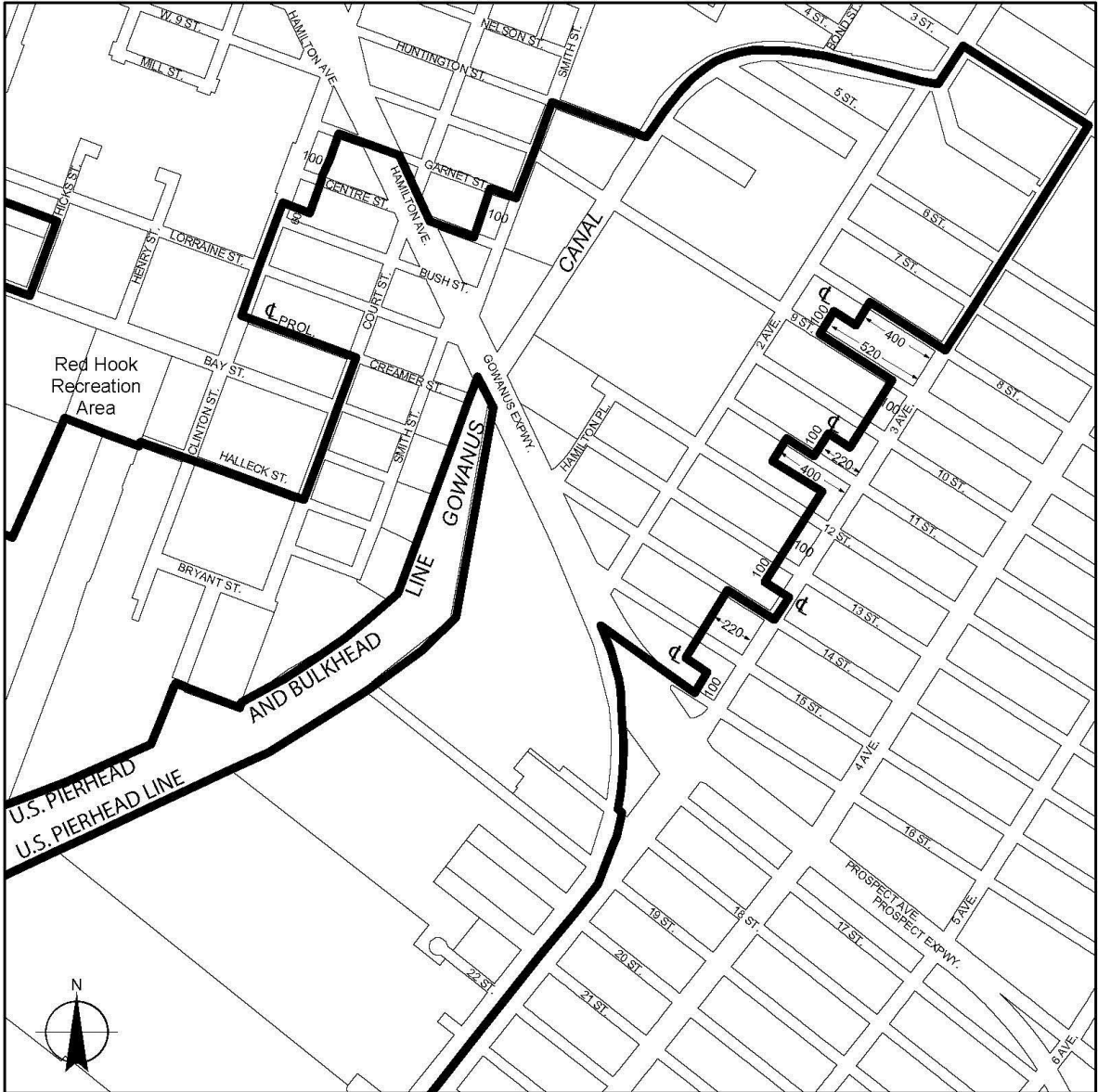
Southwest Brooklyn
Map 2



Portion of Community District 6, Brooklyn

Southwest Brooklyn

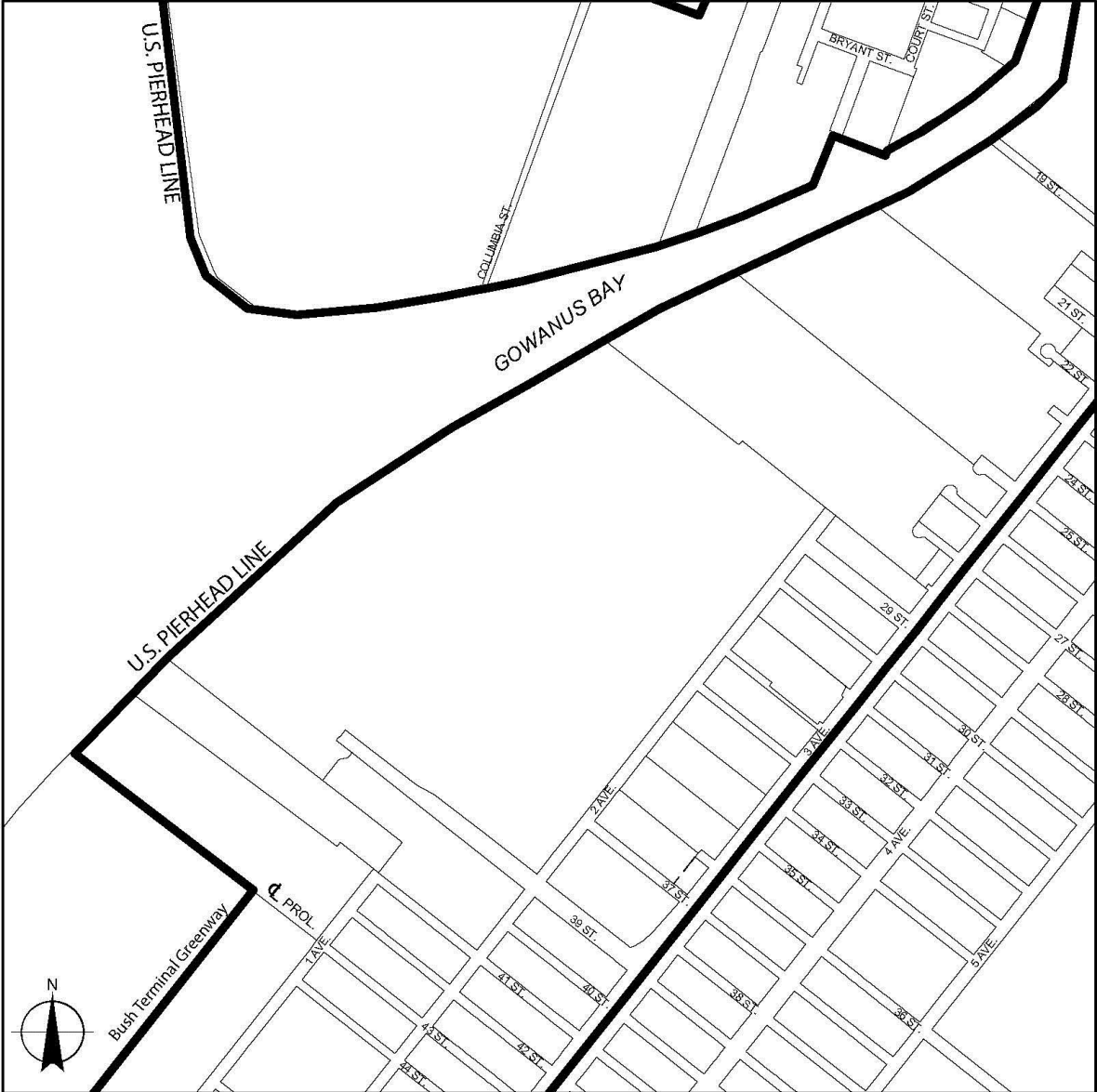
Map 3



Portions of Community Districts 6 and 7, Brooklyn

Southwest Brooklyn

Map 4



Portions of Community Districts 6 and 7, Brooklyn

Southwest Brooklyn

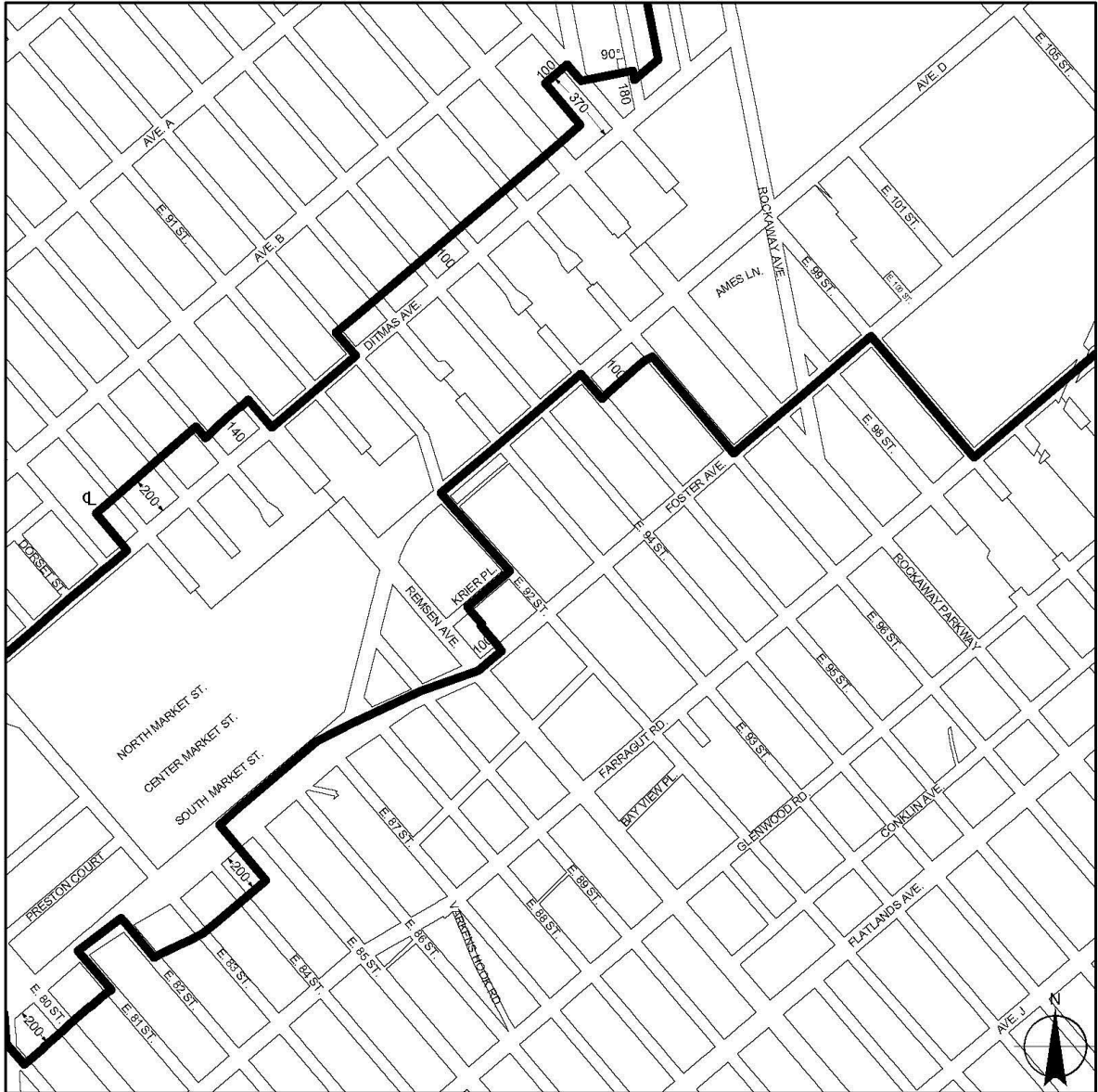
Map 5



Portion of Community District 7, Brooklyn

Flatlands/Fairfield

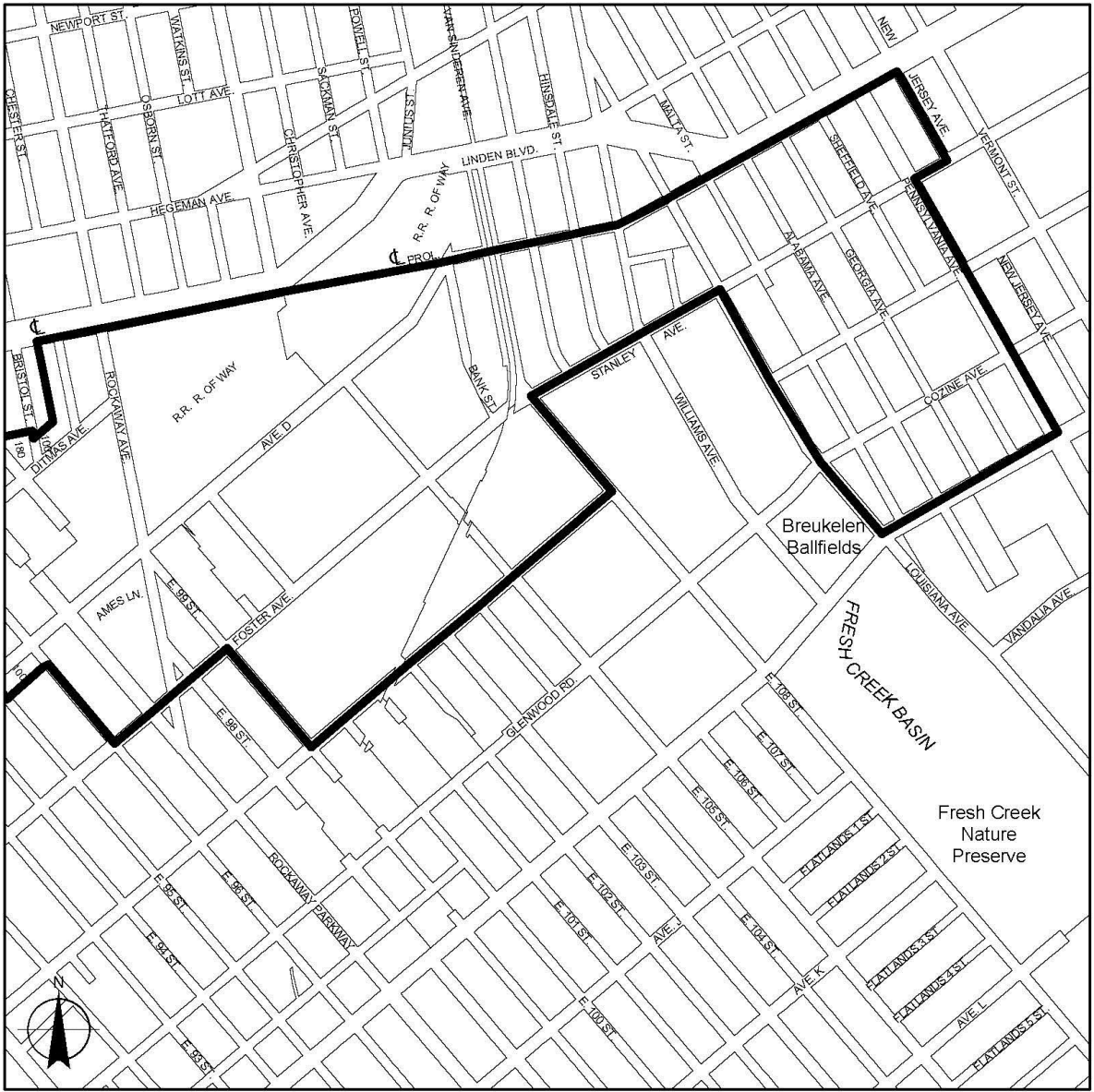
Map 2



Portions of Community Districts 17 and 18, Brooklyn

Flatlands/Fairfield

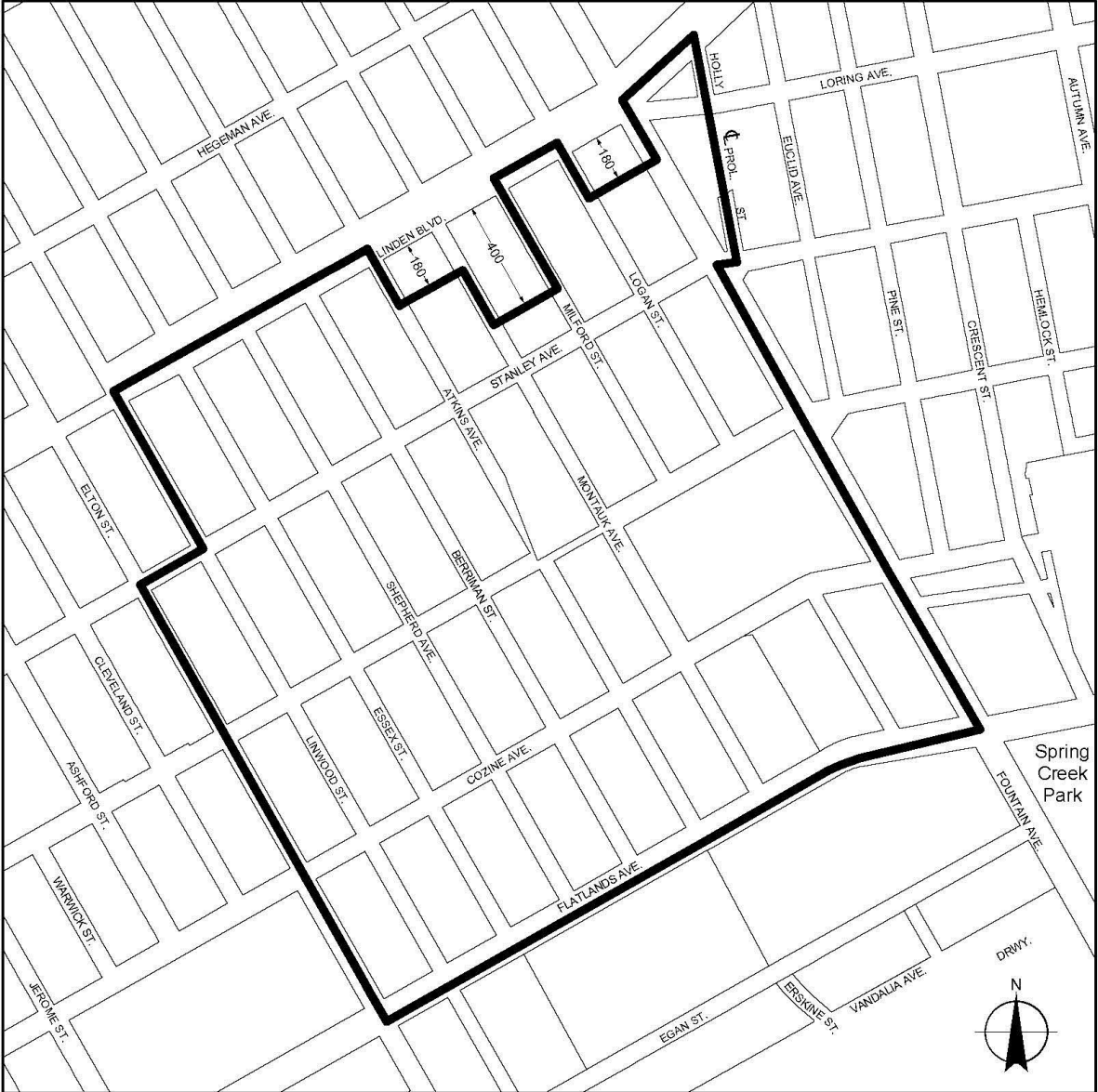
Map 3



Portions of Community Districts 5, 16, and 18, Brooklyn

Flatlands/Fairfield

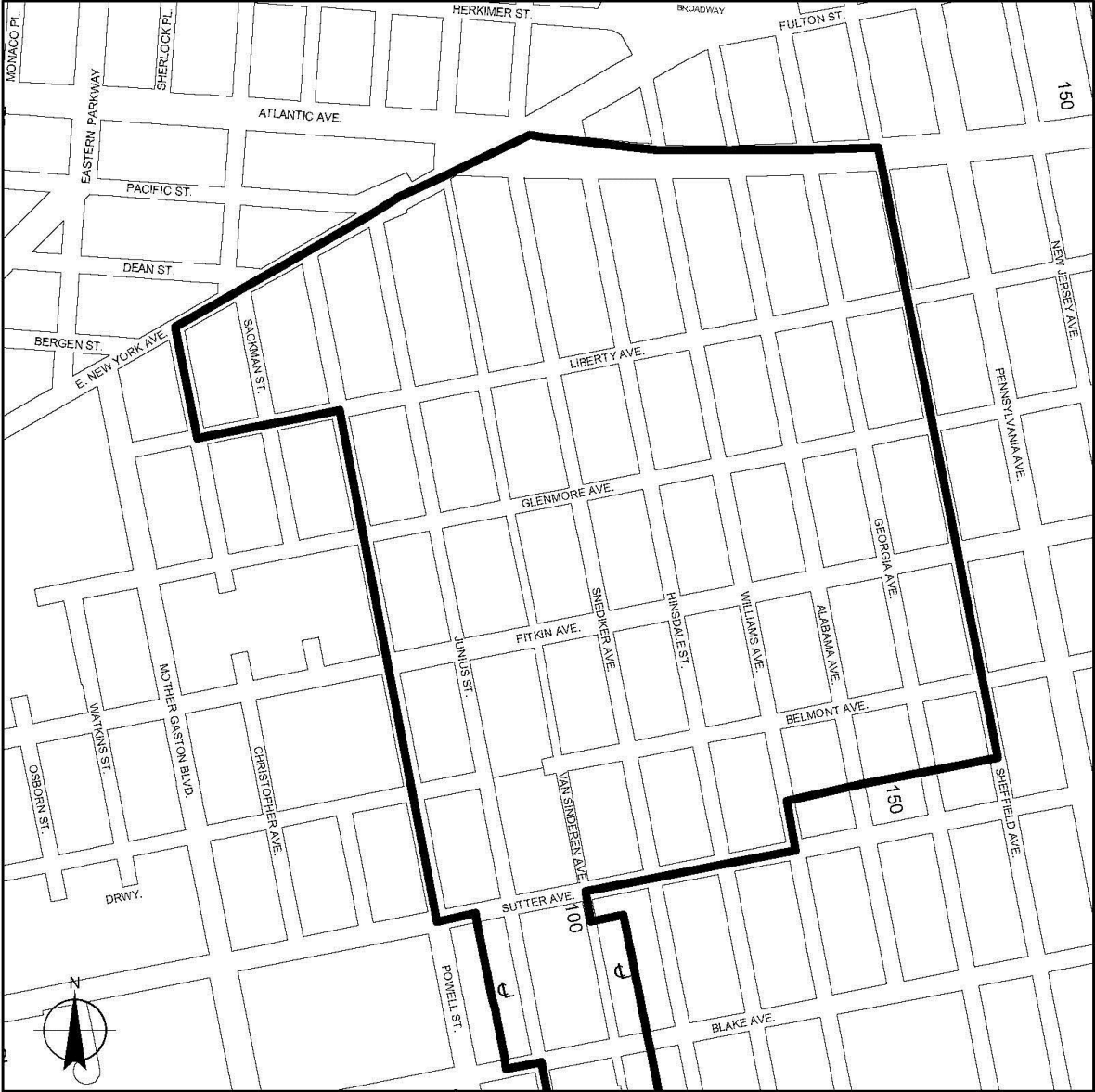
Map 4



Portion of Community District 5, Brooklyn

East New York

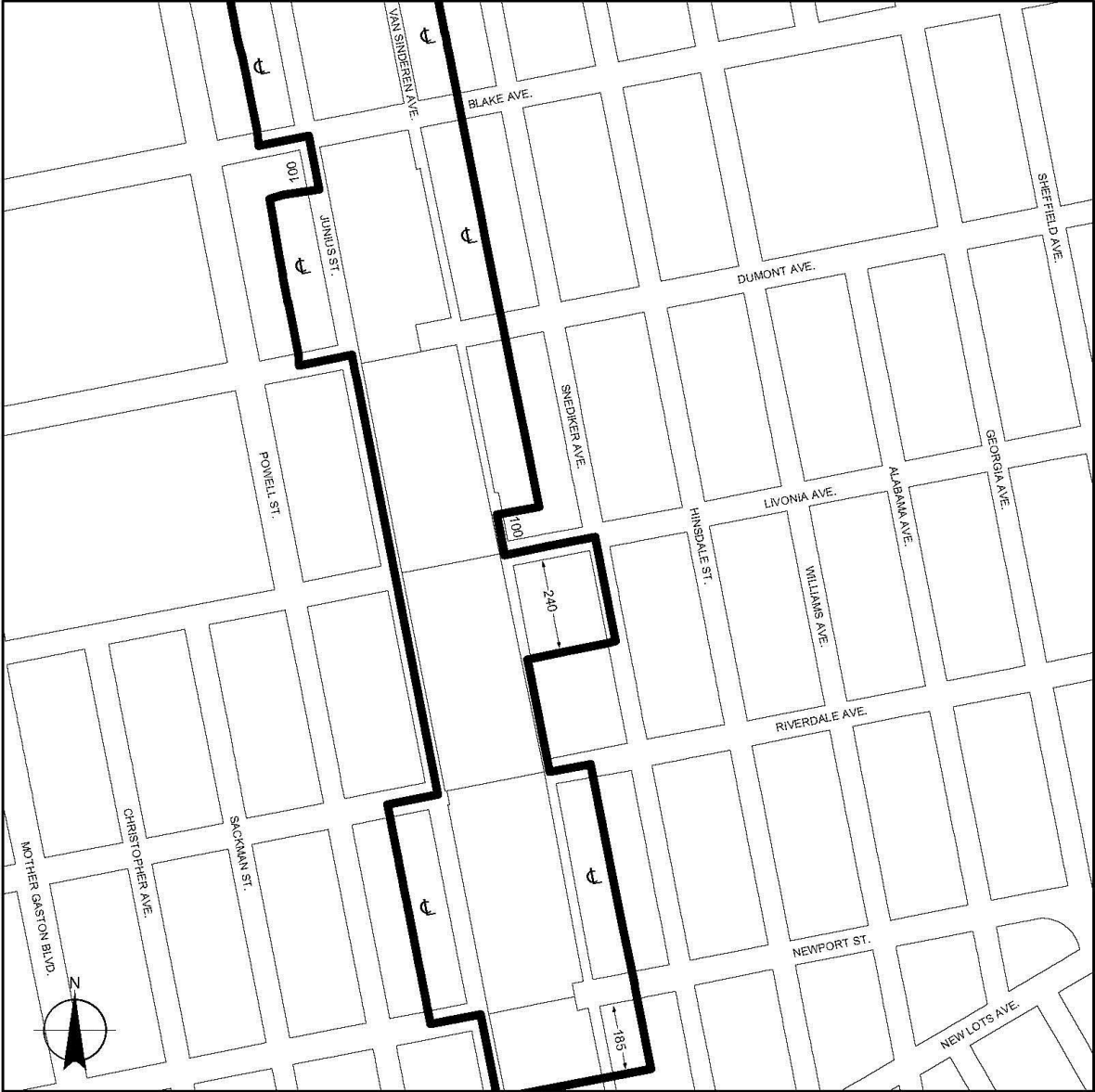
Map 1



Portion of Community District 5, Brooklyn

East New York

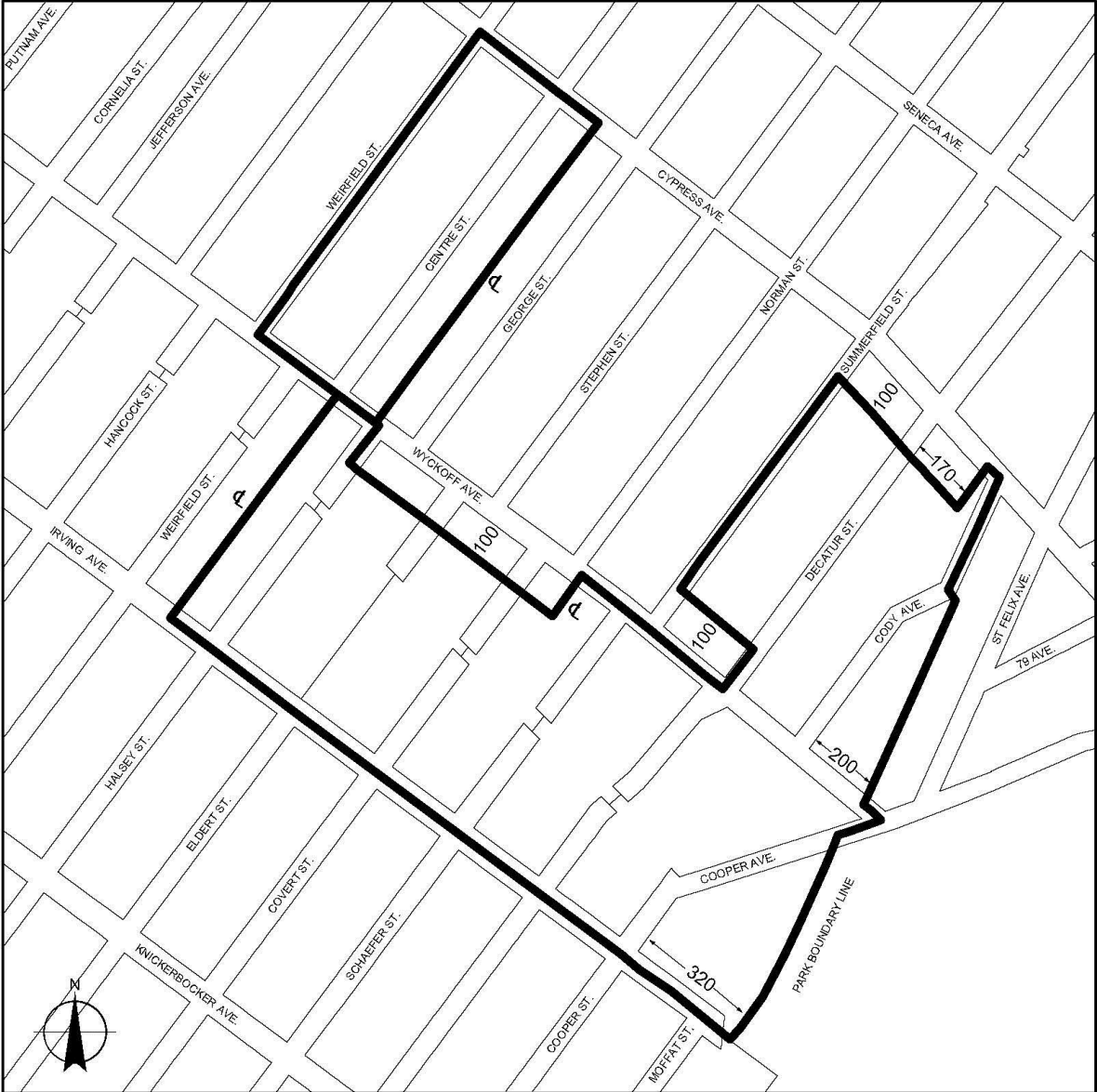
Map 2



Portions of Community Districts 5 and 16, Brooklyn

Ridgewood

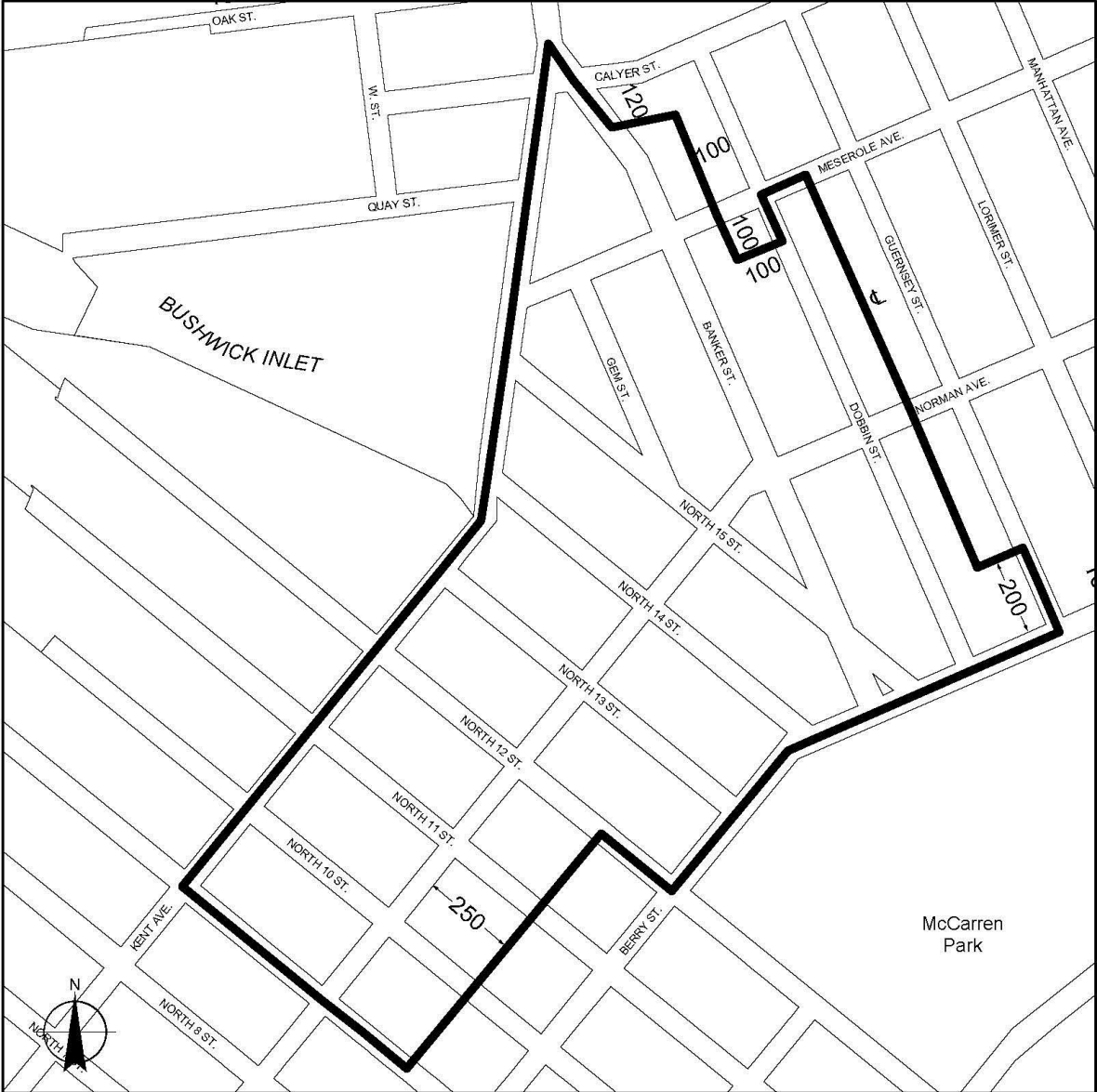
Map 1



Portions of Community District 4, Brooklyn and Community District 5, Queens

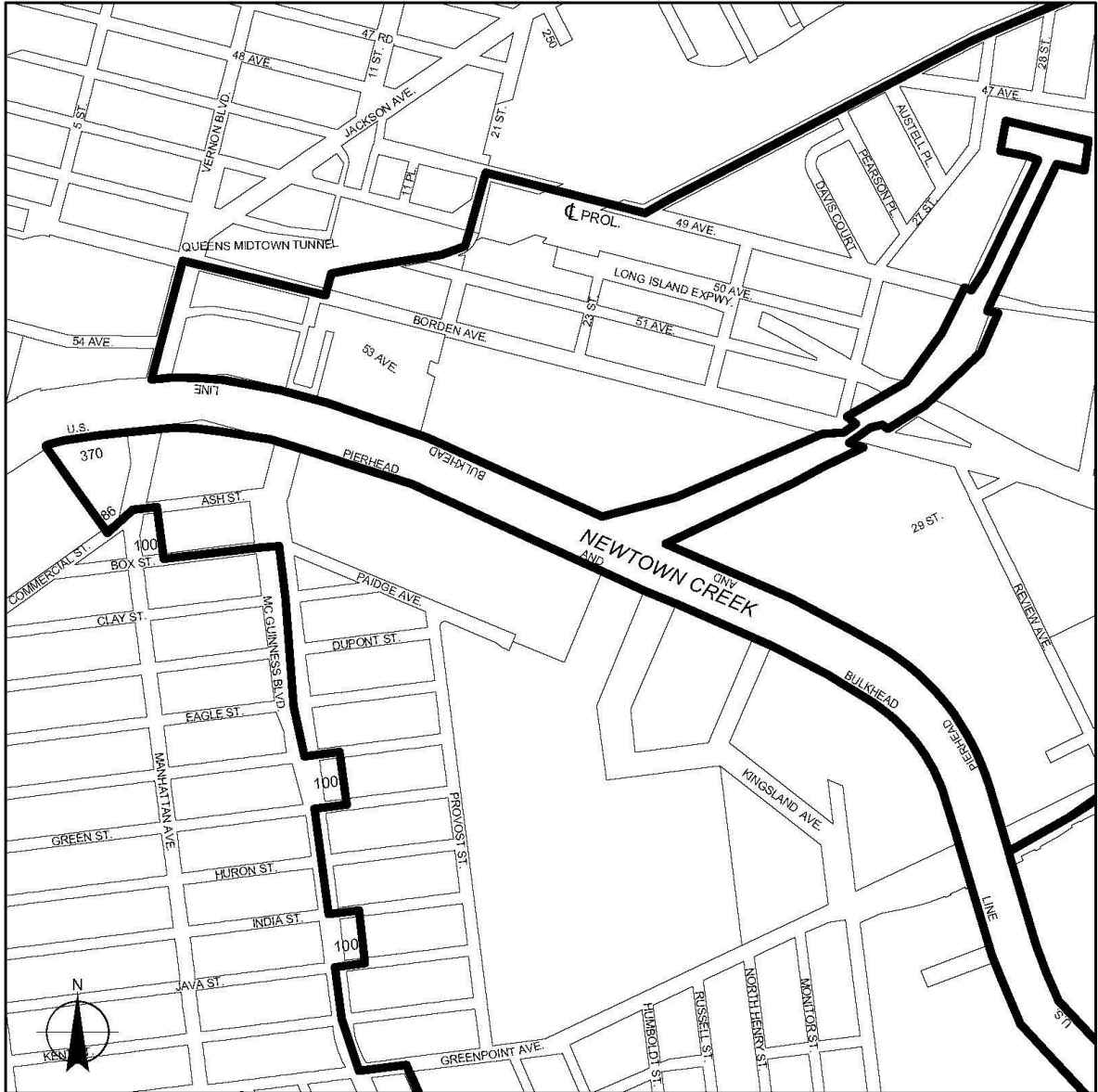
Williamsburg/Greenpoint

Map 1



Portion of Community District 1, Brooklyn

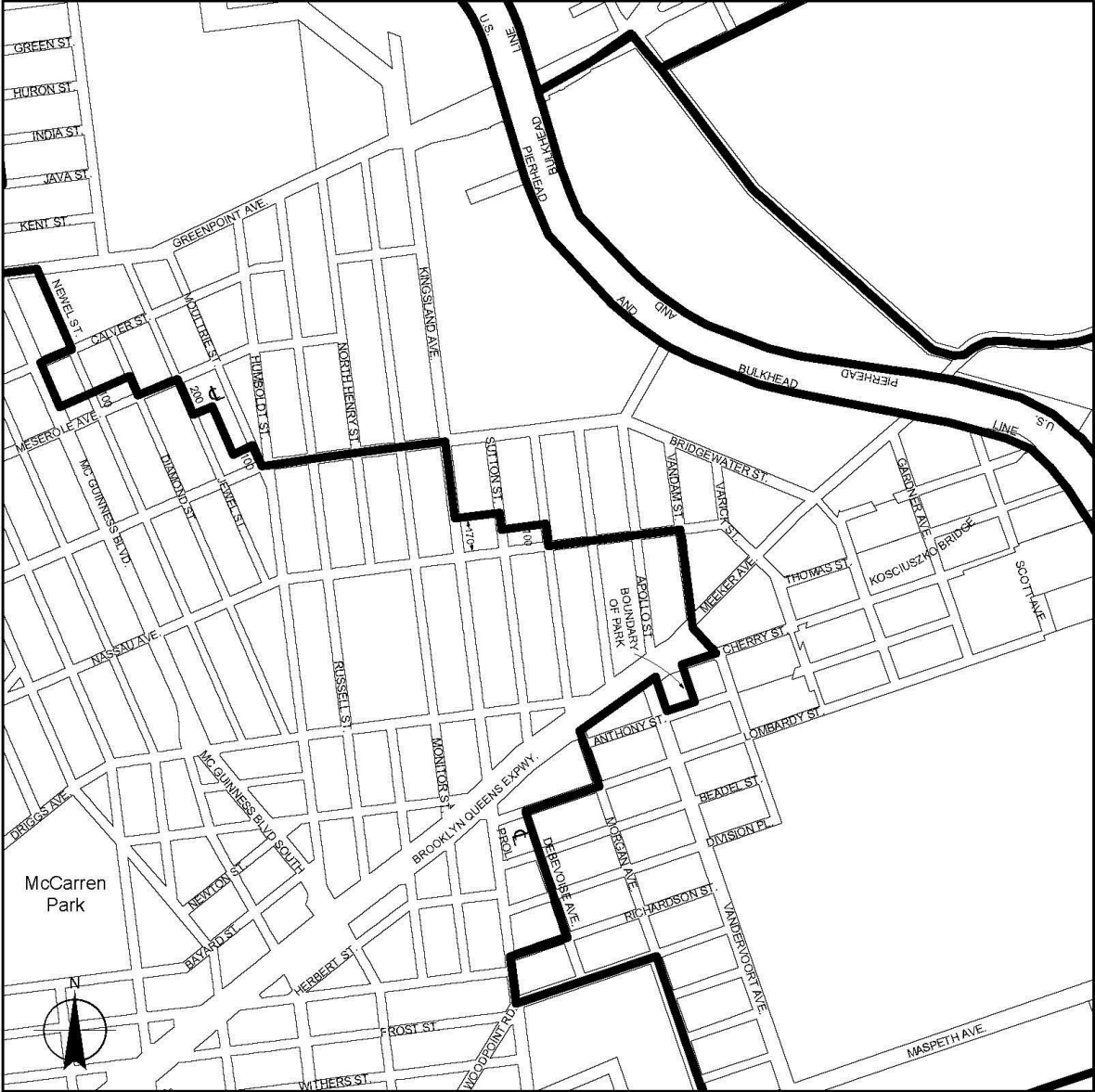
North Brooklyn/Long Island City
Map 1



Portions of Community District 1, Brooklyn and Community District 2, Queens

North Brooklyn/Maspeth

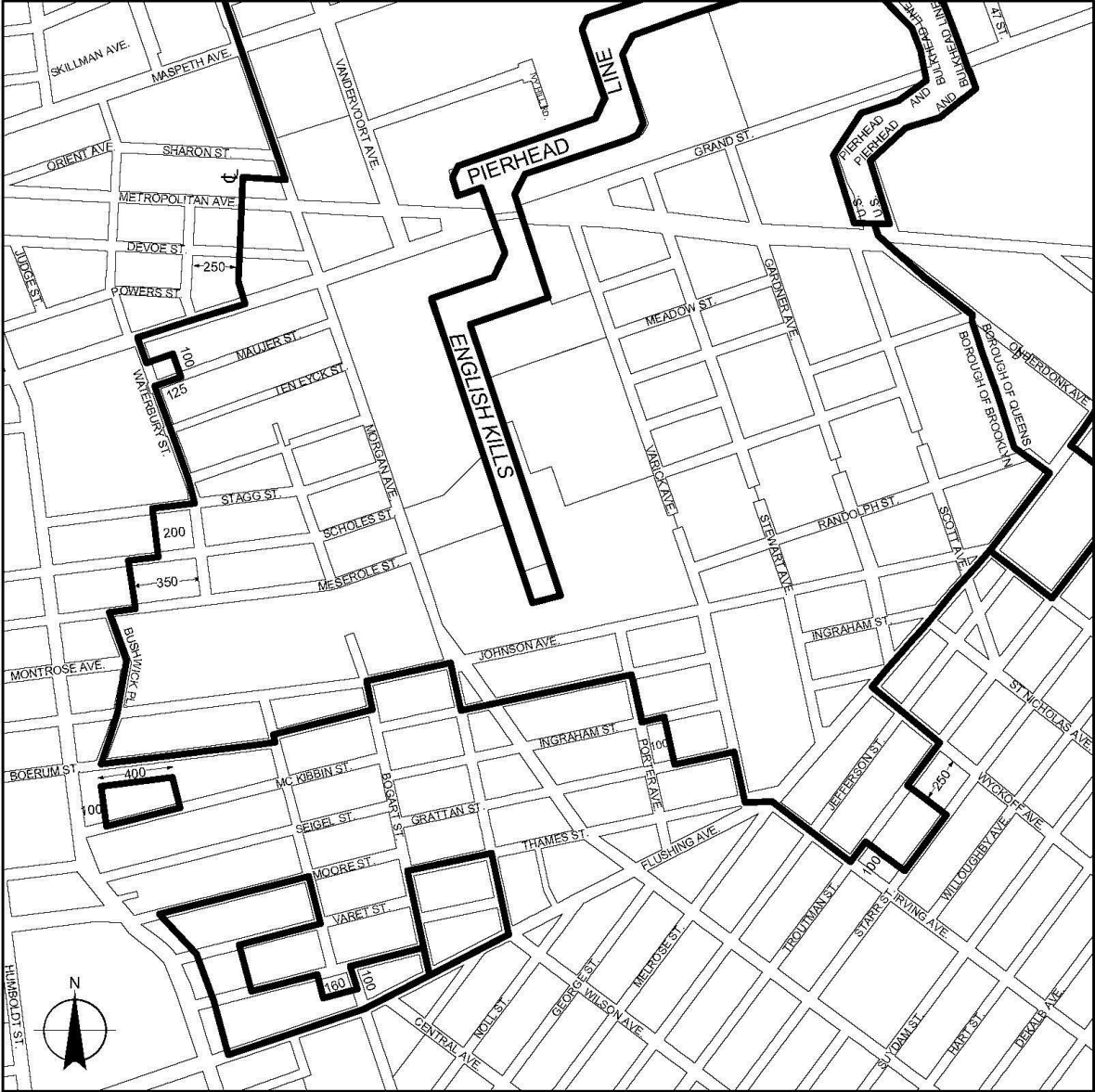
Map 2



Portions of Community District 1, Brooklyn and Community District 2, Queens

North Brooklyn

Map 3



Portions of Community District 1, Brooklyn and Community District 4, Queens

Maspeth

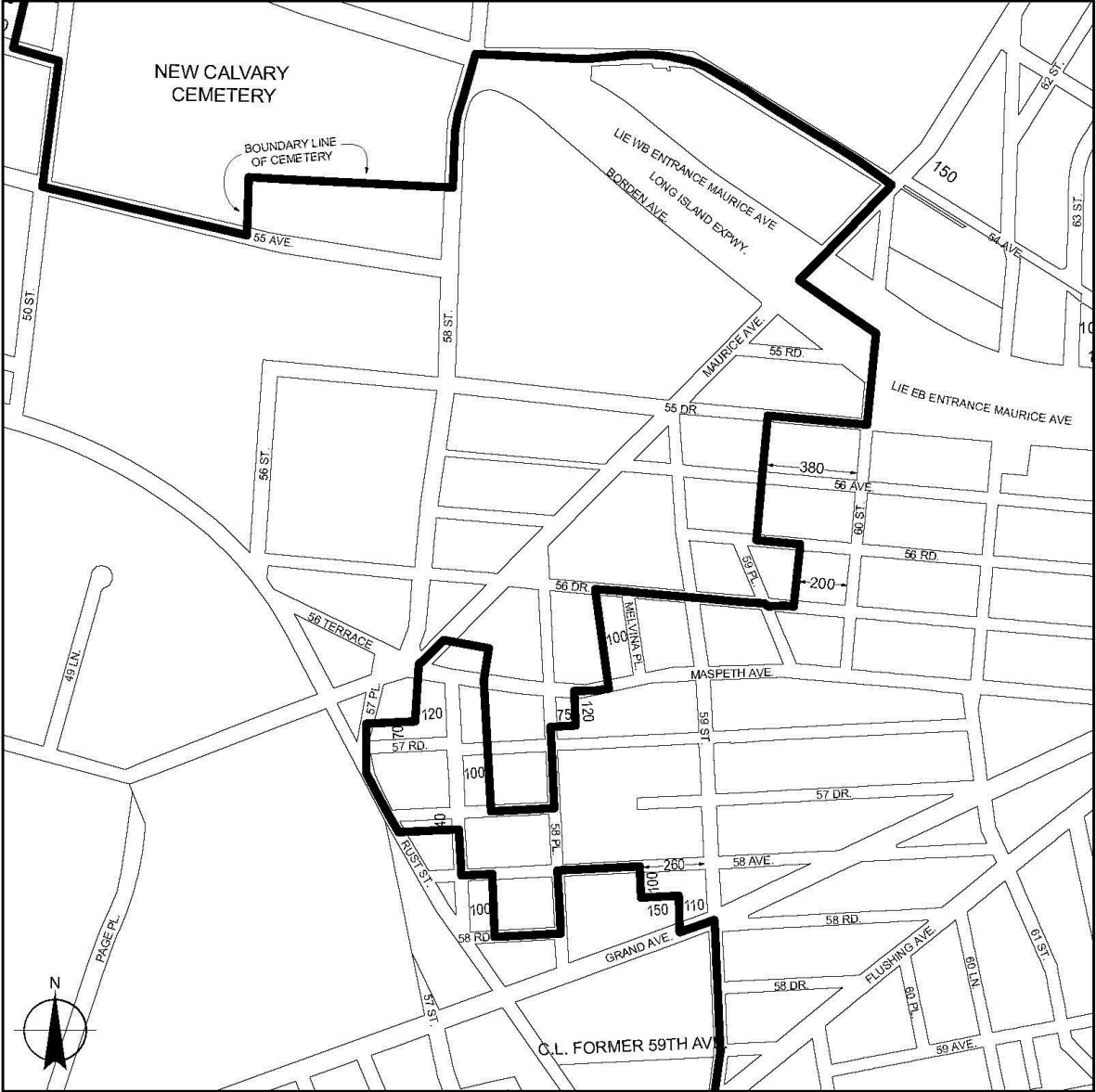
Map 1



Portion of Community District 5, Queens

Maspeth

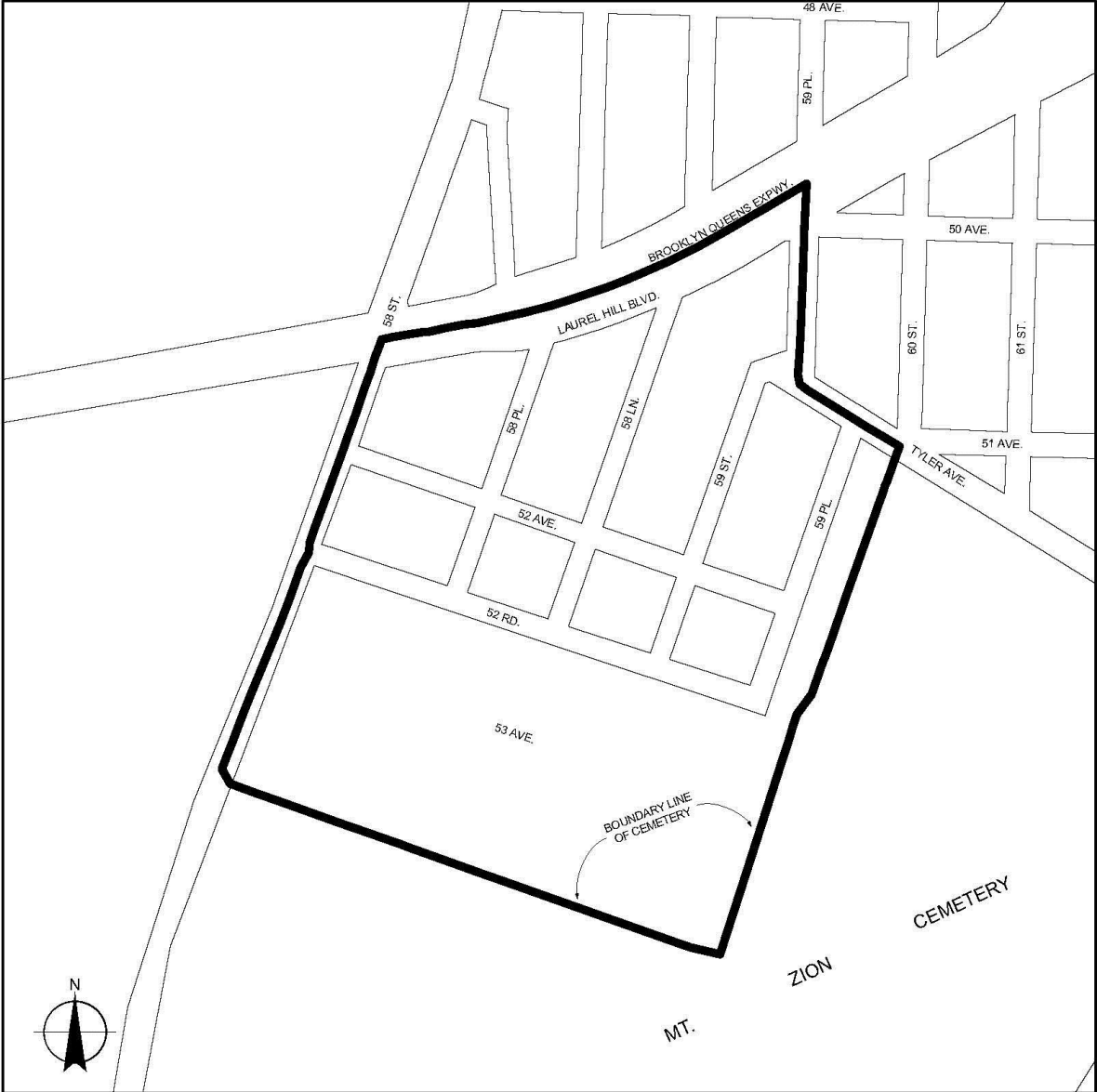
Map 2



Portions of Community Districts 2 and 5, Queens

Maspeth

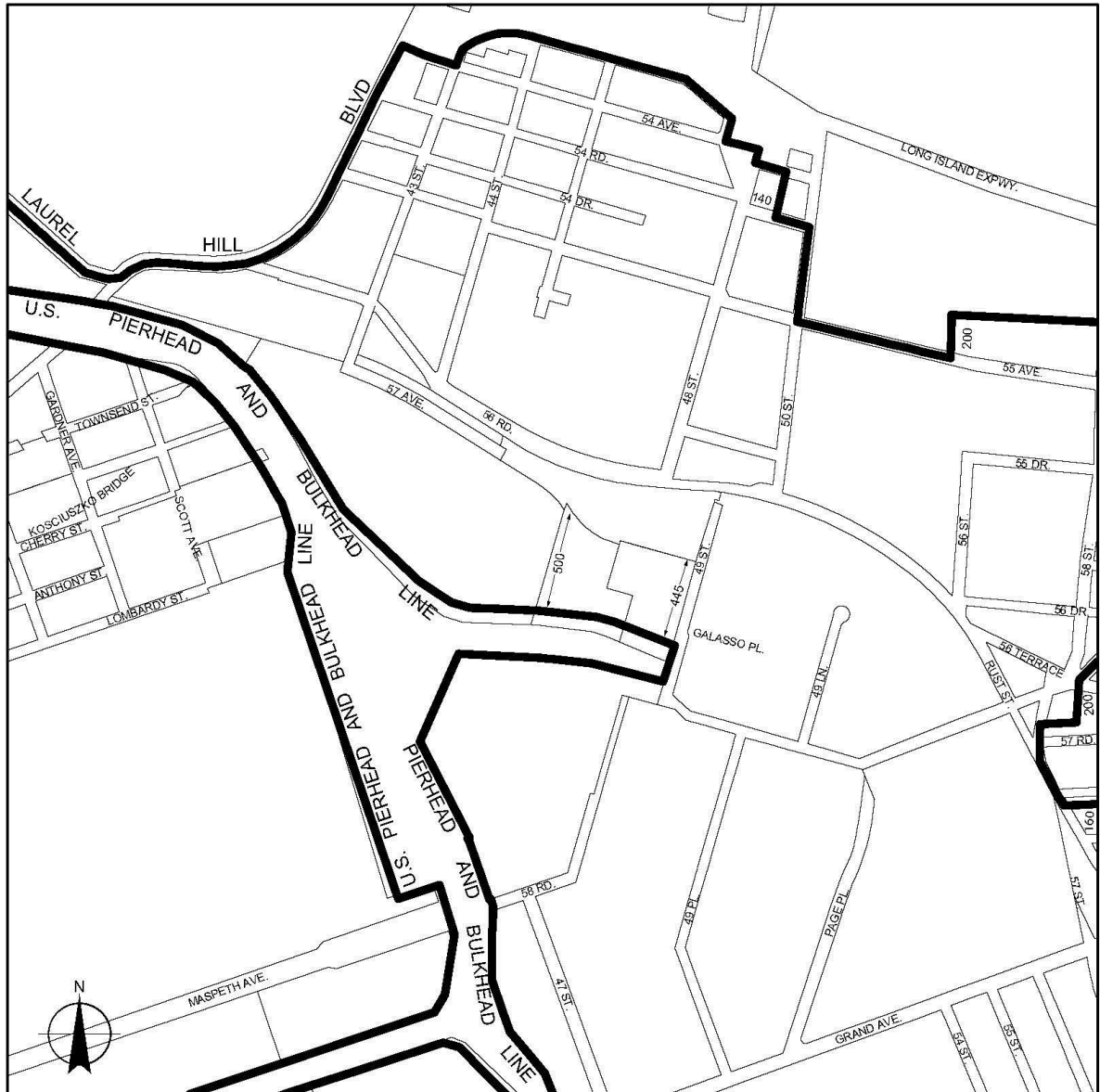
Map 3



Portion of Community District 2, Queens

Maspeth/North Brooklyn

Map 4



Portions of Community Districts 2 and 5, Queens and Community District 1, Brooklyn

Long Island City

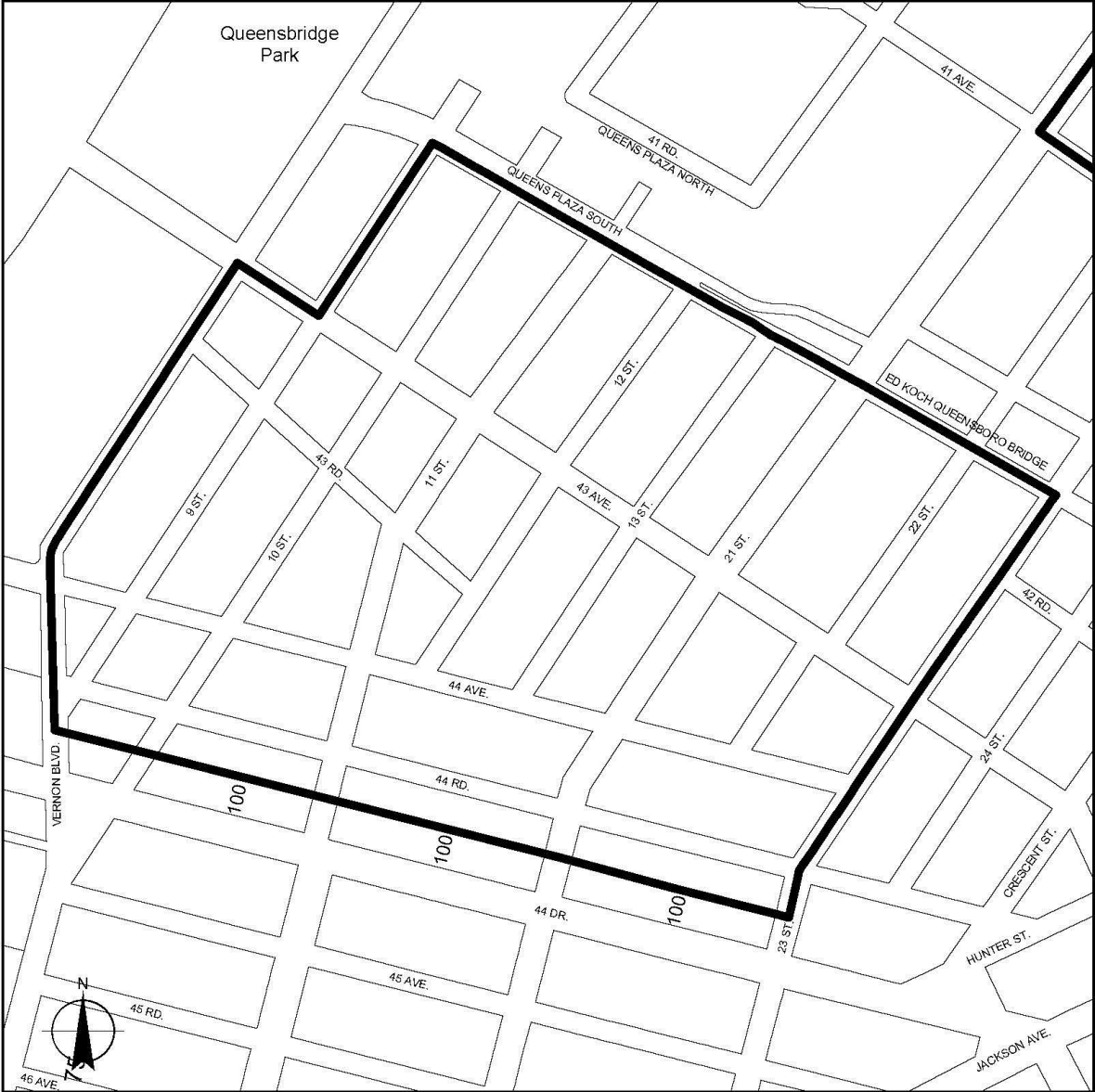
Map 1



Portion of Community District 2, Queens

Long Island City

Map 2



Portion of Community District 2, Queens

Long Island City

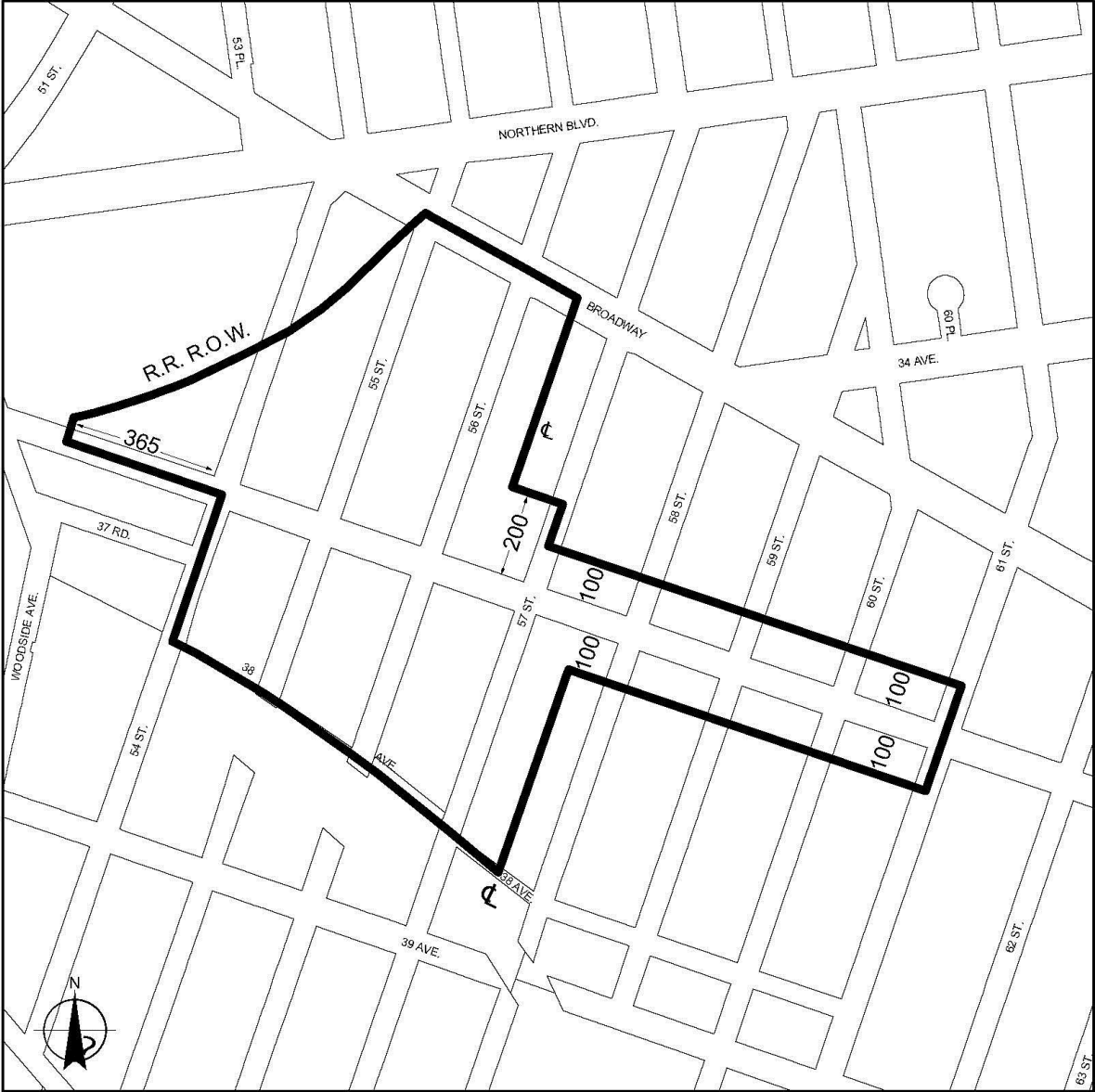
Map 4



Portion of Community District 1, Queens

Woodside

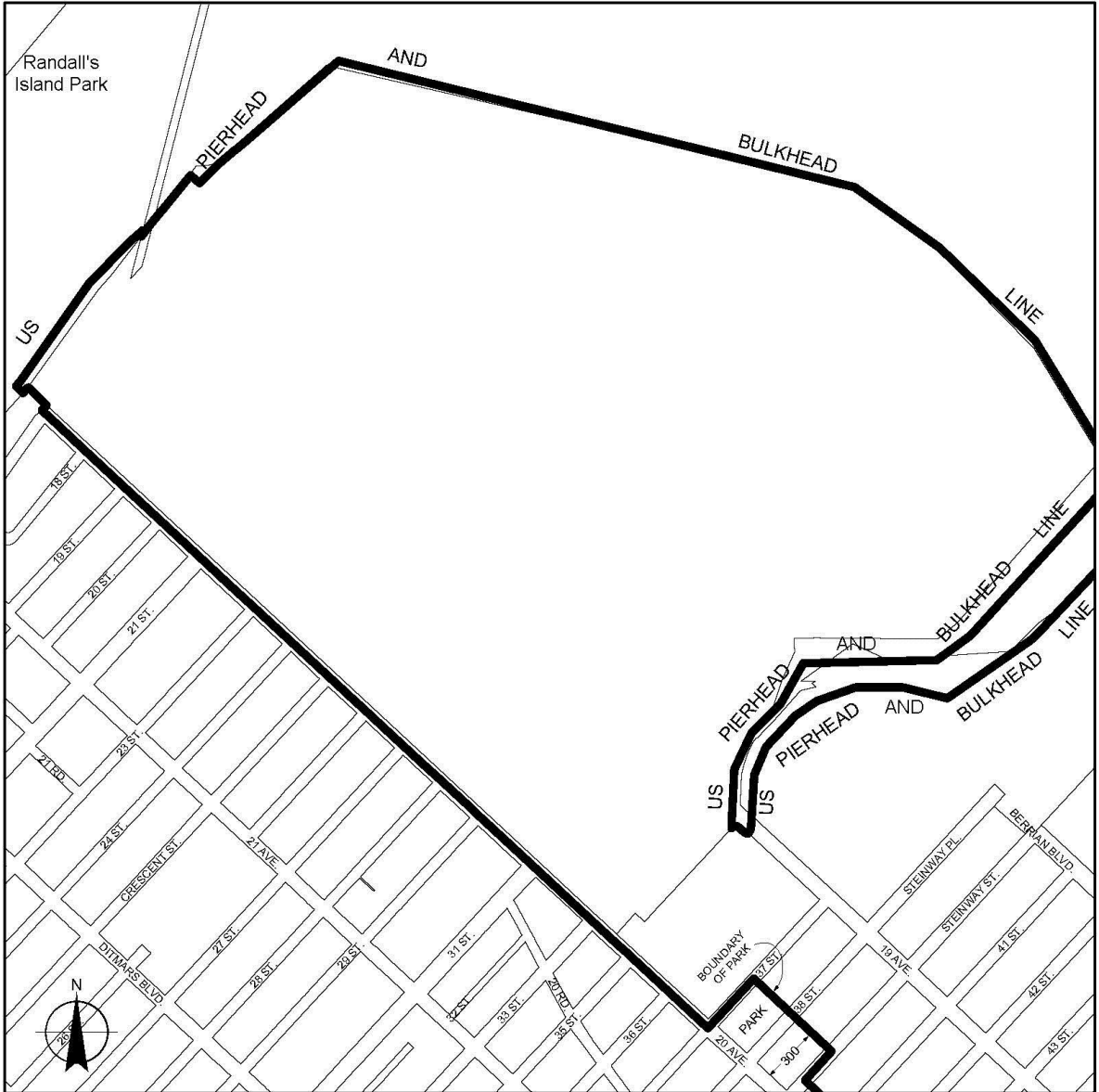
Map 1



Portion of Community District 2, Queens

Steinway

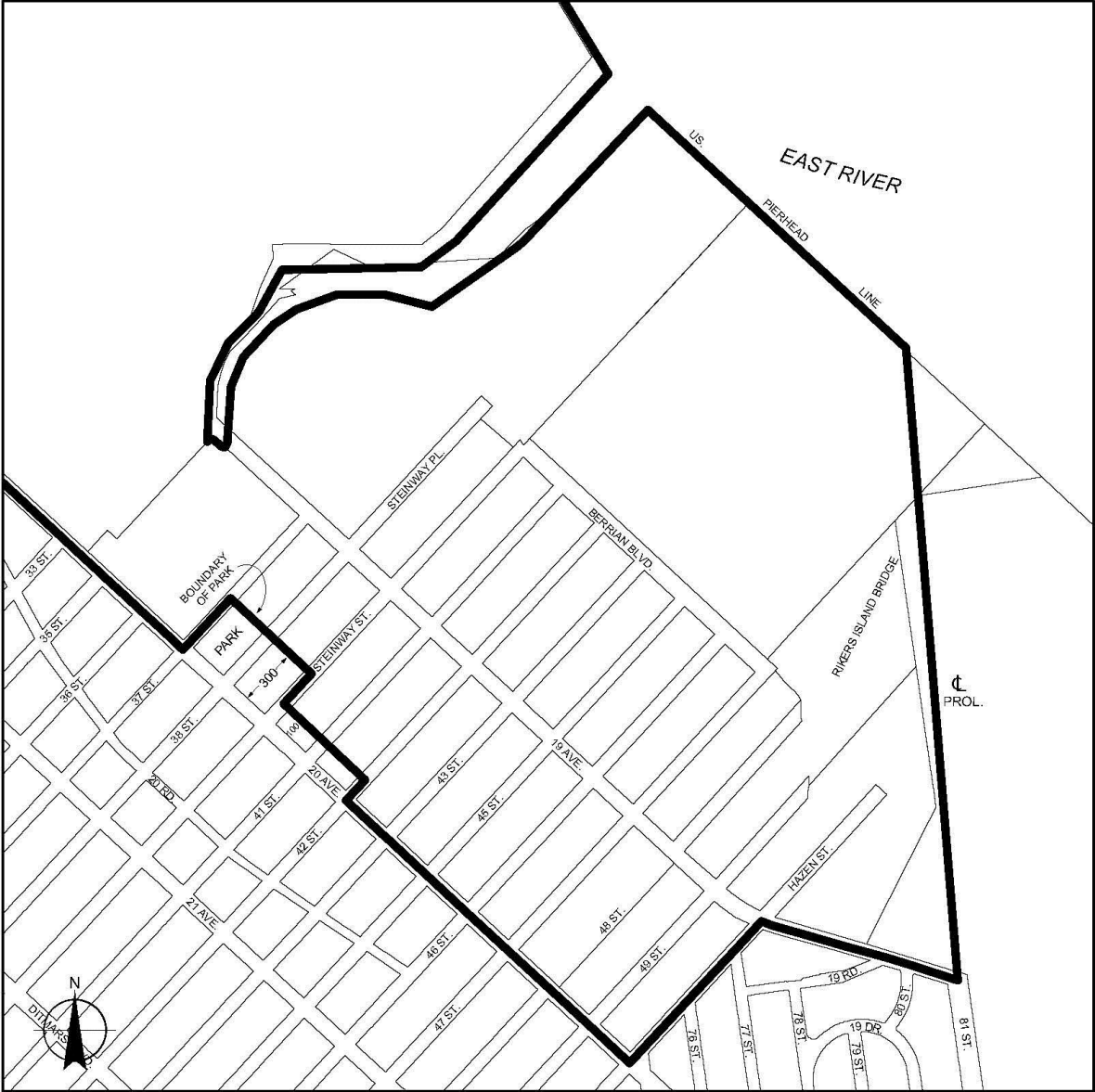
Map 1



Portion of Community District 1, Queens

Steinway

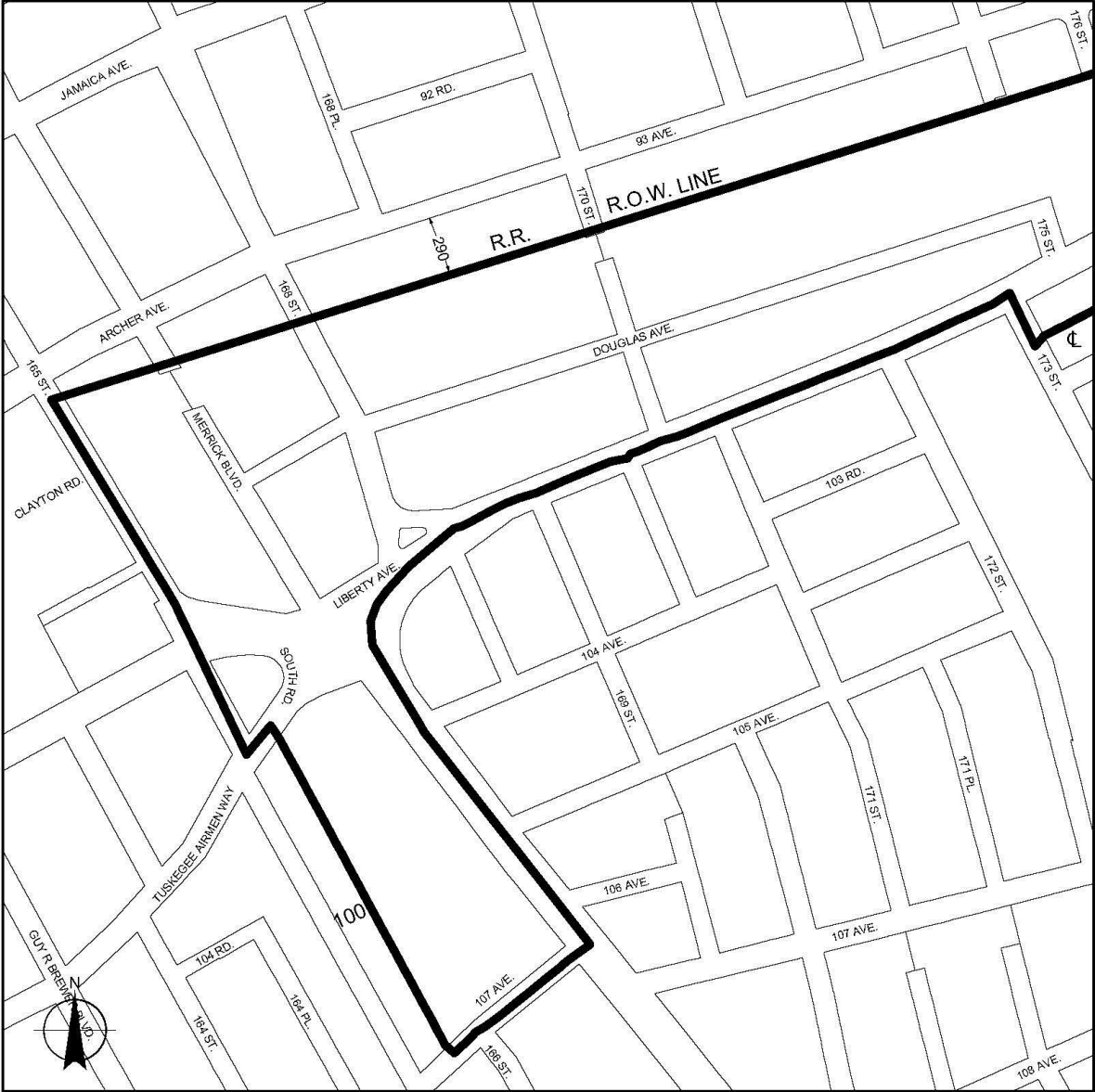
Map 2



Portion of Community District 1, Queens

Jamaica

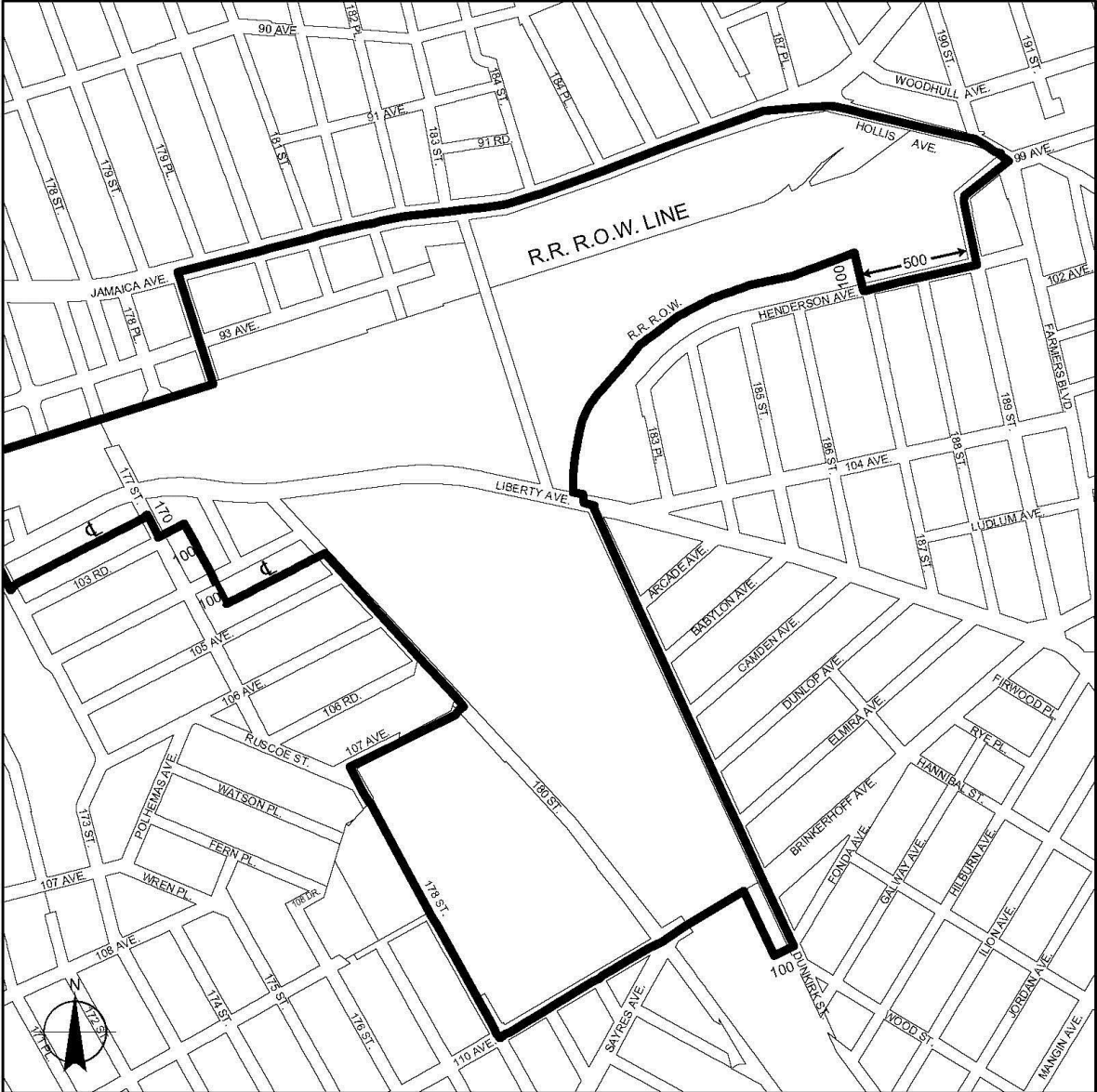
Map 3



Portion of Community District 12, Queens

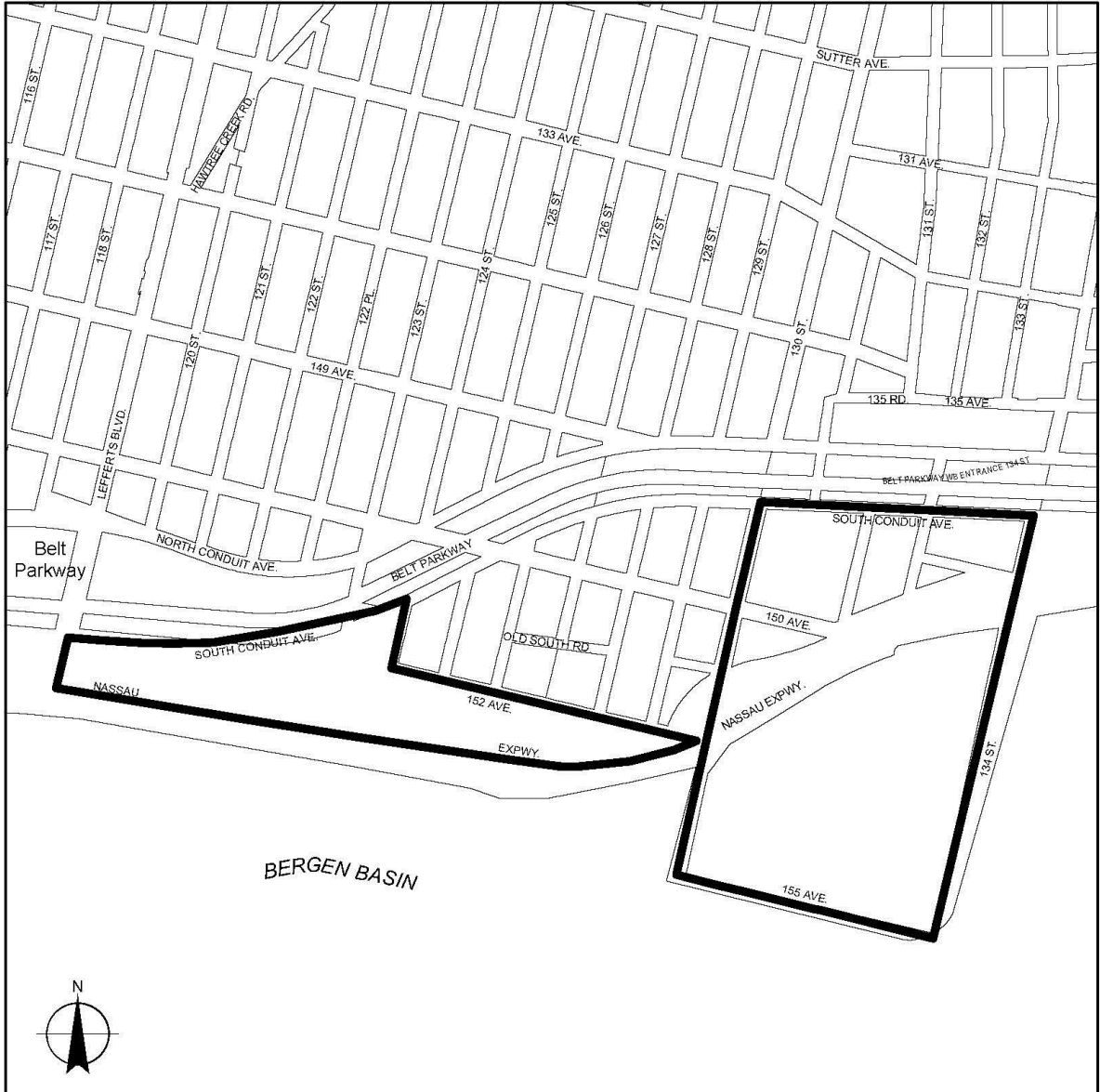
Jamaica

Map 4



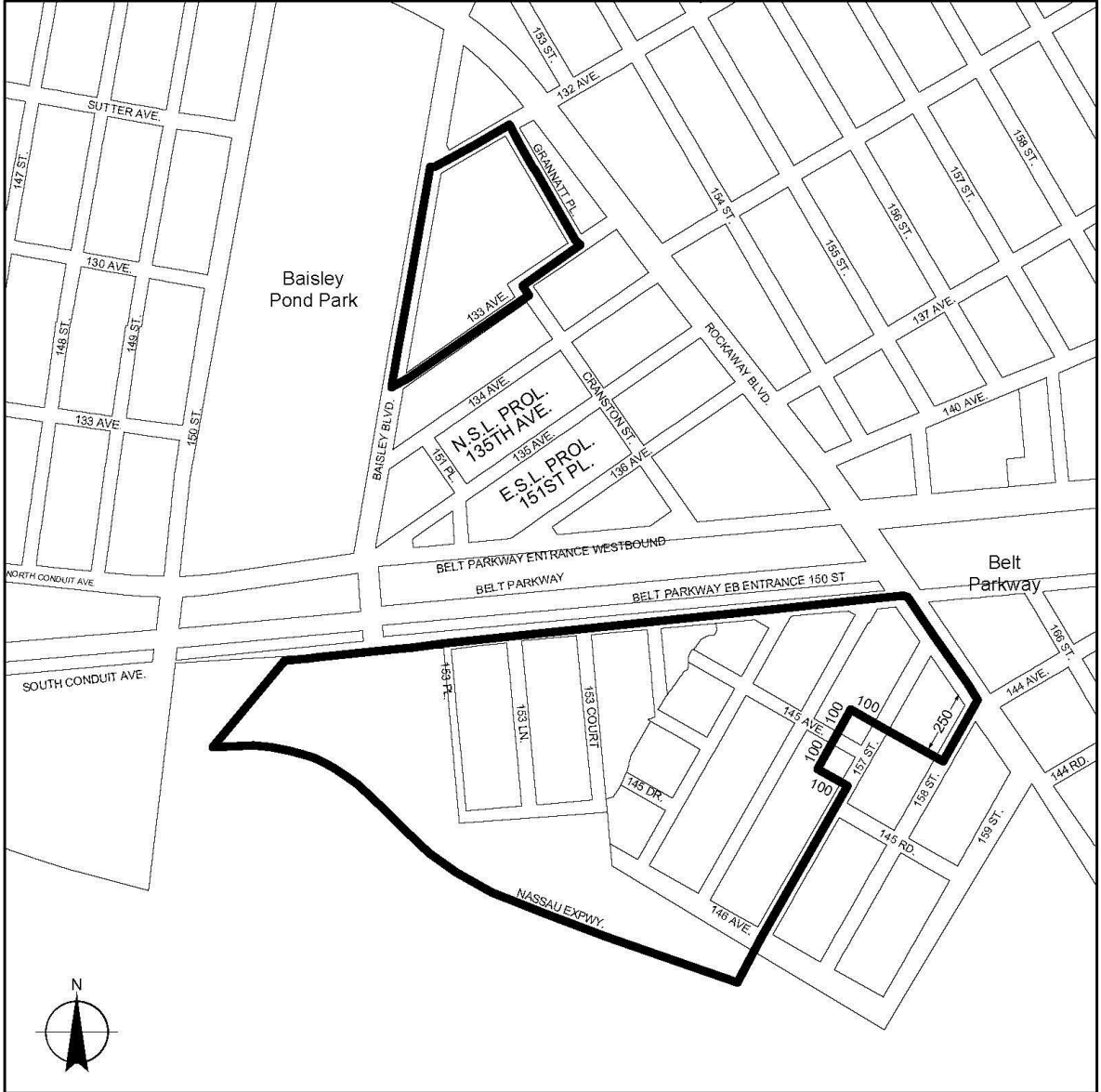
Portion of Community District 12, Queens

JFK
Map 1



Portion of Community District 10, Queens

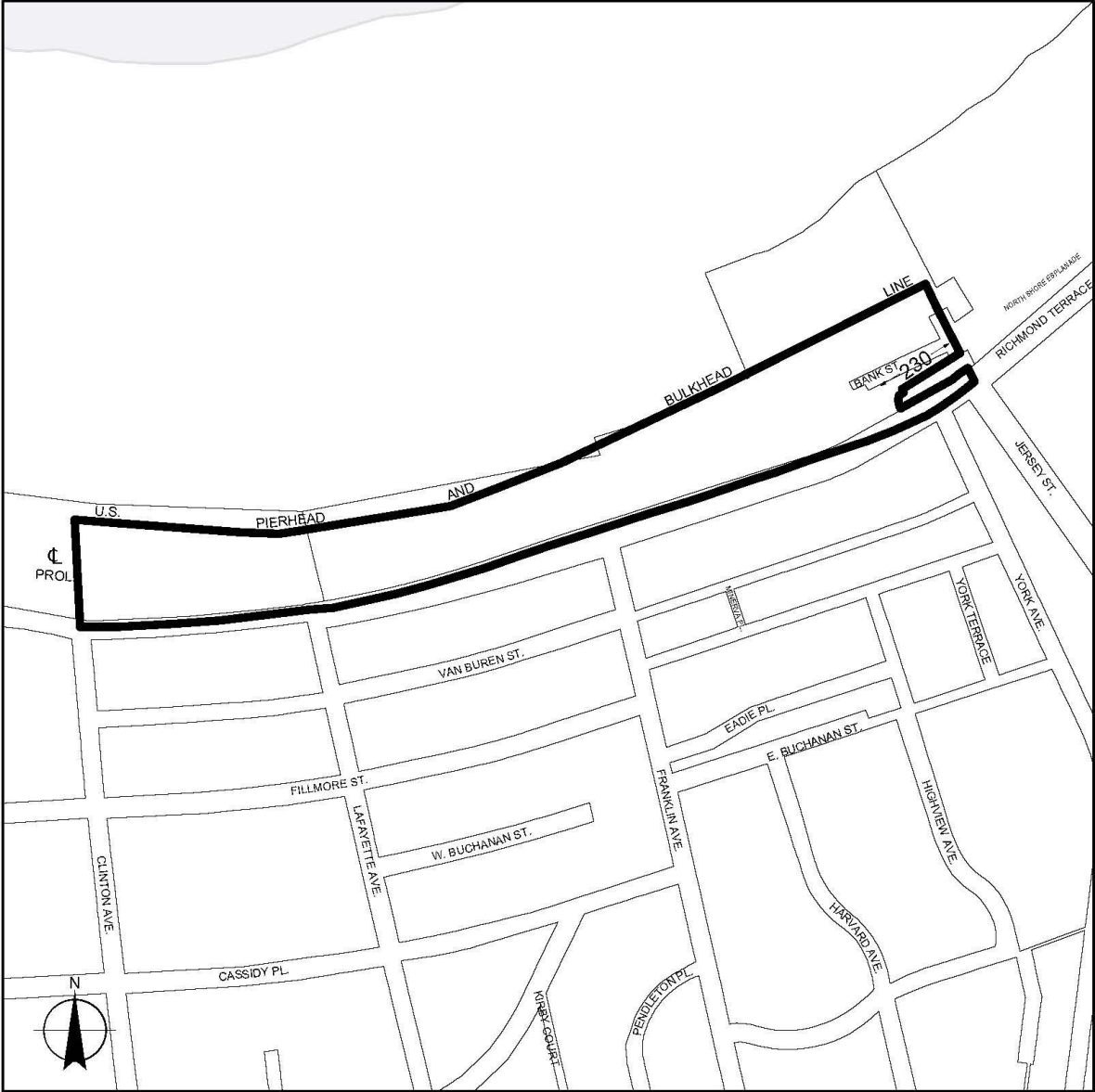
JFK
Map 2



Portion of Community District 12, Queens

North Shore

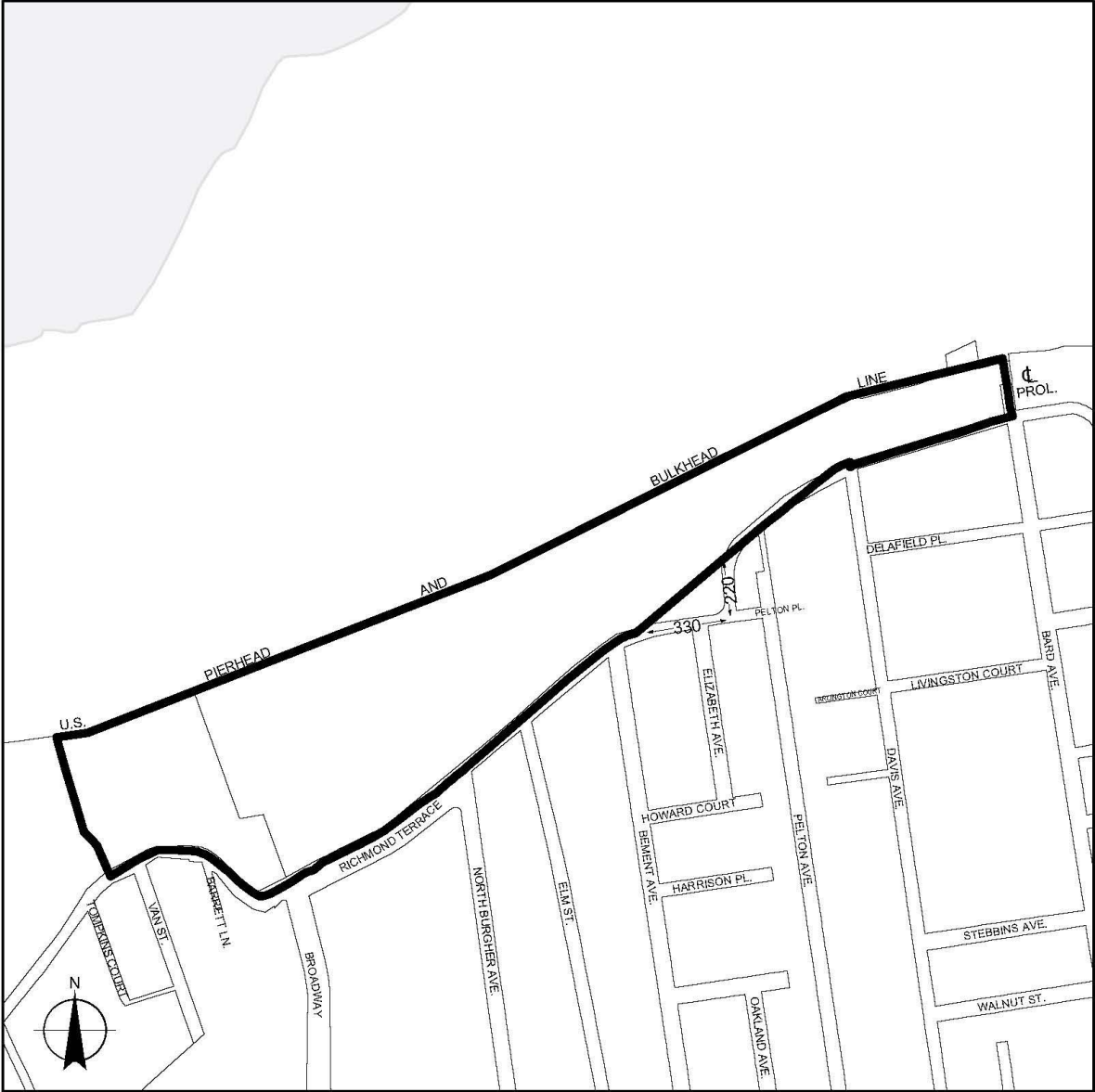
Map 1



Portion of Community District 1, Staten Island

North Shore

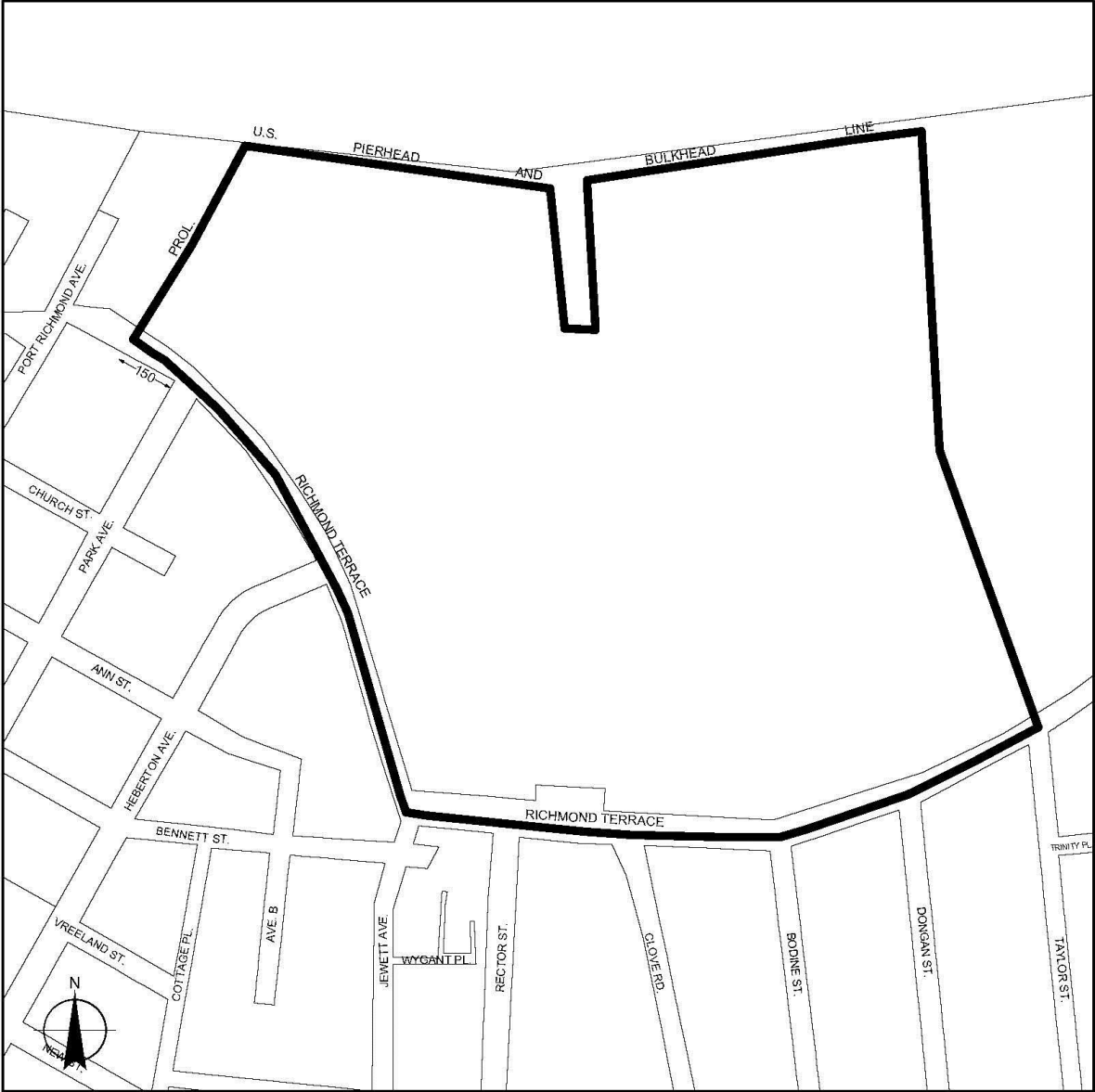
Map 2



Portion of Community District 1, Staten Island

North Shore

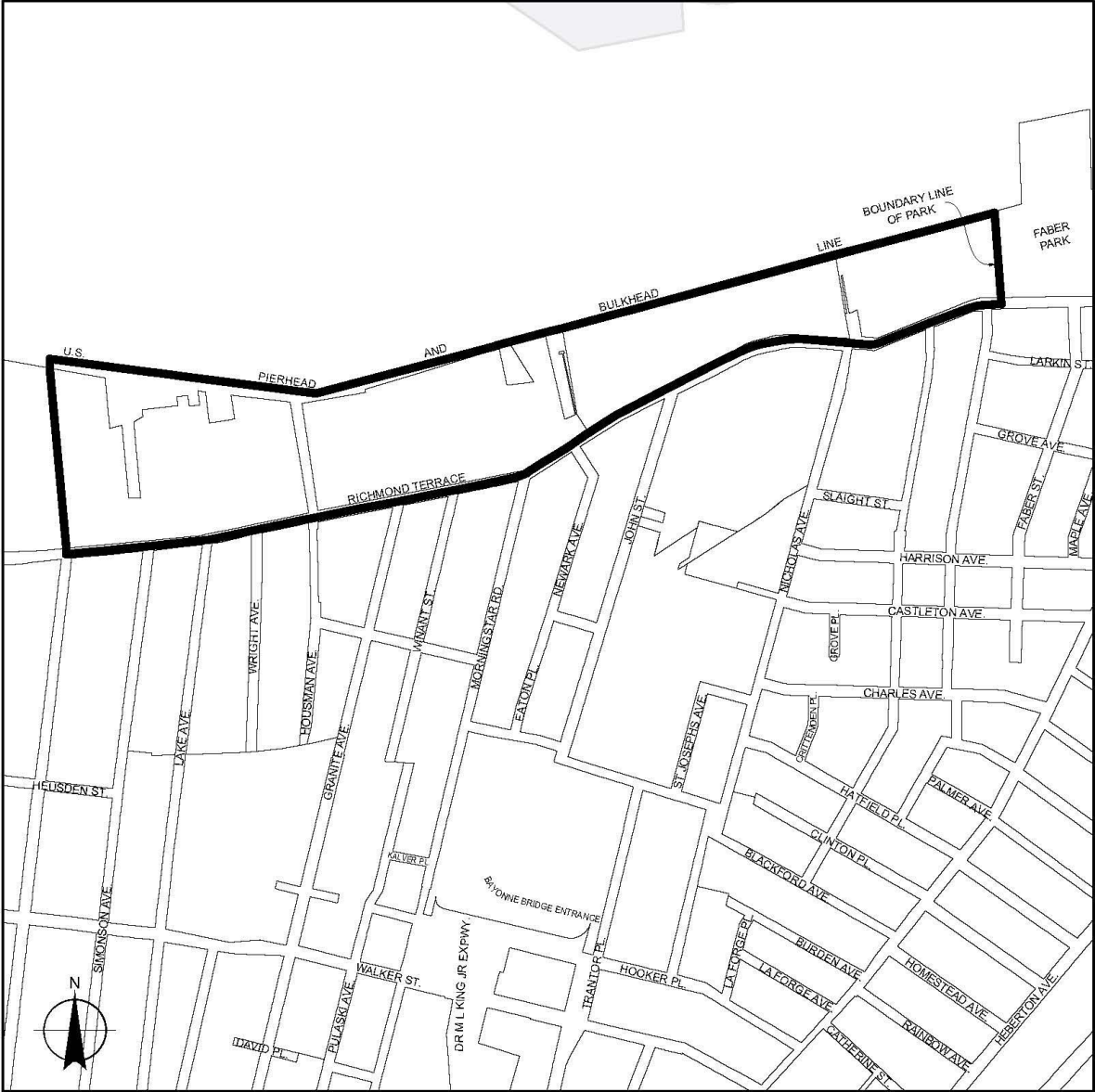
Map 3



Portion of Community District 1, Staten Island

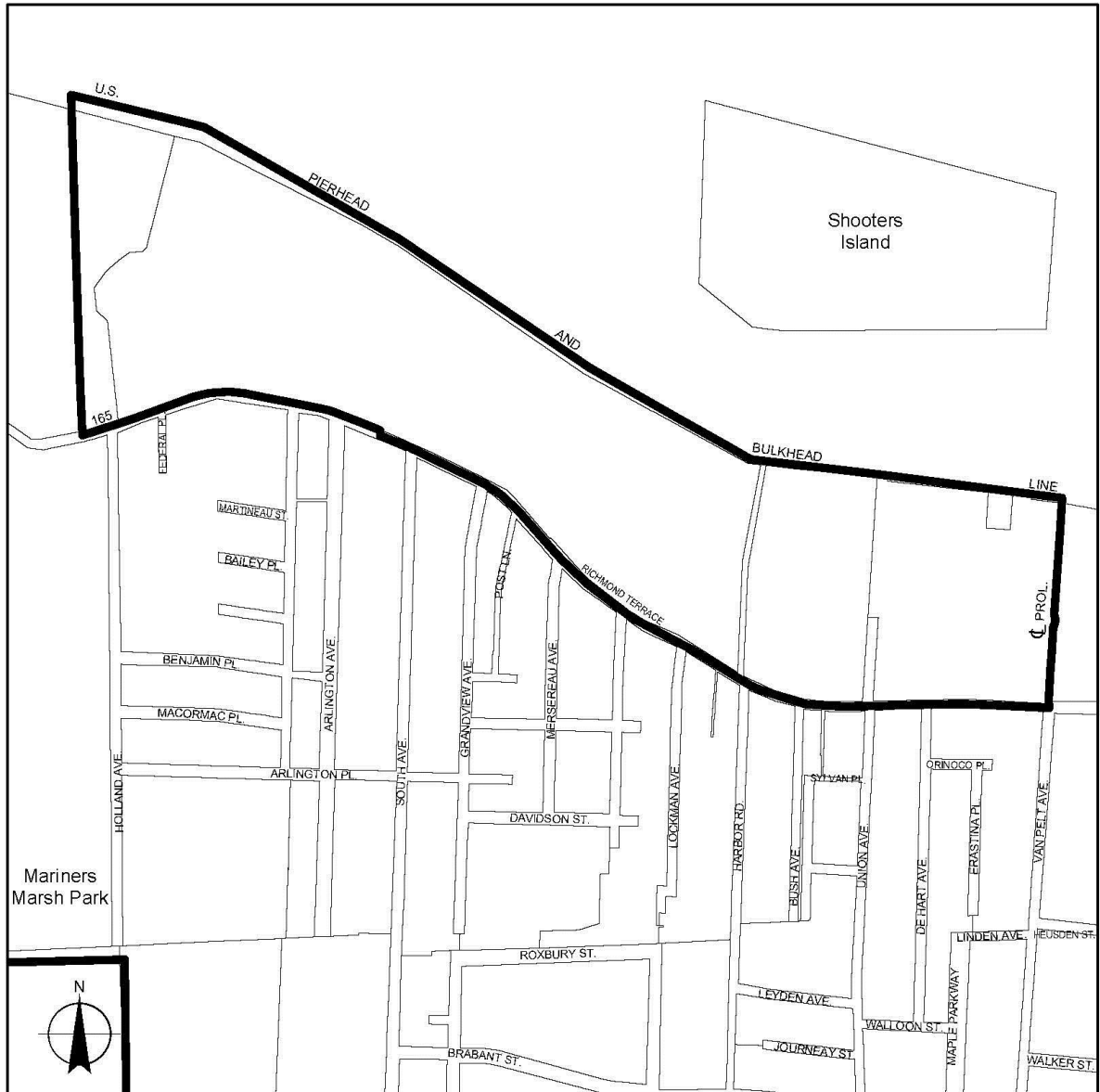
North Shore

Map 4



Portion of Community District 1, Staten Island

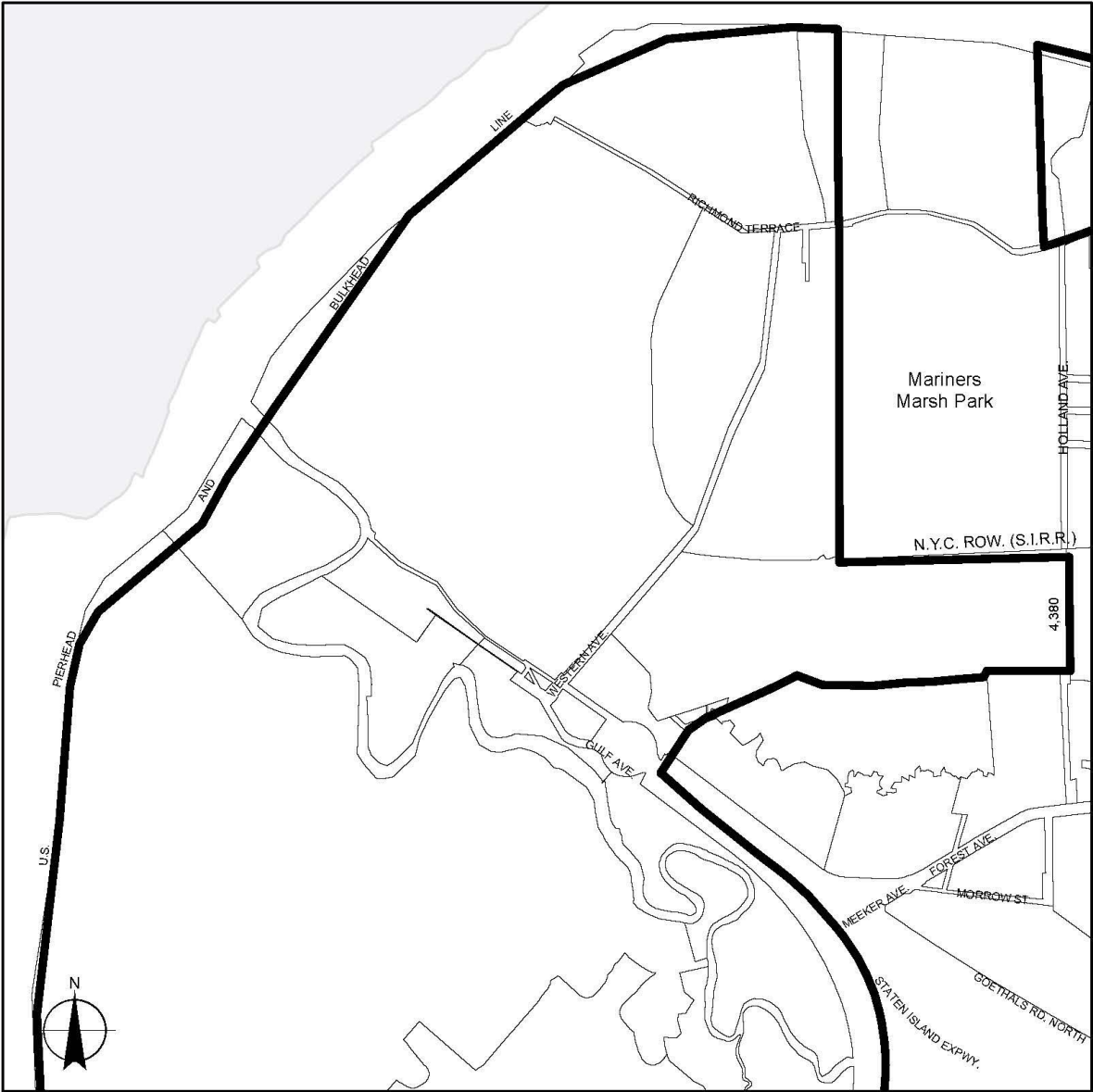
North Shore
Map 5



Portion of Community District 1, Staten Island

West Shore

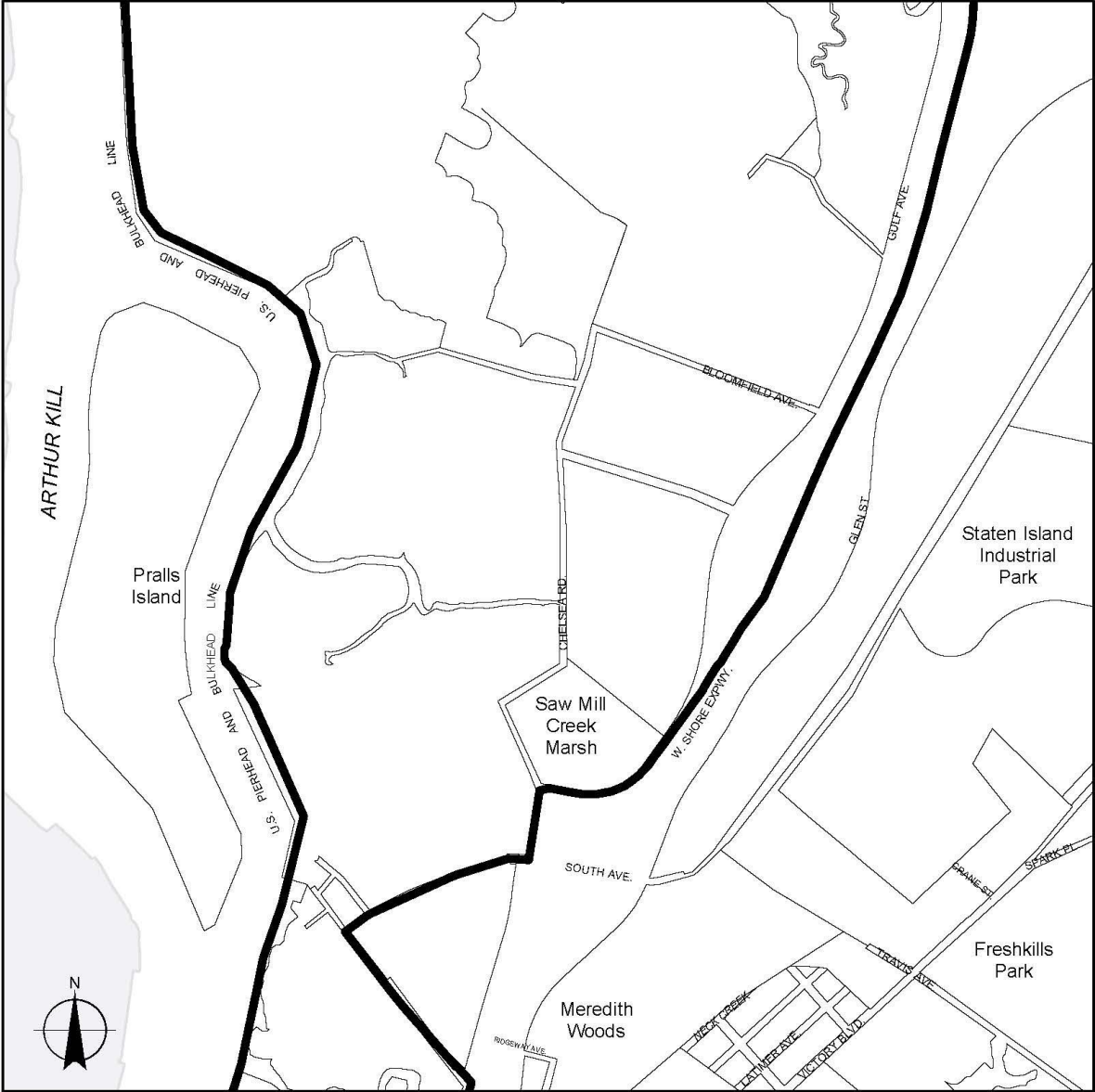
Map 1



Portion of Community District 1, Staten Island

West Shore

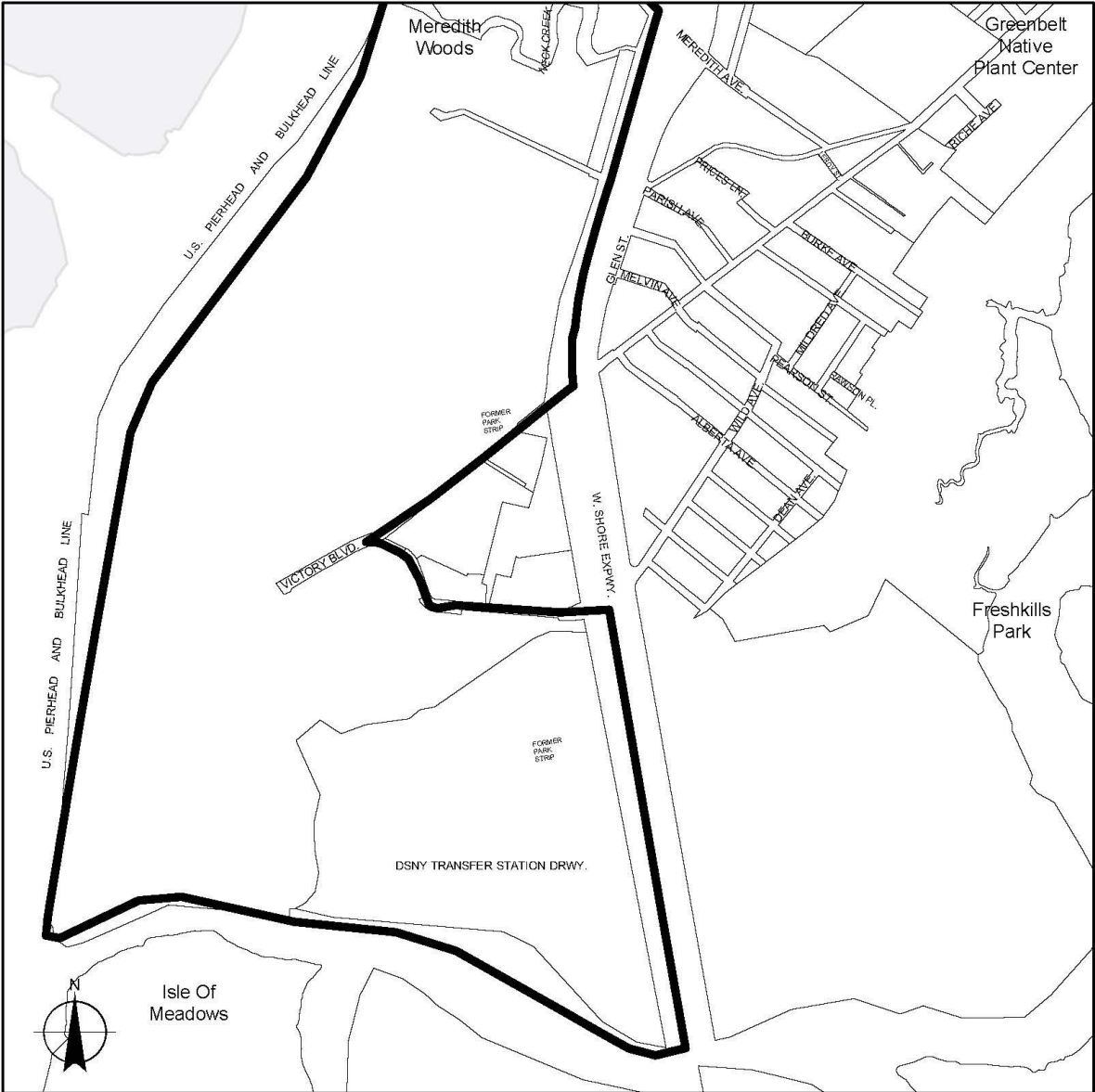
Map 2



Portion of Community District 2, Staten Island

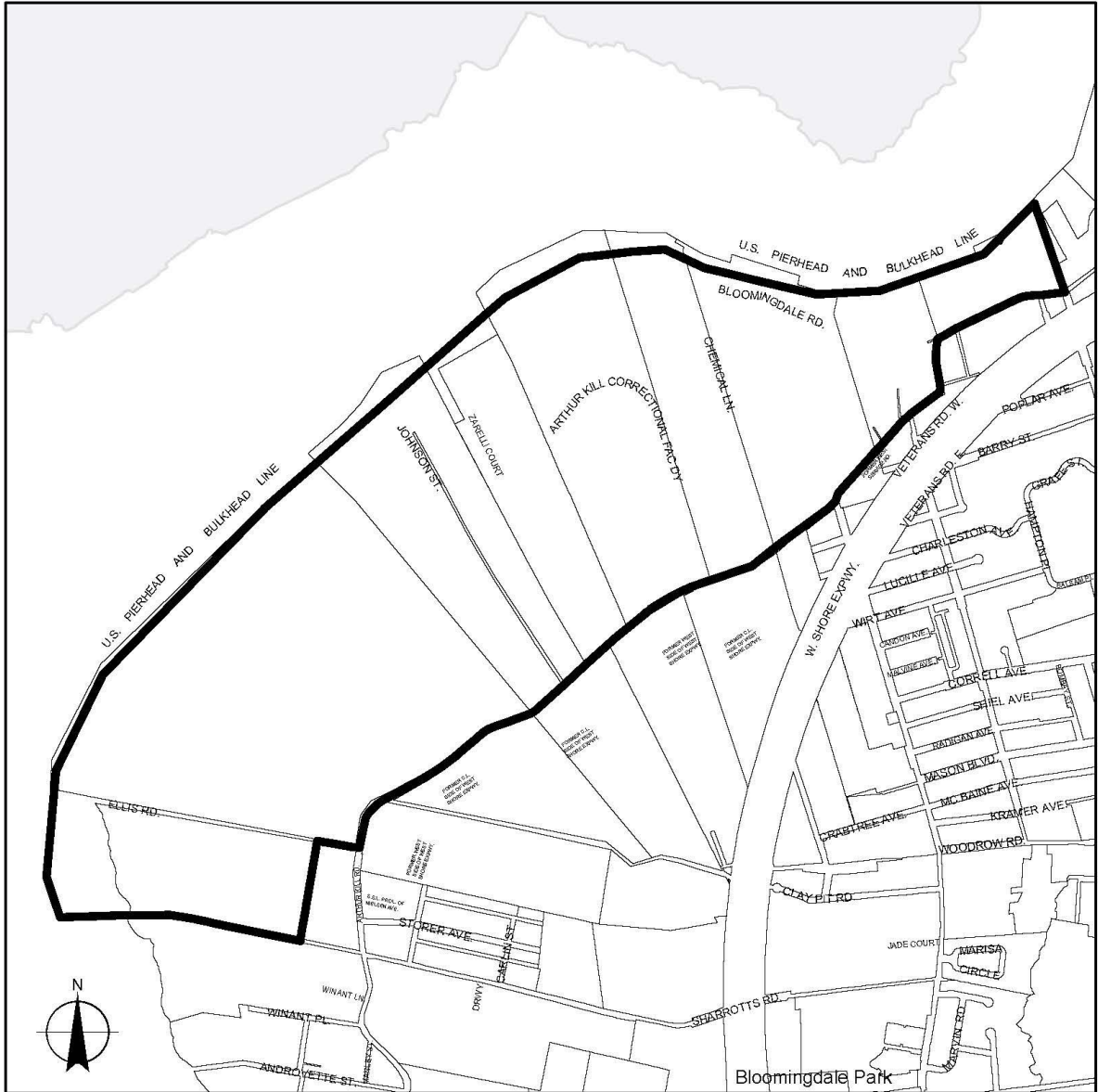
West Shore

Map 3



Portion of Community District 2, Staten Island

Rossville
Map 1



Portion of Community District 3, Staten Island

Resolution for adoption scheduling August 23, 2017 for a public hearing.



NOTICE

On Wednesday, August 23, 2017, at 9:30 a.m., in Spector Hall, located at 22 Reade Street, New York, New York 10007, a 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 an application by the New York City Department of City Planning (DCP). DCP proposes a zoning text amendment to establish restrictions on new self-storage facilities within Industrial Business Zones to ensure that their development does not unduly limit future siting opportunities for industrial uses. The proposed restrictions would apply within newly established “Designated Areas” in Manufacturing districts, which largely coincide with Industrial Business Zones (IBZs).

The public hearing will also consider a modification to the zoning text amendment (ULURP No. 170425 (A) ZRY). Written comments on the DEIS are requested and will be received and considered by the Lead Agency until Tuesday, September 5, 2017.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 17DCP119Y.

BOROUGH OF BROOKLYN

No. 3

WARREN STREET CENTER FOR CHILDREN

CD 2

C160006 POK

IN THE MATTER OF an application submitted by the Administration for Children’s Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 343 Warren Street (Block 391, Lot 56) for continued use as a child care center.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

Nos. 4-7

EDWIN'S PLACE

No. 4

CD 16

C 170454 ZMK

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation & Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17b:

1. changing from an R6 District to an R7-2 District property bounded by a line 100 feet northerly of Livonia Avenue, Grafton Street, Livonia Avenue, and Howard Avenue; and
2. establishing within the proposed R7-2 District a C2-3 District bounded by a line 100 feet northerly of Livonia Avenue, Grafton Street, Livonia Avenue, and Howard Avenue;

as shown on the diagram (for illustrative purposes only) dated June 19, 2017.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 5

CD 16

N 170455 ZRK

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

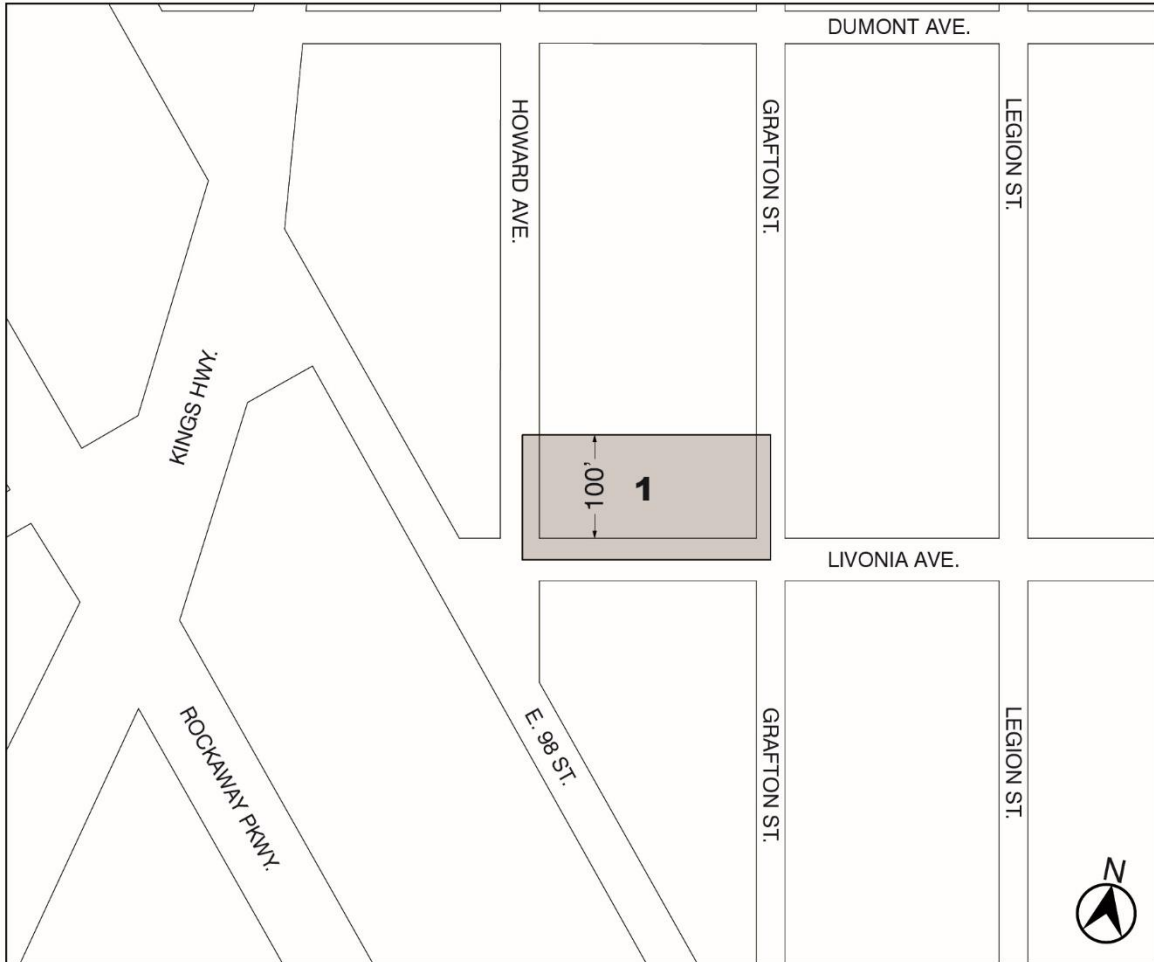
Brooklyn Community District 16

* * *

In the R7-2 District within the area shown on the following Map 3:

Map 3 – (date of adoption)

[PROPOSED MAP]



 Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area 1 (date of adoption) – MIH Program Option 1 and Option 2

Portion of Community District 16, Brooklyn

* * *

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 6

CD 16

C 170456 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD)

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 3 Livonia Avenue (Block 3566, Lot 6) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate an affordable housing development containing approximately 125 affordable units and approximately 3,079 square feet of community facility or retail space.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 7

CD 16

C 170457 ZSK

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation & Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations in connect with a proposed eight-story building on property located at 3 Livonia Avenue (Block 3566, Lot 6), in an R7-2/C2-3* District.

*Note: The site is proposed to be rezoned from an existing R6 District to an R7-2/C2-3 District under a concurrent related application (C 170454 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

Nos. 8 & 9

TILLARY AND PRINCE STREET REZONING

No. 8

CD 2

C 170400 ZMK

IN THE MATTER OF an application submitted by YYY Brooklyn NY LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d:

1. changing from an R6 District to a C6-4 District property bounded by the easterly centerline prolongation of Tillary Street, a line 210 feet easterly of Prince Street, the easterly prolongation of a line 200 feet southerly of Tillary Street, and Prince Street; and
2. establishing a Special Downtown Brooklyn District bounded by the easterly centerline prolongation of Tillary Street, a line 210 feet easterly of Prince Street, the easterly prolongation of a line 200 feet southerly of Tillary Street, and Prince Street;

as shown on a diagram (for illustrative purposes only) dated June 19, 2017, and subject to the conditions of CEQR Declaration E-437.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 9

CD 2

N 170401 ZRK

IN THE MATTER OF an application submitted by YYY Brooklyn NY, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, for the purpose of establishing a Mandatory Inclusionary Housing

area, and to extend the Special Downtown Brooklyn District, modifying Article X, Chapter 1, and related Sections.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE X

SPECIAL PURPOSE DISTRICTS

Chapter 1

Special Downtown Brooklyn District

* * *

101-20

SPECIAL BULK REGULATIONS

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

Within #Mandatory Inclusionary Housing areas#, as shown on the map in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING) shall apply.

* * *




APPENDIX E

Special Downtown Brooklyn District Maps

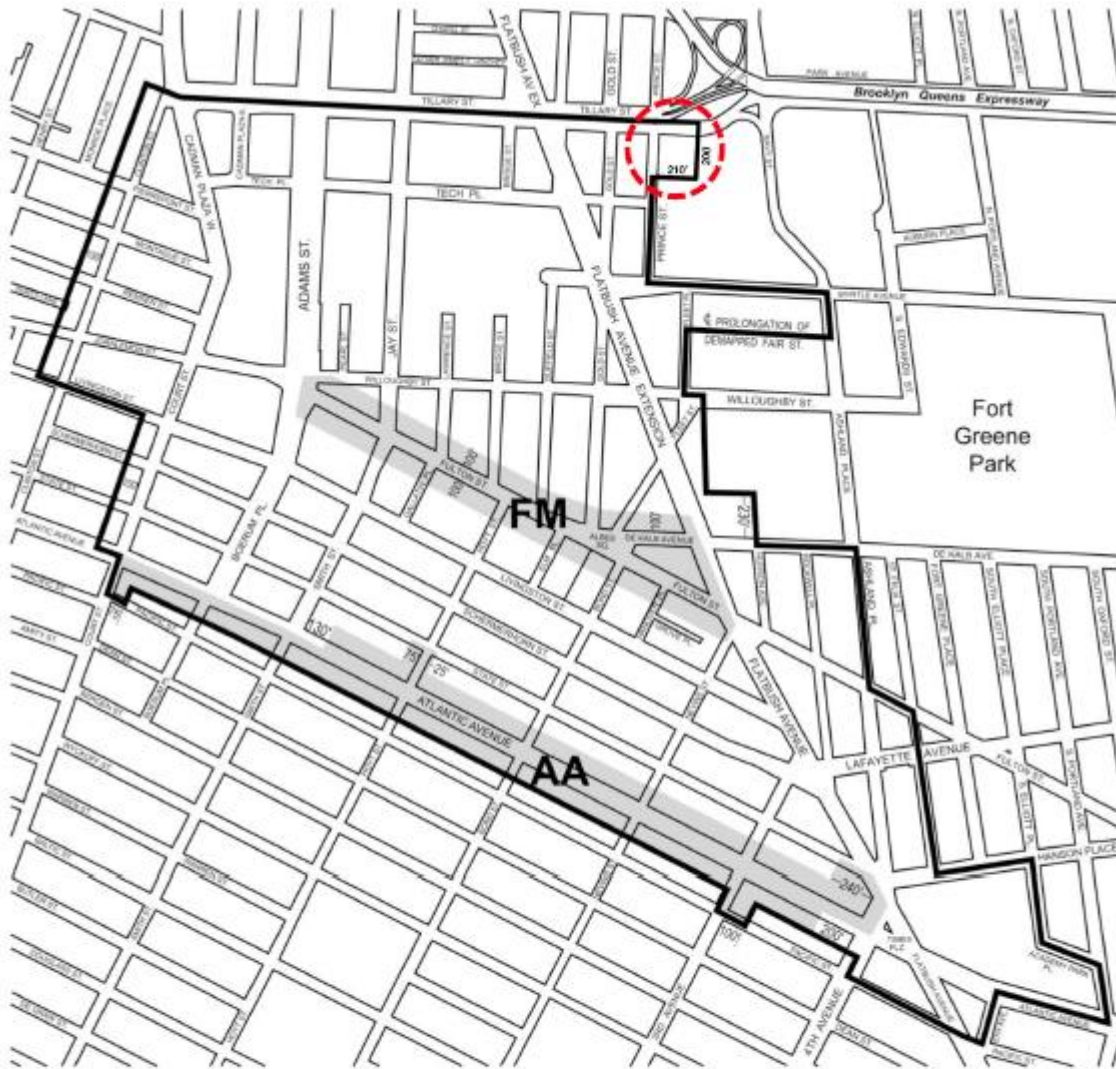
Map 1. Special Downtown Brooklyn District and Subdistricts

[EXISTING MAP]



-  Special Downtown Brooklyn District
-  AA Atlantic Avenue Subdistrict
-  FM Fulton Mall Subdistrict

[PROPOSED MAP]



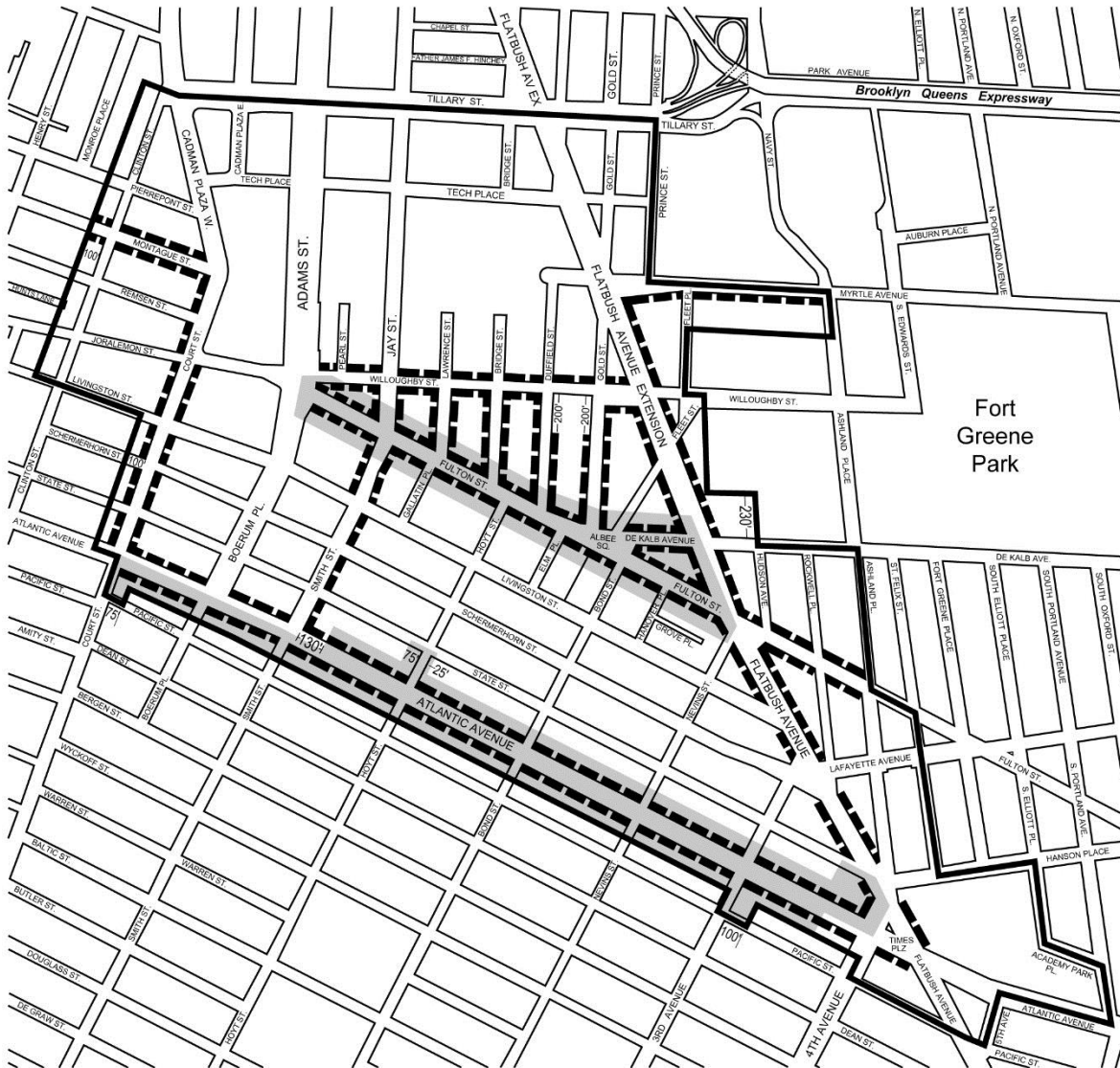
— Special Downtown Brooklyn District




AA Atlantic Avenue Subdistrict

FM Fulton Mall Subdistrict

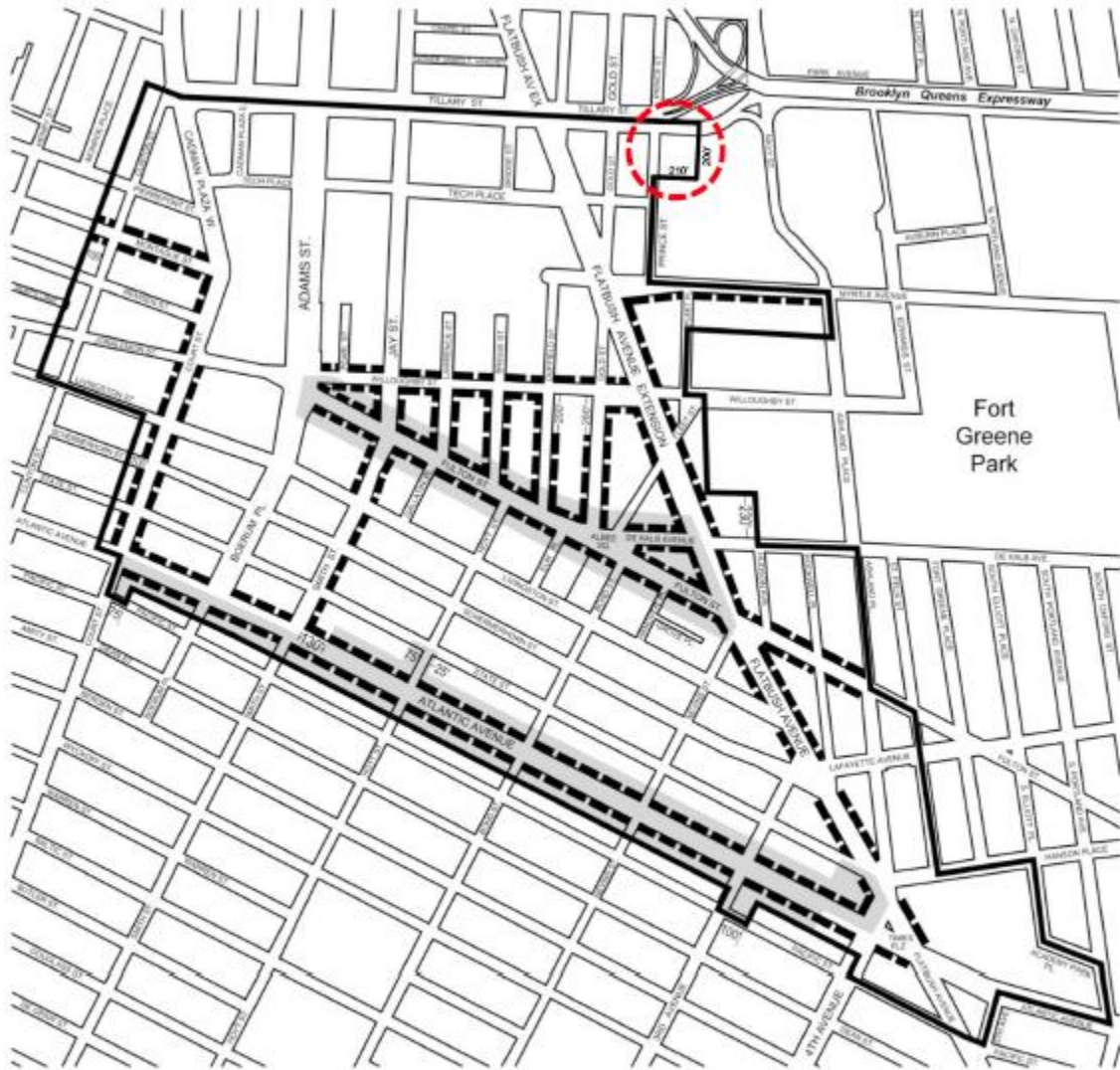
Map 2. Ground Floor Retail Frontage

[EXISTING MAP]



-  *Special Downtown Brooklyn District*
-  Retail Continuity Required
-  Subdistricts

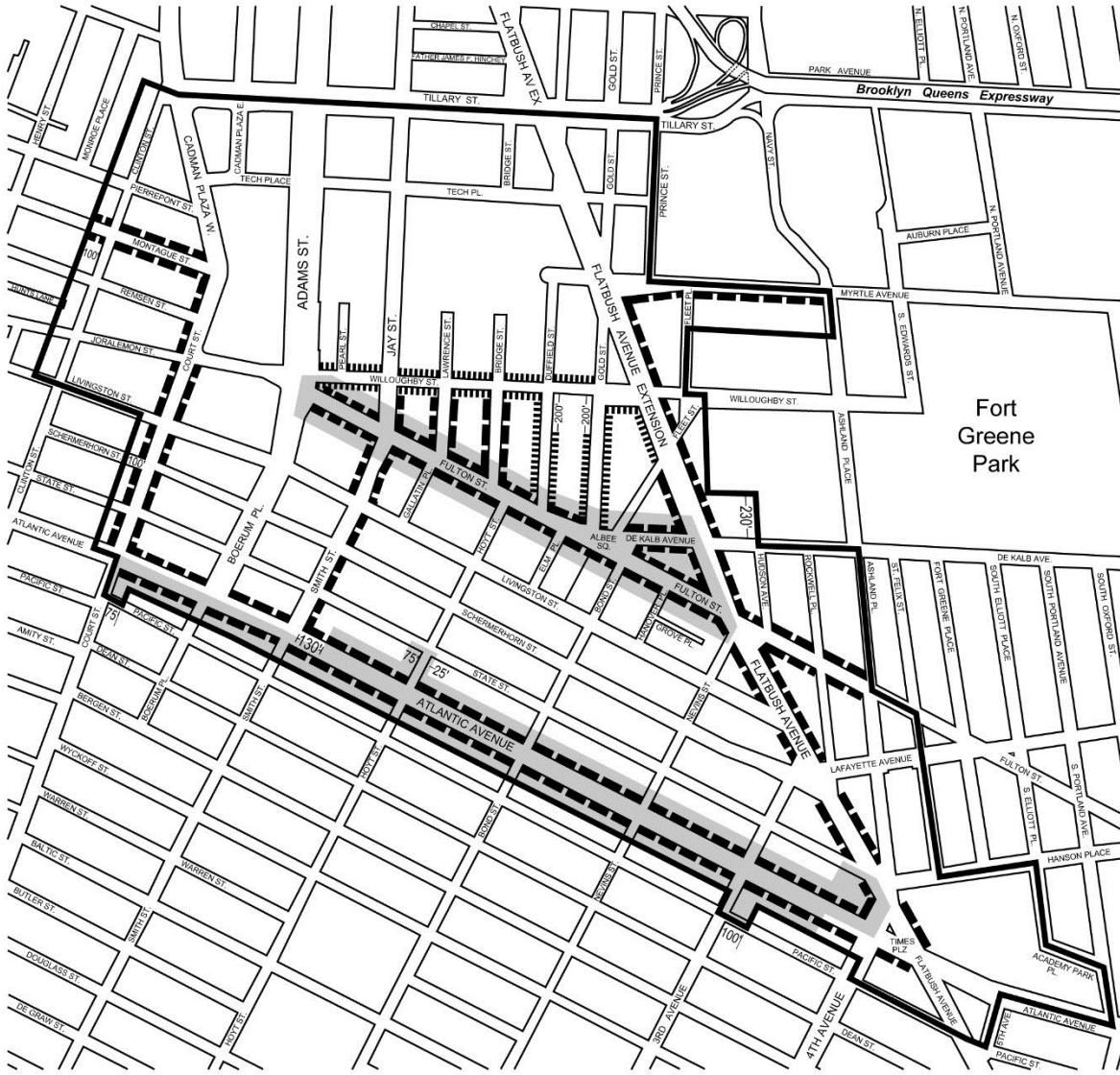
[PROPOSED MAP]



- Special Downtown Brooklyn District
- - - Retail Continuity Required
- Subdistricts

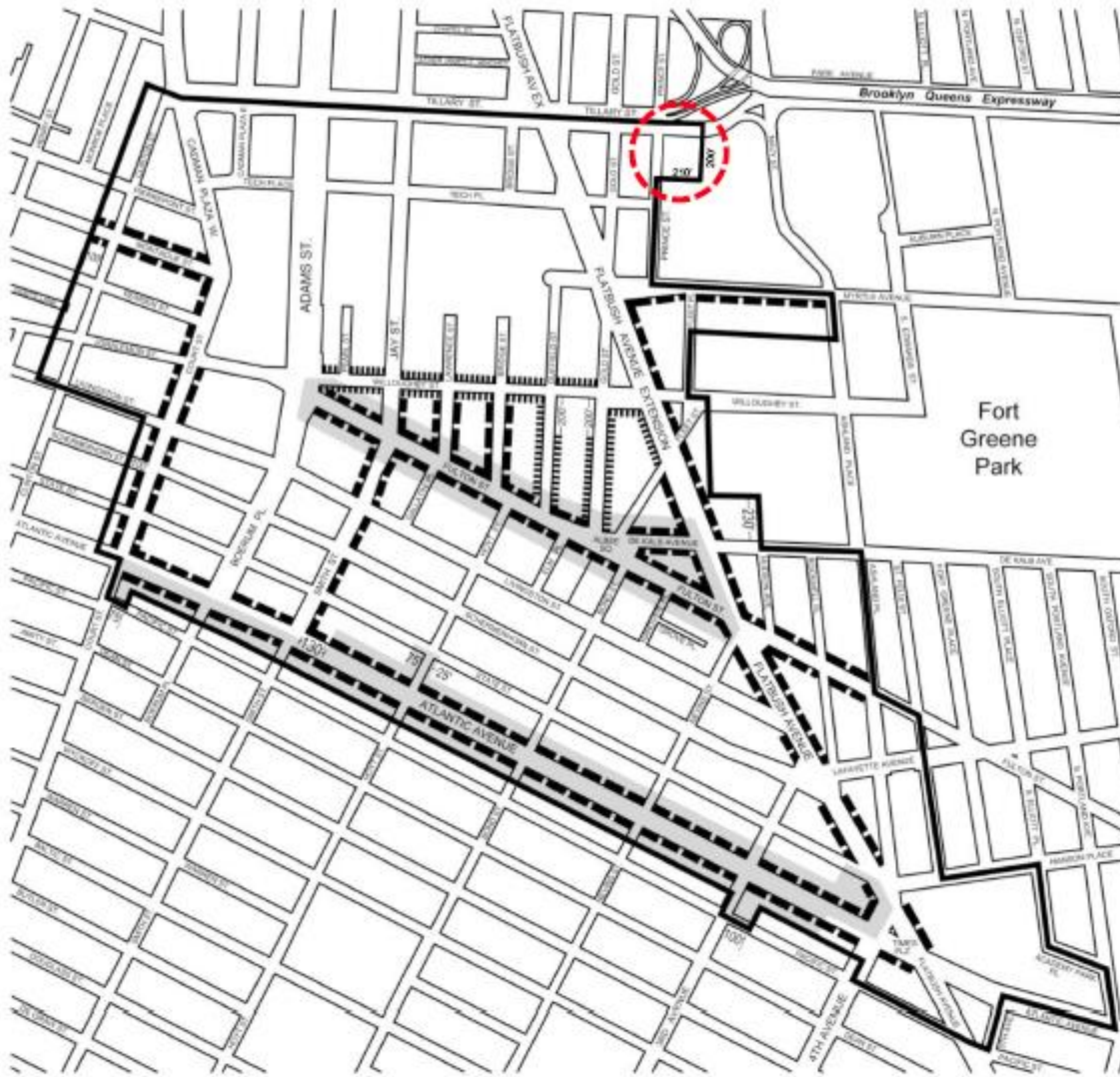
Map 3. Ground Floor Transparency Requirements

[EXISTING MAP]



- Special Downtown Brooklyn District
- - - 50% of the Area of the Ground Floor Street Wall to be Glazed
- ▨ 70% of the Area of the Ground Floor Street Wall to be Glazed
- Subdistricts

[PROPOSED MAP]



- Special Downtown Brooklyn District
- - - 50% of the Area of the Ground Floor Street Wall to be Glazed
- ||||| 70% of the Area of the Ground Floor Street Wall to be Glazed
- Subdistricts

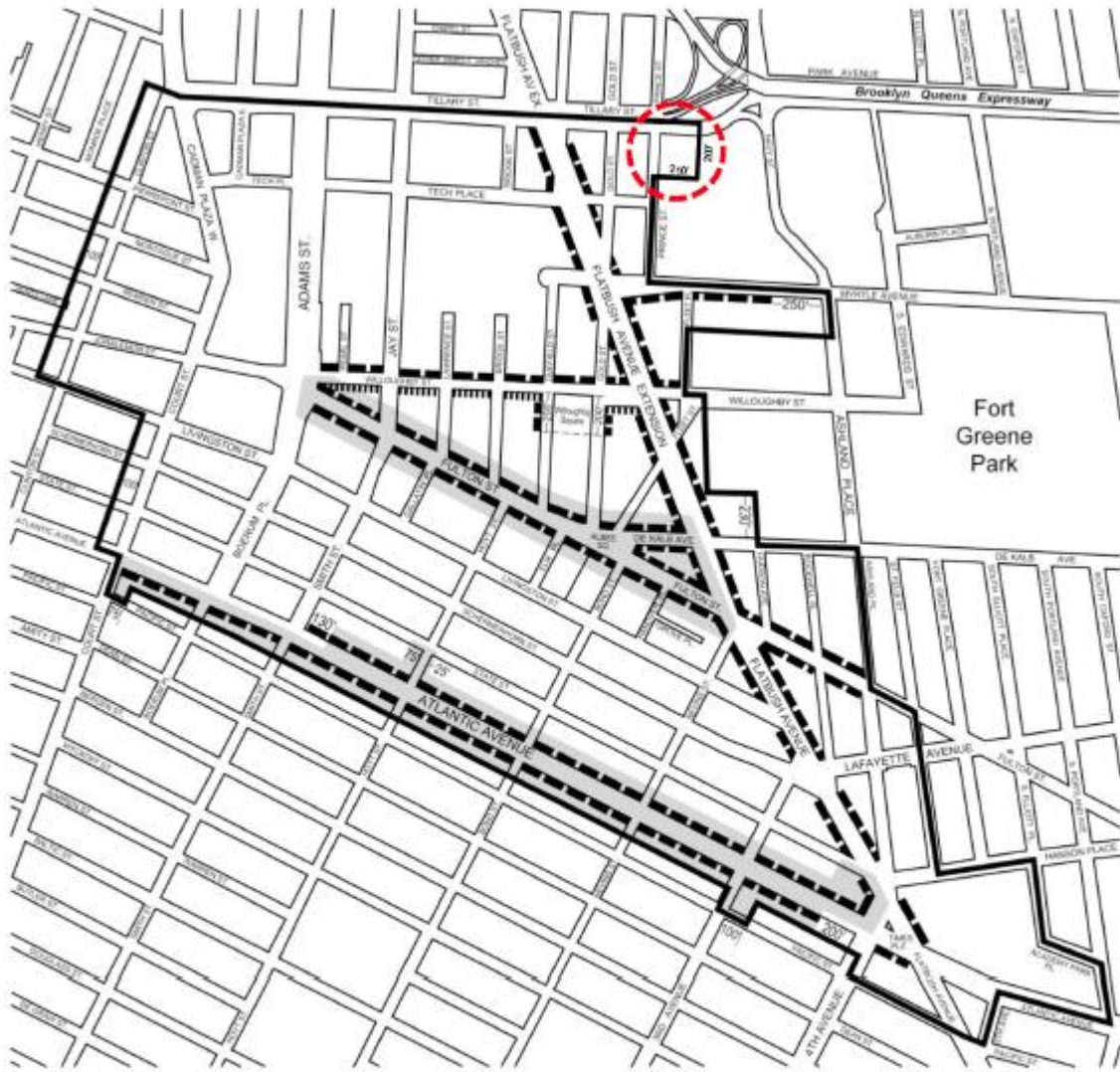
Map 4. Street Wall Continuity and Mandatory Sidewalk Widening

[EXISTING MAP]



- Special Downtown Brooklyn District
- - -** Street Wall Continuity Required
- ▬▬▬** Street Wall Continuity Required, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict
- |||||** Street Wall Continuity and Sidewalk Widening Required

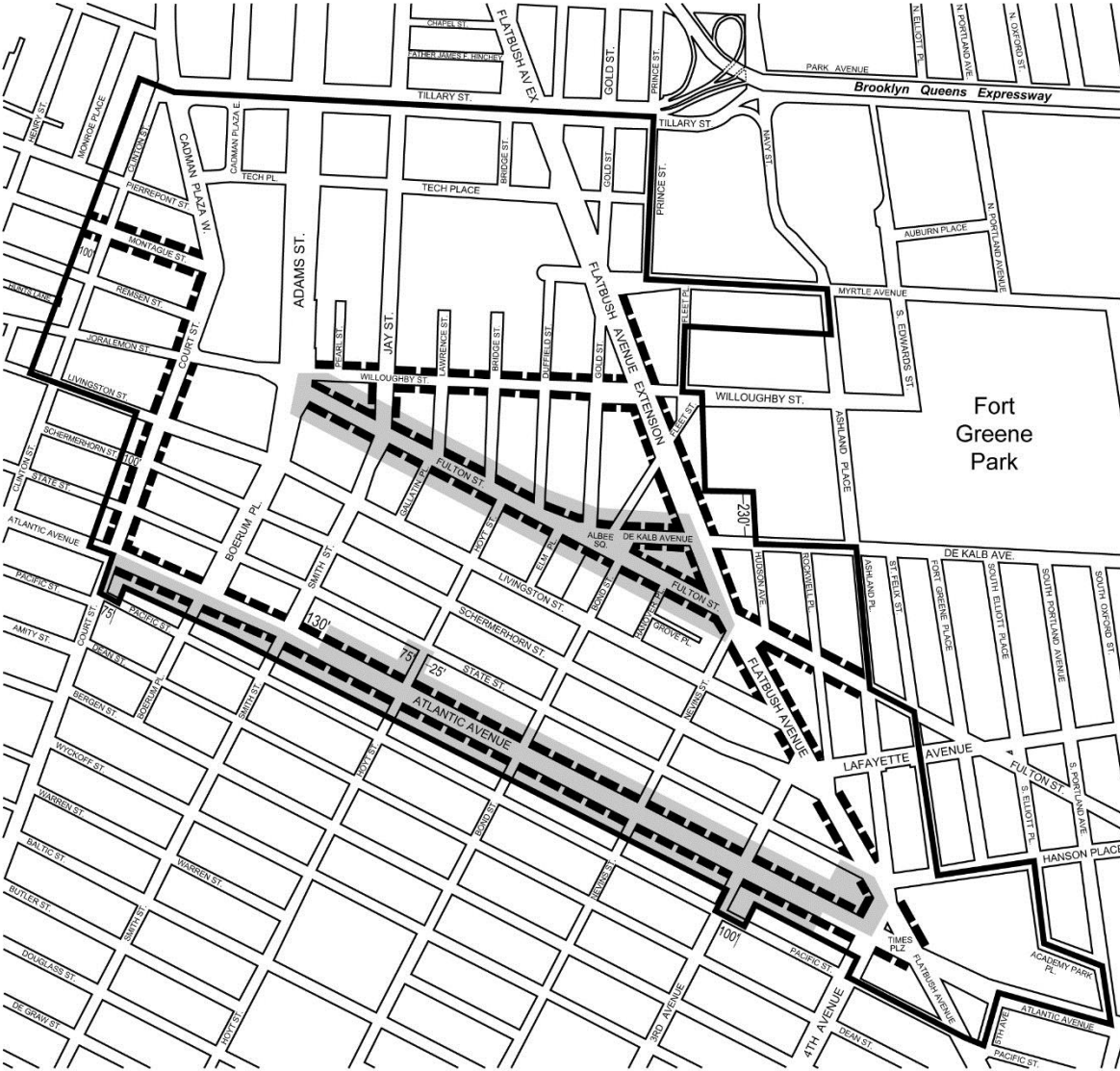
[PROPOSED MAP]



- Special Downtown Brooklyn District
- - - Street Wall Continuity Required
- Street Wall Continuity Required, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict
- ▨ Street Wall Continuity and Sidewalk Widening Required

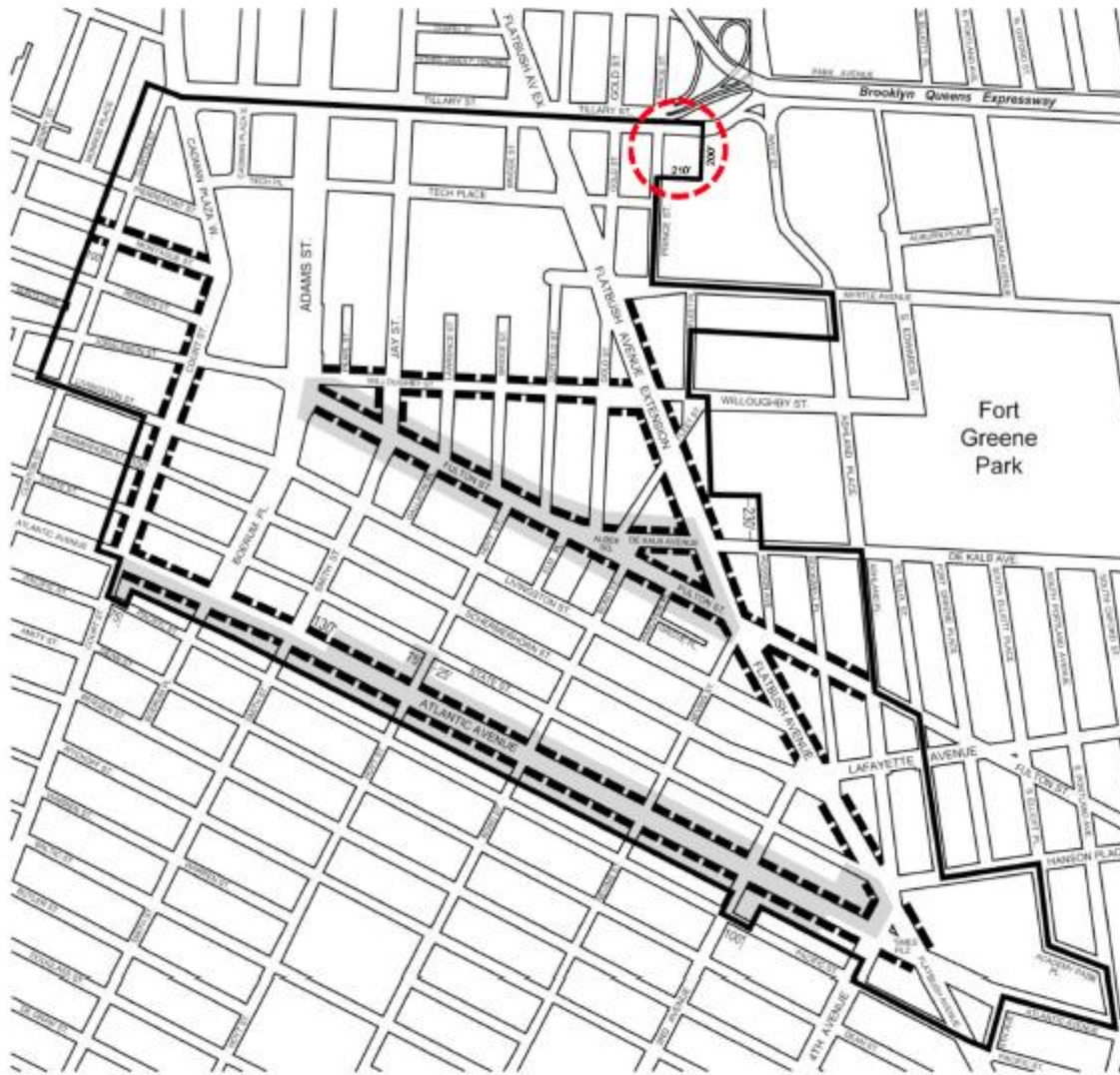
Map 5. Curb Cut Restrictions

[EXISTING MAP]



- Special Downtown Brooklyn District
- - - Curb Cut Prohibition
- Curb Cut Prohibitions, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict

[PROPOSED MAP]



- Special Downtown Brooklyn District
- - -** Curb Cut Prohibition
- - -** Curb Cut Prohibitions, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict

Map 6. Height Limitation Area

[EXISTING MAP]



— Special Downtown Brooklyn District

(A) Schermerhorn Street Height Limitation Area: Height Restriction of 210 Feet

(B) Schermerhorn Street Height Limitation Area: Height Restriction of 140 Feet

(C) Schermerhorn Street Height Limitation Area: Height Restriction of 250 Feet

▨ Flatbush Avenue Extension Height Limitation Area: Height Restriction of 400 Feet

[PROPOSED MAP]



— Special Downtown Brooklyn District

- (A)** Schermerhom Street Height Limitation Area: Height Restriction of 210 Feet
- (B)** Schermerhom Street Height Limitation Area: Height Restriction of 140 Feet
- (C)** Schermerhom Street Height Limitation Area: Height Restriction of 250 Feet
- (D)** Flatbush Avenue Extension Height Limitation Area: Height Restriction of 400 Feet

Map 7. Subway Station Improvement Areas

[EXISTING MAP]



— Special Downtown Brooklyn District

■ Subway Station

● Subway Entrance

① Court St.-Borough Hall Station

② DeKalb Ave. Station

③ Hoyt St. Station

④ Hoyt-Schermerhorn Streets Station

⑤ Jay St.-Borough Hall-Lawrence St. Station

⑥ Nevins St. Station

⑦ Atlantic Ave.-Pacific St. Station

— 6th Ave. Line

— Broadway-60th St. Line

— 4th Ave. Line

— Brighton Line

— Crosstown Line

— Culver Line

— Fulton St. Line

— Montague St. Tunnel Line

— Eastern Parkway Line

[PROPOSED MAP]



— Special Downtown Brooklyn District

■ Subway Station

● Subway Entrance

① Court St.-Borough Hall Station

② DeKalb Ave. Station

③ Hoyt St. Station

④ Hoyt-Schermerhorn Streets Station

⑤ Jay St.-Borough Hall-Lawrence St. Station

⑥ Nevins St. Station

⑦ Atlantic Ave.-Pacific St. Station

—•—•— 6th Ave. Line

— - - - - Broadway-60th St. Line

—••••• 4th Ave. Line

—••••• Brighton Line

—••••• Crosstown Line

—••••• Culver Line

—••••• Fulton St. Line

—••••• Montague St. Tunnel Line

—••••• Eastern Parkway Line

* * *

[THE FOLLOWING APPENDIX F IS THE STAND-ALONE IHda/MIH ONE,
NOT AN ADDITIONAL APPENDIX IN ARTICLE X, CHAPTER 1]

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

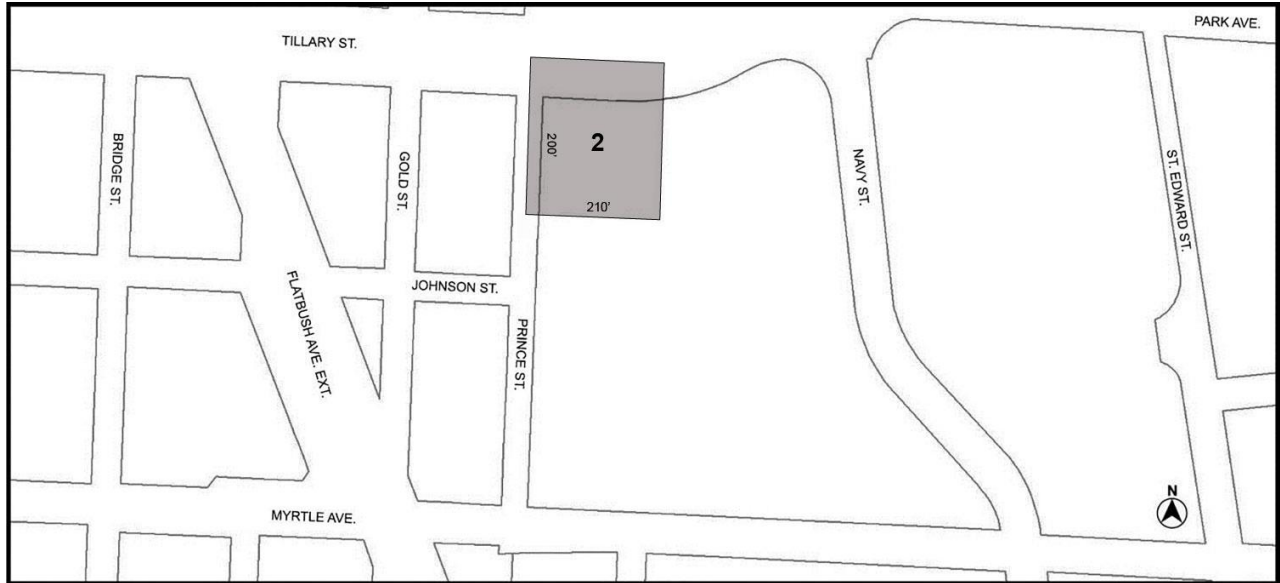
Brooklyn Community District 2

* * *

In portions of the #Special Downtown Brooklyn District# and in the C6-4 and C6-6 (R10 equivalent) Districts within the areas shown on the following Map 5:

Map 5 – [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing area *see Section 23-154(d)(3)*

Area 2 [date of adoption] — MIH Program Option 1

Portion of Community District 2, Brooklyn

* * *

Resolution for adoption scheduling August 23, 2017 for a public hearing.

Nos. 10 & 11

LINDEN BOULEVARD REZONING

No. 10

CD 5

C 170430 ZMK

IN THE MATTER OF an application submitted by Canyon Sterling Emerald LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18b:

1. eliminating from an existing R4 District a C1-2 District bounded by Linden Boulevard, Amber Street, a line 100 feet southerly of Linden Boulevard, and Emerald Street;
2. changing from an existing R4 District to an R6A District property bounded by a line 100 feet southerly of Linden Boulevard, Amber Street, a line 100 feet northerly of Loring Avenue, and Emerald Street;
3. changing from an existing R4 District to an R7A District property bounded by a line 100 feet northerly of Loring Avenue, Amber Street, Loring Avenue, and Emerald Street;
4. changing from an existing R4 District to an R8A District property bounded by Linden Boulevard, Amber Street, a line 100 feet southerly of Linden Boulevard, and Emerald Street; and
5. establishing within a proposed R8A District a C2-4 District bounded by Linden Boulevard, Amber Street, a line 100 feet southerly of Linden Boulevard, and Emerald Street;

as shown on a diagram (for illustrative purposes only) dated June 19, 2017, and subject to the conditions of CEQR Declaration E-432.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 11

CD 5

N 170431 ZRK

IN THE MATTER OF an application submitted by Canyon Sterling Emerald LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

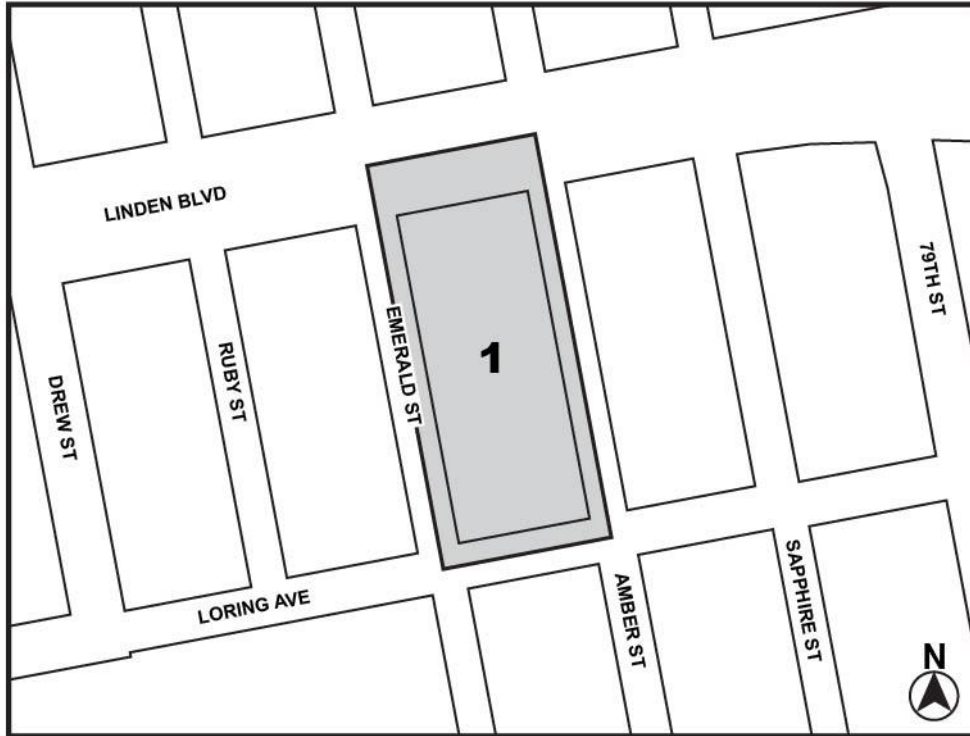
Brooklyn Community District 5

In the R6A, R6B, R7, R7A and R8A Districts within the areas shown on the following Maps 1 and 2:

* * *

Map 2 - [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing Area see Section 23-154(d)(3)
Area 1 — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 5, Brooklyn

* * *

Resolution for adoption scheduling August 23, 2017 for a public hearing.

BOROUGH OF QUEENS

No. 12

NYPD PROPERTY CLERK WAREHOUSE CONSOLIDATION

CD 5

C 170394 PCQ

IN THE MATTER OF an application submitted by the New York Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for a site selection and acquisition of property located at 55-15 Grand Avenue (Block 2610, Lots 305, 336, 357) for use as a warehouse facility.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

BOROUGH OF MANHATTAN

No. 13

661 8TH AVENUE SIGNAGE TEXT AMENDMENT

CD 4

N 170433 ZRM

IN THE MATTER OF an application submitted by 42nd and 8th Owner LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying signage regulations for zoning lots in the Eighth Avenue Corridor of the Theater Subdistrict in Article VIII, Chapter 1 (Special Midtown District).

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

**ARTICLE VIII:
SPECIAL PURPOSE DISTRICTS**

**Chapter 1:
Special Midtown District**

* * *

81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-73
Special Sign and Frontage Regulations

* * *

81-733
Special provisions for central refuse storage area

* * *

81-734
Special signage regulations for portions of the west side of Eighth Avenue

For a #corner lot#, or portions thereof, bounded by two #wide streets# on the west side of Eighth Avenue within the Eighth Avenue Corridor of the Theater Subdistrict, the #sign# provisions for C6-7 Districts pursuant to Section 32-60 (SIGN REGULATIONS) shall apply, with the following modifications:

(a) no #sign# shall function with sound; and

(b) #illuminated signs# may face both #wide streets#, or be parallel to the #street line# of one #wide street#.

81-74
Special Incentives and Controls in the Theater Subdistrict

* * *

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 14

449 BROADWAY

CD 2

C 170464 ZSM

IN THE MATTER OF an application submitted by 449 Broadway, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-781 of the Zoning Resolution to modify the requirements of Section 42-14(D)(2)(b) to allow Use Group 6 uses (retail uses) on portions of the ground floor and cellar of an existing 5-story building on property located at 449 Broadway (Block 231, Lot 36), in an M1-5B District.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 15

220 CENTRAL PARK SOUTH PARKING

CD 5

C 170249 ZSM

IN THE MATTER OF an application submitted by VNO 225 West 58th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended accessory off-street parking facility with a maximum capacity of 64 spaces on portions of the ground floor and subcellar level 2 of a proposed mixed use building on property located at 220 Central Park South (Block 1030, Lots 15, 16, 17, 19, 24, 25, 39, 46, 48 and 58), in R10H and C5-1 Districts.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

Nos. 16-19

EAST HARLEM NEIGHBORHOOD REZONING

No. 16

CD 11

C 170358 ZMM

IN THE MATTER OF an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 6a and 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by:
 - a. East 124th Street, Park Avenue, East 123rd Street, and a line 100 feet westerly of Park Avenue;
 - b. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;
 - c. East 122nd Street, Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 120th Street, a line 100 feet easterly of Lexington Avenue, East 115th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Park Avenue, East 115th Street, and a line 100 feet westerly of Park Avenue; and
 - d. East 112th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 110th Street and East 111th Street, and a line 100 feet westerly of Lexington Avenue;
2. eliminating from within an existing R8A District a C1-5 District bounded by:
 - a. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, and a line 100 feet westerly of Second Avenue;
 - b. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;

- c. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and
 - d. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, a line 100 feet westerly of Second Avenue;
3. eliminating from within an existing R7-2 District a C2-4 District bounded by:
 - a. East 132nd Street, Park Avenue, East 131st Street, and a line 100 feet westerly of Park Avenue;
 - b. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 123rd Street and East 124th Street, and Park Avenue;
 - c. East 123rd Street, Park Avenue, East 122nd Street, and a line 100 feet westerly of Park Avenue;
 - d. East 124th Street, a line 100 feet easterly of Lexington Avenue, East 120th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue; and
 - e. a line 125 feet northerly of East 119th Street, a line 100 feet easterly of Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and 117th Street, and Park Avenue;
4. eliminating a Special Transit Land Use District bounded by the southerly street line of East 126th Street, a line 100 feet easterly of Second Avenue, the northerly street line of East 120th Street and its easterly prolongation, a line 100 feet westerly of Second Avenue, a line midway between East 124th Street and East 125th Street/Dr. Martin Luther King Jr. Boulevard, a line 150 feet westerly of Second Avenue, a line midway between East 125th Street/Dr. Martin Luther King Jr. Boulevard and East 126th Street, and a line 100 feet westerly of Second Avenue;
5. changing from an R7-2 District to an R7A District property bounded by East 132nd Street, a line 100 feet easterly of Madison Avenue, East 128th Street, Madison Avenue, East 127th Street, a line 100 feet easterly of Madison Avenue, East 126th Street, a line 100 feet westerly of Madison Avenue, 130th Street, Madison Avenue, East 131st Street, and a line 100 feet westerly of Madison Avenue;
6. changing from an R7-2 District to an R7B District property bounded by:

- a. East 132nd Street, a line 100 feet westerly of Madison Avenue, East 131st Street, and a line 100 feet easterly of Fifth Avenue;
 - b. East 132nd Street, a line 100 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, a line 90 feet westerly of Park Avenue, East 129th Street, a line 70 feet westerly of Park Avenue, East 128th Street, and a line 100 feet easterly of Madison Avenue;
 - c. East 130th Street, a line 100 feet westerly of Madison Avenue, East 126th Street, and a line 100 feet easterly of Fifth Avenue;
 - d. East 127th Street, a line 100 feet westerly of Park Avenue, East 126th Street, and a line 100 feet easterly of Madison Avenue;
 - e. East 124th Street, a line 100 feet westerly of Second Avenue, East 123rd Street, a line 100 feet easterly of Third Avenue;
 - f. East 123rd Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 121st Street and East 122nd Street, and a line 100 feet easterly of Park Avenue;
 - g. a line midway between East 119th Street and East 120th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, and a line 100 feet easterly of Park Avenue;
 - h. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, East 115th Street, and a line 100 feet easterly of Park Avenue;
 - i. East 111th Street, a line 100 feet westerly of Lexington Avenue, East 110th Street, a line 100 feet easterly of Park Avenue, a line midway between East 110th Street and East 111th Street, and a line 155 feet easterly of Park Avenue; and
 - j. East 107th Street, a line 100 feet westerly of Lexington Avenue, East 106th Street, a line 180 feet easterly of Park Avenue, a line midway between East 106th Street and East 107th Street, and a line 230 feet easterly of Park Avenue;
7. changing from an C8-3 District to an R7B District property bounded by a line midway between East 129th Street and 130th Street, a line 90 feet westerly of Park Avenue, East 129th Street, and a line 100 feet westerly of Park Avenue;

8. changing from an R7-2 District to an R7D District property bounded by:
 - a. East 124th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue;
 - b. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Park Avenue;
 - c. a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Lexington Avenue, East 115th Street, and a line 100 feet westerly of Lexington Avenue; and
 - d. East 112th Street, a line 100 feet easterly of Lexington Avenue, East 104th Street, a line 100 feet westerly of Lexington Avenue, East 107th Street, Lexington Avenue, East 110th Street, and a line 100 feet westerly of Lexington Avenue;
9. changing from an R7A District to an R7D District property bounded by:
 - a. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Third Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Lexington Avenue; and
 - b. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Second Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Third Avenue;
10. changing from an R7-2 District to an R9 District property bounded by:
 - a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 131st Street, and a line 100 feet westerly of Park Avenue;
 - b. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;

- c. East 118th Street, a line 100 feet easterly of Park Avenue, East 115th Street, and a line 100 feet westerly of Park Avenue; and
 - d. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet westerly of Lexington Avenue;
- 11. changing from an R7A District to an R9 District property bounded by East 120th Street, a line 100 feet westerly of Second Avenue, East 119th Street, and a line 110 feet westerly of second Avenue;
- 12. changing from an R8A District to an R9 District property bounded by:
 - a. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, and a line 100 feet westerly of Second Avenue;
 - b. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and
 - c. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue;
- 13. changing from an R7-2 District to an R10 District property bounded by East 122nd Street, Park Avenue, a line midway between East 119th Street and East 120th Street, a line 100 feet easterly of Park Avenue, East 118th Street, a line 100 feet westerly of Park Avenue, East 120th Street and a line 100 feet westerly of Park Avenue;
- 14. changing from an R8A District to an R10 District property bounded by East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;
- 15. changing from a C4-4 District to a C4-6 District property bounded by East 124th Street, a line 100 feet easterly of Third Avenue, East 123rd Street, Third Avenue, East 122nd Street, and a line 100 feet westerly of Third Avenue;
- 16. changing from a C4-4D District to a C4-6 District property bounded by East 122nd Street, a line 100 feet easterly of Third Avenue, East 115th Street and a line 100 feet westerly of Third Avenue;

17. changing from an R7-2 District to an C6-4 District property bounded by East 124th Street, Park Avenue, East 122nd Street, and a line 100 feet easterly of Park Avenue;
18. changing from a C4-4D District to a C6-4 District property bounded by East 126th Street, a line 100 feet easterly of Park Avenue, East 125th Street/Dr. Martin Luther King Jr. Boulevard, a line 140 easterly of Park Avenue, East 124th Street, and a line 90 feet easterly of Park Avenue;
19. changing from a C6-3 District to a C6-4 District property bounded by East 126th Street, a line 90 feet easterly of Park Avenue, East 124th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 125th Street/Dr. Martin Luther King Jr. Boulevard, and a line 90 feet westerly of Park Avenue;
20. changing from a C8-3 District to a M1-6/R9 District property bounded by:
 - a. East 131st Street, the westerly boundary line of the New York Central Railroad right-of-way, East 128th Street, a line 70 feet westerly of Park Avenue, East 129th Street, a line 90 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, and a line 100 feet westerly of Park Avenue; and
 - b. East 127th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 126th Street, and a line 100 feet westerly of Park Avenue;
21. changing from an R7-2 District to an M1-6/R10 District property bounded by:
 - a. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 123rd Street and East 124th Street, and Park Avenue; and
 - b. a line 125 feet northerly of East 119th Street, a line 100 feet easterly of Park Avenue, a line midway between East 119th Street and East 120th Street, and Park Avenue;
22. changing from an M1-2 District to an M1-6/R10 District property bounded by East 128th Street, a line 160 feet easterly of Park Avenue, a 100 feet southerly of East 128th Street, a line 100 feet easterly of Park Avenue, East 126th Street, and the westerly boundary line of the New York Central Railroad right-of-way;
23. changing from an M1-4 District to an M1-6/R10 District property bounded by a line midway between East 123rd Street and East 124th Street, a line 100 feet easterly of Park Avenue, a line 125 feet northerly of East 119th Street, and Park Avenue;
24. establishing within an existing R7-2 District a C1-5 District bounded by:

- a. East 115th Street, a line 100 feet easterly of Park Avenue, East 112th Street, and a line 70 feet westerly of Park Avenue;
 - b. East 115th Street, Lexington Avenue, a line 240 feet southerly of East 115th Street, a line 100 feet easterly of Lexington Avenue, East 112th Street, and a line 100 feet westerly of Lexington Avenue;
 - c. East 115th Street, a line 100 feet easterly of Third Avenue, East 112th Street, a line 100 feet westerly of Third Avenue, a line 252 feet southerly of East 115th Street, and Third Avenue; and
 - d. East 115th Street, a line 100 feet easterly of Second Avenue, a line 100 feet northerly of East 113th Street, Second Avenue, East 113th Street, a line 100 feet easterly of Second Avenue, East 112th Street, and a line 100 feet westerly of Second Avenue;
25. establishing within a proposed R7D District a C1-5 District bounded by:
- a. East 120th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, and Lexington Avenue;
 - b. a line midway between East 117th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet easterly of Park Avenue; and
 - c. East 112th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 110th Street and East 111th Street, and a line 100 feet westerly of Lexington Avenue;
26. establishing within a proposed R7D District a C2-5 District bounded by East 124th Street, a line 100 feet easterly of Lexington Avenue, East 120th Street, Lexington Avenue, East 122nd Street, and a line 100 feet westerly of Lexington Avenue;
27. establishing within a proposed R9 District a C2-5 District bounded by:
- a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 131st Street, and a line 100 feet westerly of Park Avenue;

- b. East 118th Street, a line 100 feet easterly of Park Avenue, East 115th Street, and a line 100 feet westerly of Park Avenue;
 - c. a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet easterly of Lexington Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, and a line 100 feet westerly of Lexington Avenue;
 - d. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;
 - e. East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, a line 100 feet westerly of Second Avenue, East 119th Street, a line 110 feet westerly of Second Avenue, East 120th Street, and a line 100 feet westerly of Second Avenue;
 - f. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and
 - g. East 106th Avenue, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue;
28. establishing within a proposed R10 District a proposed C2-5 District property by:
- a. East 122nd Street, Park Avenue, a line midway between East 119th Street and East 120th Street, a line 100 feet easterly of Park Avenue, East 118th Street, a line 100 feet westerly of Park Avenue, East 120th Street, and a line 100 feet westerly of Park Avenue; and
 - b. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;
29. establishing a Special East Harlem Corridors District bounded by:
- a. East 132nd Street, the westerly boundary line of the New York Central Railroad right-of-way, East 128th Street, a line 70 feet westerly of Park Avenue, East 129th Street, a line 90 feet westerly of Park Avenue, a line midway between East 129th Street and East 130th Street, and a line 100 feet westerly of Park Avenue;
 - b. East 128th Street, a line 160 feet easterly of Park Avenue, a line 100 feet southerly of East 128th Street, a line 100 feet easterly of Park Avenue, East 126th Street, a line

100 feet westerly of Park Avenue, East 127th Street, and the westerly boundary line of the New York Central Railroad right-of-way;

- c. East 124th Street, a line 100 feet easterly of Park Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Lexington Avenue, East 117th Street, Lexington Avenue, East 122nd Street, a line 100 feet westerly of Lexington Avenue, East 124th street, a line 100 feet easterly of Lexington Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Third Avenue, East 124th Street, a line 100 feet easterly of Third Avenue, East 123rd Street, Third Avenue, East 122nd Street, a line 100 feet easterly of Third Avenue, a line midway between East 116th Street-Luis Munoz Marin Boulevard and East 117th Street, a line 100 feet westerly of Second Avenue, East 122nd Street, Second Avenue, East 120th Street, a line 100 feet easterly of Second Avenue, East 115th Street, a line 100 feet westerly of Second Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Third Avenue, East 115th Street, a line 100 feet westerly of Third Avenue, a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet easterly of Lexington Avenue, East 115th Street, a line 100 feet westerly of Park Avenue, East 120th Street, and a line 100 feet westerly of Park Avenue;
 - d. East 124th Street, Second Avenue, East 123rd Street, and a line 100 feet westerly of Second Avenue;
 - e. East 112th Street, a line 100 feet easterly of Lexington Avenue, East 104th Street, a line 100 feet westerly of Lexington Avenue, East 107th Street, Lexington Avenue, East 110th Street, a line 100 feet westerly of Lexington Avenue;
 - f. East 112th Street, a line 100 feet easterly of Third Avenue, East 109th Street, Third Avenue, East 106th Street, a line 100 feet easterly of Third Avenue, East 104th Street, and a line 100 feet westerly of Third Avenue;
 - g. East 112th Street, a line 100 feet easterly of Second Avenue, East 108th Street, Second Avenue, East 109th Street, and a line 100 feet westerly of Second Avenue; and
 - h. East 106th Street, a line 100 feet easterly of Second Avenue, East 104th Street, and a line 100 feet westerly of Second Avenue; and
30. establishing a Special Transit Land Use District bounded by:

- a. East 126th Street, a line 85 feet easterly of Fifth Avenue, a line midway between East 125th Street/Dr. Martin Luther King Jr. Boulevard and East 126th Street, a line 100 feet westerly of Park Avenue, East 126th Street, a line 100 feet easterly of Third Avenue, East 124th Street, a line 200 feet westerly of Madison Avenue, a line midway between East 124th Street and East 125th Street/Dr. Martin Luther King Jr. Boulevard, and Fifth Avenue;
- b. East 120th Street, a line 100 feet easterly of Second Avenue, a line 100 feet southerly of East 115th Street, and a line 100 feet westerly of Second Avenue;
- c. a line midway between East 110th Street and East 111th Street, a line 100 feet easterly of Second Avenue, the southerly street line of East 110th Street, and a line 100 feet westerly of Second Avenue; and
- d. the northerly street line of East 105th Street, a line 100 feet easterly of Second Avenue, a line midway between East 104th Street and East 105th Street, and a line 100 feet westerly of Second Avenue;

as shown on a diagram (for illustrative purposes only) dated April 24, 2017, and subject to the conditions of CEQR Declaration E-422.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 17

CD 11

N 170359 ZRM

IN THE MATTER OF an application submitted by New York City 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 establishing the Special East Harlem Corridors District (Article XIII, Chapter 8) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

**ARTICLE I
GENERAL PROVISIONS**

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

* * *

**11-122
Districts established**

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

* * *

Special Purpose Districts

* * *

Establishment of the Special Downtown Jamaica District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Downtown Jamaica District# is hereby established.

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10
DEFINITIONS

* * *

Special Downtown Jamaica District

The “Special Downtown Jamaica District” is a Special Purpose District designated by the letters “DJ” in which special regulations set forth in Article XI, Chapter 5, apply.

Special East Harlem Corridors District

The “Special East Harlem Corridors District” is a Special Purpose District designated by the letters “EHC” in which special regulations set forth in Article XIII, Chapter 8, apply.

Special Enhanced Commercial District

The “Special Enhanced Commercial District” is a Special Purpose District designated by the letters “EC” in which special regulations set forth in Article XIII, Chapter 2, apply.

* * *

Chapter 4
Sidewalk Cafe Regulations

* * *

14-40

AREA ELIGIBILITY FOR SIDEWALK CAFES

* * *

14-44

Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

* * *

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Clinton District	No	Yes
<u>East Harlem Corridors District</u>	<u>No</u>	<u>Yes</u>
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes

* * *

ARTICLE II

RESIDENCE BULK REGULATIONS

Chapter 3

Residential Bulk Regulations in Residence Districts

* * *

23-011

Quality Housing Program

* * *

R6 R7 R8 R9 R10

- (c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

* * *

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

#Special 125th Street District#;
#Special Downtown Brooklyn District#;
#Special Downtown Jamaica District#;
#Special East Harlem Corridors District#;
#Special Grand Concourse Preservation District#;

* * *

23-03

Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

* * *

- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#

#Special Downtown Jamaica District#

#Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

* * *

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-03 Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

* * *

- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#

#Special Downtown Jamaica District#

#Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

* * *

ARTICLE IX

SPECIAL PURPOSE DISTRICTS

Chapter 5

Special Transit Land Use District

95-00

GENERAL PURPOSES

* * *

95-03

Transit Easement

Any #development# or #enlargement# involving ground level construction within the #Special Transit Land Use District# shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04.

The issuance by the Department of Buildings of an excavation permit for any #zoning lot# located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a #zoning lot# shall permit the realization of one or more of the following planning objectives:

- (a) the integration and relating of subway station design to surrounding development;

- (b) the introduction of light and air to; stations; ~~and~~ mezzanines; and other related facilities constructed pursuant to the provisions of Section 95-032 (Determination of transit easements at other stations);

* * *

95-031

Selection of transit easement at certain stations

At the stations specified below, ~~T~~the transit easement required on a #zoning lot# shall constitute a volume whose dimensions above and below #curb level# shall comply with the requirements as set forth in Table A or Table B of this Section, depending on the depth of the proposed subway mezzanine below #curb level#, as established by the Metropolitan Transportation Authority.

* * *

95-032

Determination of transit easements at other stations

At the 106th Street, 116th Street and 125th Street stations, a transit easement shall be provided to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the Metropolitan Transportation Authority shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

95-0323

Location of transit easements

* * *

95-05

Terms and Conditions for Permitted Uses and Construction within Transit Easement Volume

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, ~~or~~ elevators; or, for

#zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#. When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

* * *

**95-051
Development of transit access facilities**

All access facilities, including any light wells or sky lights required within a transit easement volume established pursuant to the provisions of Section 95-031 (Selection of transit easement at certain stations), or access and ancillary facilities required pursuant to the provisions of Section 95-032 (Determination of transit easement at other stations), shall be constructed and maintained by the Metropolitan Transportation Authority except for any #building# columns, footings or any other permitted obstructions allowed therein.

* * *

**95-052
Special access facilities for persons with disabilities at certain stations**

For #zoning lots# subject to the provisions of Section 95-031 (Selection of transit easement at certain stations), Special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

* * *

**Article IX
Special Purpose Districts**

Chapter 7
Special 125th Street District

97-00

GENERAL PURPOSES

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (h) to ensure, in the Park Avenue Hub Subdistrict, compatibility with the purposes of the #Special East Harlem Corridors District#; and
- ~~(h)~~(i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

* * *

97-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and ~~Core~~ Subdistricts) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

97-04

Establishment of ~~Core~~ Subdistricts

In order to carry out the purposes and provisions of this Chapter, ~~the Core two~~ subdistricts is are established within the #Special 125th Street District# ~~and~~; the Core Subdistrict and the Park Avenue Hub Subdistrict. Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the ~~Core~~ Subdistricts are shown on Map 1 in Appendix A of this Chapter.

* * *

97-06

~~Applicability of Special Transit Land Use District Regulations~~ Applicability of ~~District~~ Regulations

[Note: existing provisions moved to Section 97-061]

97-061

Applicability of Special Transit Land Use District Regulations

[Note: existing provisions moved from Section 97-06 and updated a cross reference. The specification of the #Special Transit Land Use District# was eliminated since they are specified in Zoning Maps.]

Wherever the #Special 125th Street District# includes an area which also lies within the #Special Transit Land Use District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs (e)

(a)(4) and (f) (a)(5) of Section 97-433 (Street wall location) 442 (Height and setback regulations within the Core Subdistrict and areas outside of a subdistrict).

~~The #Special Transit Land Use District# includes the area within the #Special 125th Street District# bounded by a line 50 feet west of Second Avenue from 124th Street midway to 125th Street where such area widens to a line 100 feet west of Second Avenue.~~

97-062

Applicability of the Quality Housing Program

[Note: existing provisions moved from 97-40 (SPECIAL BULK REGULATIONS)]

In the #Special 125th Street District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program, and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

97-063

Applicability of Inclusionary Housing Program

[Note: existing provision moved from Section 97-421 (Inclusionary Housing) and changed to include Mandatory Inclusionary Housing applicability]

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 23-154 (Inclusionary Housing) and in Section 23-90 (INCLUSIONARY HOUSING), #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# within the #Special 125th Street Districts# are shown on the maps in APPENDIX F of this Resolution.

97-10

SPECIAL USE AND LOCATION REGULATIONS

* * *

97-14

Transient Hotels Within the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in

Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or
- (b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:
 - (1) sufficient sites are available in the area to meet the #residential development# goal;
or
 - (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

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

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 4,470 #dwelling units# within the combined areas of the #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, have received temporary or final certificates of occupancy subsequent to [date of adoption].

97-20

LOCATION AND ACCESS REGULATIONS

[Note: applicability of Article II, Chapter 8 has been moved to Section 97-062]

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, the provisions of Section 97-21 (Location and Access Requirements in Certain Areas), inclusive, shall apply.

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the provisions of Section 97-21, inclusive, shall apply to any #zoning lot#, or portion thereof, specified

in Section 97-21, and the provisions of Section 97-22 (Use Location Regulations in the Park Avenue Hub Subdistrict), inclusive, shall apply to all other #zoning lots#, or portion thereof.

For the purposes of applying the provisions of this Section, defined terms shall include those set forth in Sections 12-10 (DEFINTIONS) and 37-311 (Definitions).

97-21

Location of and Access to Arts and Entertainment Uses Supplemental Use and Streetscape Regulations along 125th Street

[Note: existing 97-21 provisions moved to Section 97-211]

[Note: existing provisions, moved from Section 97-20]

Within the #Special 125th Street District#, ~~F~~for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the ~~locational and access~~ requirements of this Section, inclusive. However, ~~O~~on #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

97-211

Location and Access to Art and Entertainment Uses

[Note: existing provisions, moved from Section 97-21]

Any arts and entertainment #uses# listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

* * *

97-212

Uses not permitted on the ground floor of buildings

[Note: existing provisions moved from Section 97-22 and modified]

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet

from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 97-221 213 (Access to non-ground floor uses).

* * *

97-213

Access to non-ground floor uses

[Note: existing provisions, moved from Section 97-221]

The maximum ground floor #street# frontage on 125th Street allocated to entranceways or lobby space for non-ground floor #uses# listed in Section 97-22 shall be as set forth for Type 1 lobbies in Section 37-33 (Maximum Width of Certain Uses), except that for #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

Additionally, within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.

97-214

Transparency requirements along 125th Street

[Note: existing provisions, moved from 97-23]

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

97-22

Uses Not Permitted on the Ground Floor of Buildings

Supplemental Use and Streetscape Regulations within the Park Avenue Hub Subdistrict

[Note: existing 97-22 provisions moved to Section 97-212]

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, for #zoning lots#, or portion thereof, that are not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, the provisions of this Section, inclusive, shall apply.

97-221

Access to non-ground floor uses

Modification of supplemental use location regulations

[Note: existing 97-221 provisions moved to Section 97-213]

The supplementary #commercial use# regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial uses# on any #story#, provided that at any level containing #residences#, no access exists between such #commercial# and #residential uses# and provided that such #commercial uses# are not located directly over any #residential use#.

97-222

Ground floor use and streetscape regulations

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements#. Any portion of a #ground floor level# allocated to a transit easement required by the MTA pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section.

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along Park Avenue that is not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, as well as any #narrow street# frontage within 50 feet of Park Avenue, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

97-23

Transparency Requirements

[Note: existing 97-23 provisions moved to Section 97-214]

* * *

97-40

SPECIAL BULK REGULATIONS

[Note: the applicability of Article II, Chapter 8 moved to Section 97-062]

Within the #Special 125th Street District#, ~~all #developments# or #enlargements# containing #residences# shall comply with the requirements of Article II, Chapter 8 (Quality Housing), and the applicable #bulk# regulations of the underlying districts shall apply, except as modified in~~ by the provisions of this Section, inclusive.

97-41

Special Floor Area Regulations

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

97-411

Maximum floor area ratio in ~~C4-4D, C4-7 and C6-3~~ Districts within the Core Subdistrict and areas outside of a subdistrict

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter and areas outside of a subdistrict, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility uses#, and may only be increased pursuant to Section 97-42 (Additional Floor Area Bonuses Regulations), inclusive.

* * *

97-412

Maximum floor area ratio in the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:

- (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel# pursuant to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or
- (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (d)(4) of

Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for #zoning lots#, subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
- (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses).

97-42

Additional Floor Area Bonuses Regulations

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased by a pursuant to the #floor area# bonus, pursuant to provisions of Sections 23-154 (Inclusionary Housing) 97-421 (Inclusionary Housing) or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

97-421

Inclusionary Housing

[Note: the Inclusionary Housing Program applicability provision moved to 97-063 (Applicability of Inclusionary Housing Program)]

~~Within the #Special 125th Street District#, In #Inclusionary Housing designated areas# within C4-4D, C4-7 and C6-3 Districts in the Core Subdistrict or areas outside of a subdistrict, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Section 23-154 (Inclusionary Housing).~~

97-422

Floor area bonus for visual or performing arts uses

(a) ~~In C4-4D, C4-7 or C6-3 Districts within the #Special 125th Street District# Core Subdistrict or areas outside of a subdistrict, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial uses# listed in Section 97-411 may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.~~

**MAXIMUM PERMITTED FLOOR AREA RATIO (FAR)
FOR RESIDENTIAL AND COMMERCIAL USES WITH
FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES**

Outside the Core District		Within the Core Subdistrict	
<u>Within areas outside of a subdistrict</u>			
#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#

* * *

(b) In C6-4 Districts within the Park Avenue Hub Subdistrict, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) may be increased up to a maximum #floor area ratio# of

12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

97-423

Certification for floor area bonus for visual or performing arts uses

The minimum non-#residential floor area# or equivalent floor space provisions of paragraph (a)(2) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) or the #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412, or all #floor area# that will result from the permitted increase in #floor area ratio# pursuant to Section 97-422, including the location of such #floor area#.
- (b) Drawings also have been provided that clearly designate all #floor area# and/or below grade floor space for any new visual or performing arts #uses# provided for the purposes of satisfying the provisions of paragraph (a)(2) of Section 97-412, or for which a bonus is to be received pursuant to Section 97-422.

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and shall also show that:

- (1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;
- (2) all bonused #floor area# or below grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street, except where such visual or performing arts #floor area# or floor space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422;
- (3) in the case of primary rehearsal space, where such space does not consist of #accessory uses# subject to the requirements of paragraph (b)(4), such space:

* * *

- (iii) has a #street wall# with at least 50 feet of frontage along 125th Street, except that where such primary rehearsal space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422 such #street wall# with 50 feet of frontage need not be along 125th Street, and has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than nine feet six inches; and

* * *

(5) #Accessory# space

- (i) For primary rehearsal spaces, no more than 25 percent of such minimum required #floor area# or equivalent below grade floor space, or such ~~the~~ bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such primary rehearsal spaces. #Accessory uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;
- (ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory use# occupies more than 25 percent of ~~the~~ such total minimum required #floor area# or equivalent below grade floor space, or bonused #floor area# or below grade floor space. #Accessory uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and

(6) Signage

- (i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section 97-30, inclusive, except where such visual or performing arts facility is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422; and

* * *

- (e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to this Section 97-422, as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment use# shall be prohibited for the life of the #development# or #enlargement#.

* * *

- (g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to Section 97-422, as a visual and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased #floor area# permitted under Section 97-422, as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

* * *

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions

of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422 shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

* * *

97-44 43
Special Height and Setback Regulations

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-441 431
Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

97-442 432
Height and setback regulations for ~~C4-7 and C6-3~~ Districts in the Core Subdistrict and areas outside of a subdistrict

[Note: provisions of paragraph (a) moved from Section 97-443 and modified]

(a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, the #street wall# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:

- (a)(1) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of

paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.

~~(b)~~(2) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

~~(c)~~(3) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.

~~(d)~~(4) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.

~~(e)~~(5) For any #development# or #enlargement# ~~within the #Special 125th Street District#~~ that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.

~~(f)~~(6) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

(b) Maximum height of building and setback

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within ~~the Special District~~ the Core Subdistrict and areas outside of a subdistrict:

~~(a)~~(1) The minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

* * *

~~(b)~~(2) Special regulations for certain C4-7 Districts

~~(1)~~(i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.

~~(2)~~(ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.

~~(3)~~(iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.

~~(e)~~(3) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

97-44 43 **Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-441 431 **Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

97-442 432

Height and setback regulations for C4-7 and C6-3 Districts in the Core Subdistrict and areas outside of a subdistrict

* * *

97-443 433

Street wall location

Height and setback regulations in the Park Avenue Hub Subdistrict

[Note: existing provisions of Section 97-443 moved to paragraph (a) of Section 97-432]

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

(a) #Street wall# location

The applicable provisions of Section 35-651 shall be modified as follows:

(1) Along 125th Street

Along 125th Street, the minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

(2) Along Park Avenue and #narrow streets#

Along Park Avenue and any #narrow streets#, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section 97-20 (LOCATION AND ACCESS REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section 35-652.

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in paragraph (a) of this Section, nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower allocated exclusively to non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

97-45 44

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

97-50

SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

* * *

97-51

Required Accessory Off-Street ~~Residential~~ Parking Within the Core Subdistrict and areas outside of a subdistrict

[Note: existing provisions moved to Section 97-511]

97-511

Required Accessory Off-Street Residential Parking

[Note: existing provisions moved from Section 97-51]

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

97-512

Required Accessory Off-Street Commercial Parking

[Note: existing provisions moved from Section 97-52]

In #Commercial Districts# within the #~~Special 125th Street District~~ Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING

REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

97-52

Required Accessory Off-Street Commercial Parking Within the Park Avenue Hub Subdistrict

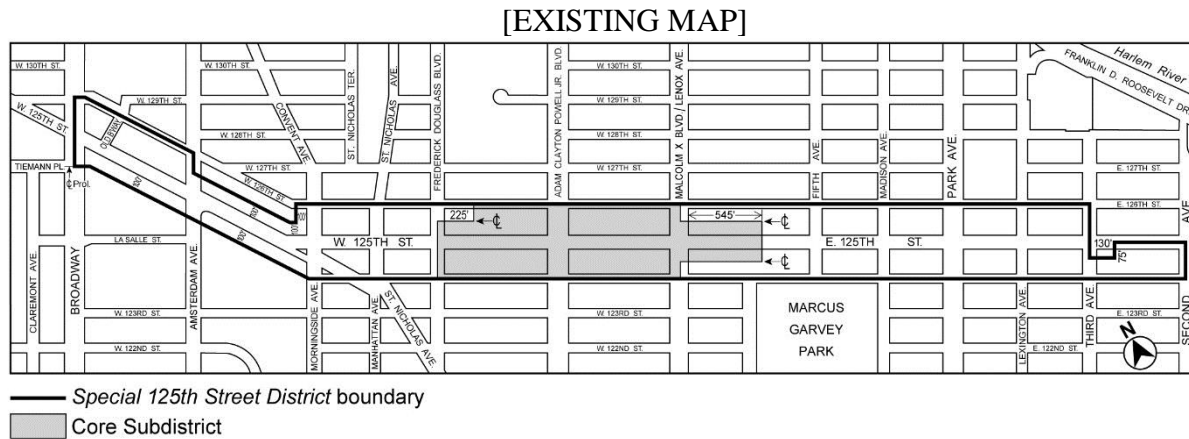
[Note: existing provisions moved to Section 97-512]

In the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the regulations of the underlying district.

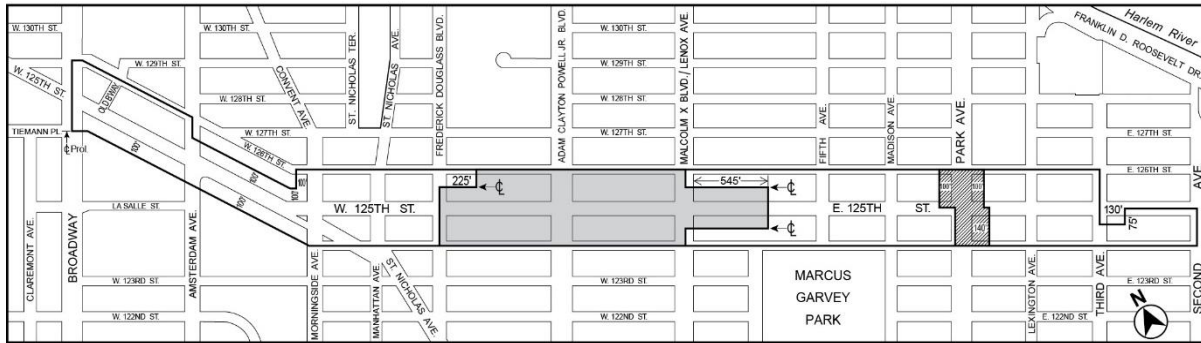
* * *

**Appendix A
Special 125th Street District Plan**

Map 1: Special 125th Street District and Core Subdistricts



[PROPOSED MAP]



- Special 125th Street District boundary
- Core Subdistrict
- ▨ Park Avenue Hub Subdistrict

* * *

Article XIII
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 8
Special East Harlem Corridors District

138-00
GENERAL PURPOSES

The “Special East Harlem Corridors District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) encourage and guide the development of East Harlem as a dynamic mixed-use neighborhood by permitting the expansion and development of residential, commercial, community facility and light manufacturing uses in appropriate areas;
- (b) encourage the development of residential uses along appropriate corridors ;
- (c) encourage the development of permanently-affordable housing;

- (d) facilitate the development of high-density commercial and manufacturing uses in order to locate jobs near transit connections in ;
- (e) enhance the vitality of both existing and emerging commercial corridors by ensuring that ground floor frontages are occupied by active uses that enliven the pedestrian experience along the street;
- (f) ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique neighborhood conditions such as the Park Avenue viaduct; and
- (g) promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

138-01

General Provisions

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. 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.

138-02

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special East Harlem Corridors District# Plan. The District Plan includes the map, “Special East Harlem Corridors District and Subdistrict,” in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

138-03

Subdistrict

In order to carry out the provisions of this Chapter, the Park Avenue Subdistrict is established within the #Special East Harlem Corridors District#. The location of the Subdistrict is shown in the Appendix to this Chapter.

138-04

Applicability

138-041

Applicability of Article IX, Chapter 5

In the event of a conflict between the provisions of this Chapter and Article IX, Chapter 5 (Special Transit Land Use District), the provisions of Article IX, Chapter 5 shall control.

138-042

Applicability of Article XII, Chapter 3

In M1 Districts paired with a Residence District, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

138-043

Applicability of the Quality Housing Program

In the #Special East Harlem Corridors District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

138-044

Applicability of the Inclusionary Housing Program

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the #Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

138-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

138-11

Location of Residential Use Within Buildings

In C4 or C6 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged#, to permit #dwelling units# on the same #story# as a #commercial use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial uses# are located directly over any #dwelling units#. However, such #commercial uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

138-12

Transient Hotels

C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or
- (b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:
 - (1) sufficient sites are available in the area to meet the #residential development# goal;
or
 - (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

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

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 4,470 #dwelling units# within the combined areas of #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of Article IX, Chapter 7 (Special 125th Street District), have received temporary or final certificates of occupancy subsequent to [date of adoption].

138-13

Physical Culture or Health Establishments

Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right in C2-5, C4-6, and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

138-14

Public Parking Garages

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), the regulations set forth for C1-4 Districts shall apply to C1-5 Districts, and the regulations set forth for C2-4 Districts shall apply to all other districts. In an M1 District paired with an R9 or R10 District, the regulations of #public parking garages# in Article XII, Chapter 3 (Special Mixed Use Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

138-20

SPECIAL BULK REGULATIONS

In the #Special East Harlem Corridors District#, all #developments# and #enlargements# shall comply with the #bulk# regulations for #Quality Housing buildings#, as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section 138-21 (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section 138-22 (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section 138-23 (Basic Height and Setback) shall apply. In #Commercial Districts# mapped within an R9 or R10 District, or #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, the provisions of Section 138-24 (Alternate Height and Setback Regulations) may apply as an alternative to the provisions set forth in Section 138-23. In M1 Districts paired with R9 or R10 Districts, the height and setback provisions set forth in Section 138-25 (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

138-21

Floor Area Regulations

138-211

Floor area regulations in the Park Avenue Subdistrict

The maximum #floor area ratio# for #zoning lots# within the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, is set forth in paragraph (a) of this Section. Such provisions are modified for certain #zoning lots# in accordance with paragraph (b).

(a) Maximum #floor area ratio#

In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# shall be 8.5. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5.

In C6-4 Districts and M1-6 Districts paired with an R10 District, the maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 2.0.

Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5 in M1-6 Districts paired with an R9 District, and 2.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

The maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

(1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph (b)(1), the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall not apply;

(2) for #zoning lots# subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154 (Inclusionary Housing), the maximum #residential floor area ratio# of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and

- (3) for #zoning lots# subject to paragraphs (b)(1) or (b)(2) of this Section, the maximum #floor area ratio# for all #uses# shall be 7.52 in M1-6 Districts paired with an R9 District, and 10.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.

138-212

Floor area regulations outside of the Park Avenue Subdistrict

For #zoning lots#, or portions thereof, outside of the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, the underlying #floor area# regulations shall apply, except that:

- (a) in C2 Districts mapped within an R9 District, for any #zoning lot# containing #residential floor area#, the maximum #residential floor area ratio# for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary housing), or, for #affordable independent residences for seniors#, shall be 8.5, the maximum #residential floor area ratio# for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154 shall be 7.52, and the maximum #floor area ratio# for any combination of #uses# shall be 8.5; and
- (b) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.

138-22

Street Wall Regulations

All #developments# and #enlargements# within the #Special East Harlem Corridors District# shall comply with the #street wall# regulations of Section 35-651 (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, #developments# and #enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section 35-651 are specified and modified as follows:

- (a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, and along #narrow streets# within 50 feet of an intersection with such #wide street#, the provisions of paragraph (b) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

- (1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section 37-34 (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#;
- (2) for portions of #developments# and #enlargements# where the provisions of paragraph (a) of this Section apply, such #street wall# shall not be located beyond five feet of the #street line#, except that such #street wall# may be located beyond such distance pursuant to the applicable provisions of paragraph (b) of Section 35-651 or of Section 64-333 (Street wall location in certain districts); and
- (3) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (a) of Section 138-

32 (Special Streetscape Provisions for Blank Walls), shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. In addition, such area shall provide visual mitigation elements in accordance with the provisions of Section 138-32.

138-23

Basic Height and Setback Regulations

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations).

The regulations of paragraph (b)(2) of Section 36-652 relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section 138-30 (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

138-24

Optional Height and Setback Regulations in Certain Districts

In C2 Districts mapped within an R9 or R10 District, or in C6-4 or C4-6 Districts, as an alternative to the provisions of Section 138-23 (Basic Height and Setback Regulations), the provisions of this Section may be applied to #zoning lots# meeting the applicable criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(a) Setbacks

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of

buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

(b) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower containing exclusively non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(c) Maximum #building# height

No height limit shall apply to towers.

138-25

Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (c) of Section 138-22 (Street Wall Regulations) shall apply. The maximum height of #buildings or other structures# and setback provisions set forth in Section 123-66 (Height and Setback Regulations) shall apply as modified in this Section.

(a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). The maximum #building# height shall be 285 feet; and

(b) in M1 Districts paired with an R10 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662. The maximum #building# height shall be 350 feet.

138-30

STREETSCAPE REQUIREMENTS

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a ground floor level that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section, inclusive.

138-31

Ground Floor Use Regulations

The special #ground floor level# streetscape provisions set forth in Section 37-30, shall apply to Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, within the #Special East Harlem Corridors District# which, for the purposes of applying such provisions, shall be considered designated retail streets, and any portion of a #ground floor level street# frontage along the designated retail streets, as well as any #narrow street# frontage within 50 feet of such #streets#, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall also include those defined in Section 37-311 (Definitions).

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements), except that:

- (1) in M1-6 Districts paired with an R9 or R10 District, where the #ground floor level# is occupied by #uses# in Use Groups 16, 17 and 18, up to 50 percent of the #ground floor level street wall# width may be exempt from such regulations, provided that any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide planting or screening in accordance with the provisions of paragraphs (a) or (f) of Section 138-32 (Special Streetscape Provisions for Blank Walls) for at least 75 percent of such blank wall; and
- (2) in #flood zones#, where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 15 feet, visual mitigation elements shall be provided in accordance with Section 138-32 for such blank wall.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

138-32

Special Streetscape Provisions for Blank Walls

Where visual mitigation elements are required on a blank wall along the #ground floor level street wall# pursuant to the provisions of Section 138-31 (Ground Floor Use Regulations), at least 75 percent of the linear footage of any such blank wall shall be treated by one or more of the following visual mitigation elements which shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations. Such features when utilized as visual mitigation elements shall include:

(a) Planting

Any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of this paragraph.

(b) Benches

Fixed benches with or without backs shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

138-40

OFF-STREET PARKING AND LOADING REGULATIONS

The applicable parking and loading regulations of Article II, Chapter 5, Article III, Chapter 6, Article IV, Chapter 4 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) or Section 123-70 (PARKING AND LOADING), inclusive, shall be modified in this Section, inclusive.

138-41

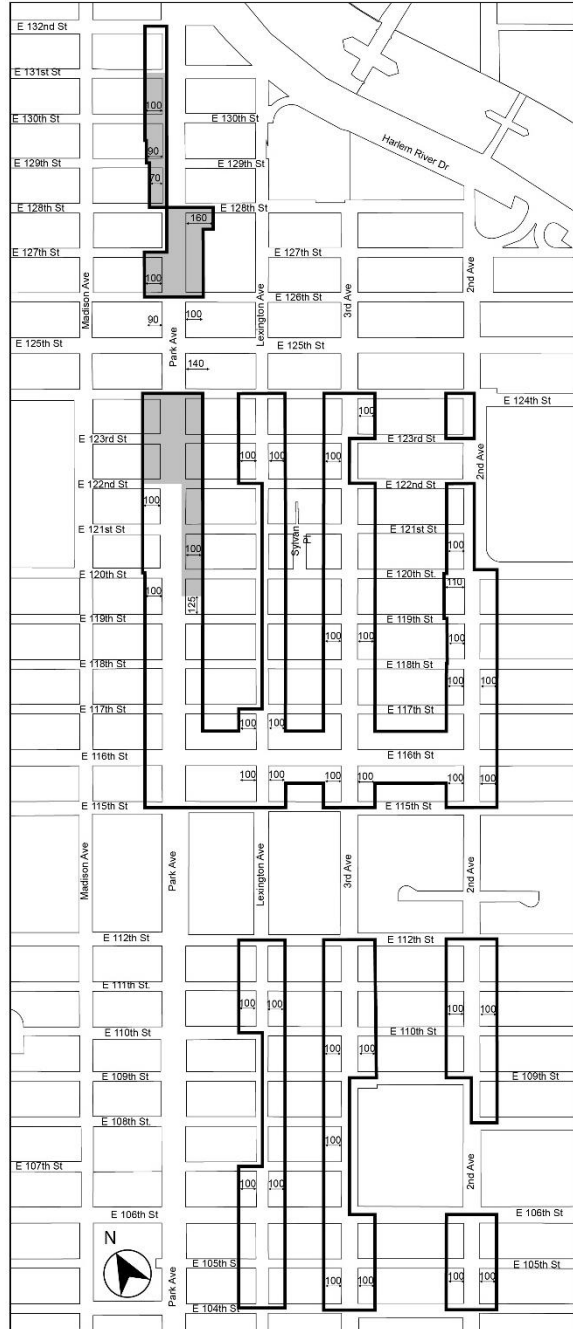
Required Accessory Off-street Parking Spaces for Residences

In the #Special East Harlem Corridors District#, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the underlying district regulations.

APPENDIX: SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN

Special East Harlem Corridors District and Subdistrict

[PROPOSED MAP]



EAST HARLEM DISTRICT PLAN

SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

 Special East Harlem Corridors District

 Park Avenue Subdistrict

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

MANHATTAN

* * *

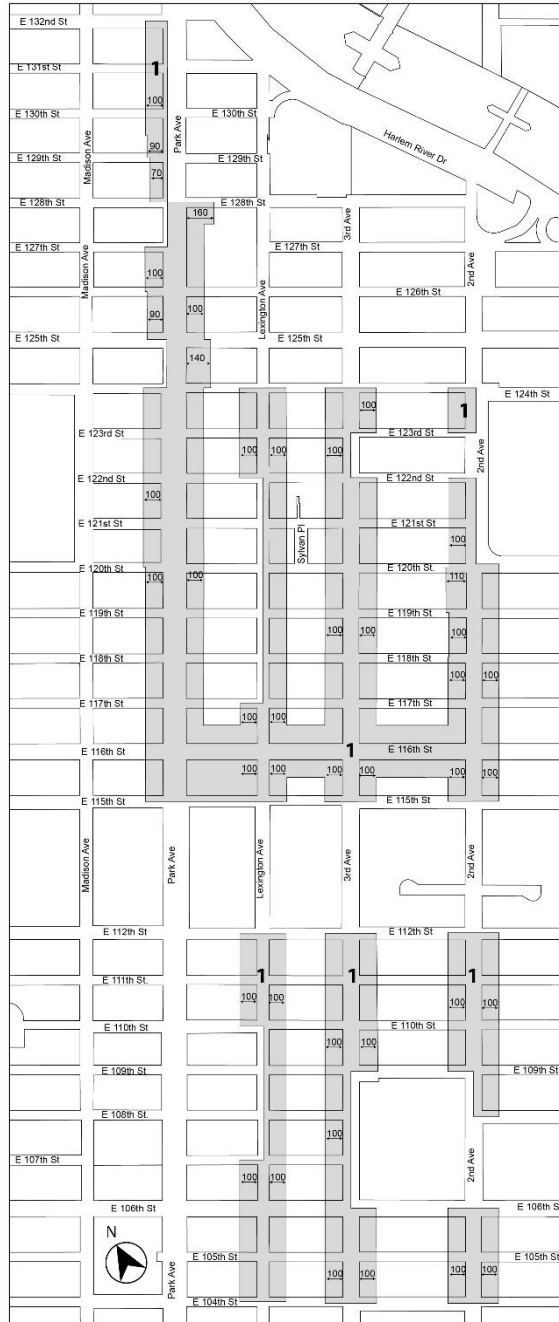
Manhattan Community District 11

In the R7D, R9 and R10 Districts within the areas shown on the following Map 1 and Map 2:

* * *

Map 2 – [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*
Area 1 [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 11, Manhattan

* * *

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 18

CD 11

N 170359(A) ZRM

IN THE MATTER OF an application submitted by New York City 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 establishing the Special East Harlem Corridors District (Article XIII, Chapter 8) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections.

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I

GENERAL PROVISIONS

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

* * *

11-122

Districts established

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

* * *

Special Purpose Districts

* * *

Establishment of the Special Downtown Jamaica District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Downtown Jamaica District# is hereby established.

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

* * *

Special Downtown Jamaica District

The “Special Downtown Jamaica District” is a Special Purpose District designated by the letters “DJ” in which special regulations set forth in Article XI, Chapter 5, apply.

Special East Harlem Corridors District

The “Special East Harlem Corridors District” is a Special Purpose District designated by the letters “EHC” in which special regulations set forth in Article XIII, Chapter 8, apply.

Special Enhanced Commercial District

The “Special Enhanced Commercial District” is a Special Purpose District designated by the letters “EC” in which special regulations set forth in Article XIII, Chapter 2, apply.

* * *

**Chapter 4
Sidewalk Cafe Regulations**

* * *

**14-40
AREA ELIGIBILITY FOR SIDEWALK CAFES**

* * *

**14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

* * *

Manhattan

#Enclosed Sidewalk
Cafe#

#Unenclosed Sidewalk
Cafe#



Clinton District	No	Yes
<u>East Harlem Corridors District</u>	<u>No</u>	<u>Yes</u>
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes

* * *

**ARTICLE II
RESIDENCE BULK REGULATIONS**

**Chapter 3
Residential Bulk Regulations in Residence Districts**

* * *

**23-011
Quality Housing Program**

* * *

R6 R7 R8 R9 R10

(d) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

* * *

(3) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

- #Special 125th Street District#;
- #Special Downtown Brooklyn District#;
- #Special Downtown Jamaica District#;
- #Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

* * *

23-03

Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

* * *

- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#

#Special Downtown Jamaica District#

#Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

* * *

ARTICLE III COMMERCIAL DISTRICT REGULATIONS

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

* * *

33-03
Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

* * *

- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#

#Special Downtown Jamaica District#

#Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

* * *

ARTICLE IX

SPECIAL PURPOSE DISTRICTS

Chapter 5

Special Transit Land Use District

95-00

GENERAL PURPOSES

* * *

95-03

Transit Easement

Any #development# or #enlargement# involving ground level construction within the #Special Transit Land Use District# shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04.

The issuance by the Department of Buildings of an excavation permit for any #zoning lot# located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a #zoning lot# shall permit the realization of one or more of the following planning objectives:

- (a) the integration and relating of subway station design to surrounding development;
- (b) the introduction of light and air to: stations; and mezzanines; and other related facilities constructed pursuant to the provisions of Section 95-032 (Determination of transit easements at other stations);

* * *

95-031

Selection of transit easement at certain stations

At the stations specified below, the transit easement required on a #zoning lot# shall constitute a volume whose dimensions above and below #curb level# shall comply with the requirements as set forth in Table A or Table B of this Section, depending on the depth of the proposed subway mezzanine below #curb level#, as established by the Metropolitan Transportation Authority.

* * *

95-032

Determination of transit easements at other stations

At the 106th Street, 116th Street and 125th Street stations, a transit easement shall be provided to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the Metropolitan Transportation Authority shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

95-0323

Location of transit easements

* * *

95-05

Terms and Conditions for Permitted Uses and Construction within Transit Easement Volume

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, ~~or~~ elevators, or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#. When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

* * *

95-051
Development of transit access facilities

All access facilities, including any light wells or sky lights required within a transit easement volume established pursuant to the provisions of Section 95-031 (Selection of transit easement at certain stations), or access and ancillary facilities required pursuant to the provisions of Section 95-032 (Determination of transit easement at other stations), shall be constructed and maintained by the Metropolitan Transportation Authority except for any #building# columns, footings or any other permitted obstructions allowed therein.

* * *

95-052
Special access facilities for persons with disabilities at certain stations

For #zoning lots# subject to the provisions of Section 95-031 (Selection of transit easement at certain stations), Special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

* * *

Article IX
Special Purpose Districts

Chapter 7
Special 125th Street District

97-00
GENERAL PURPOSES

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (h) to ensure, in the Park Avenue Hub Subdistrict, compatibility with the purposes of the #Special East Harlem Corridors District#; and
- ~~(h)~~(i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

* * *

**97-03
District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and Core Subdistricts) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

97-04

Establishment of Core Subdistricts

In order to carry out the purposes and provisions of this Chapter, ~~the Core two subdistricts is~~ are established within the #Special 125th Street District# ~~and: the Core Subdistrict and the Park Avenue Hub Subdistrict.~~ Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the ~~Core~~ Subdistricts are shown on Map 1 in Appendix A of this Chapter.

* * *

97-06

Applicability of Special Transit Land Use District Regulations **Applicability of District Regulations**

[Note: existing provisions moved to Section 97-061]

97-061

Applicability of Special Transit Land Use District Regulations

[Note: existing provisions moved from Section 97-06 and updated a cross reference. The specification of the #Special Transit Land Use District# was eliminated since they are specified in Zoning Maps.]

Wherever the #Special 125th Street District# includes an area which also lies within the #Special Transit Land Use District#, the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs (e) (a)(4) and (f) (a)(5) of Section 97-433 ~~(Street wall location)~~ 442 (Height and setback regulations within the Core Subdistrict and areas outside of a subdistrict).

~~The #Special Transit Land Use District# includes the area within the #Special 125th Street District# bounded by a line 50 feet west of Second Avenue from 124th Street midway to 125th Street where such area widens to a line 100 feet west of Second Avenue.~~

97-062

Applicability of the Quality Housing Program

[Note: existing provisions moved from 97-40 (SPECIAL BULK REGULATIONS)]

In the #Special 125th Street District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program, and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

97-063

Applicability of Inclusionary Housing Program

[Note: existing provision moved from Section 97-421 (Inclusionary Housing) and changed to include Mandatory Inclusionary Housing applicability]

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 23-154 (Inclusionary Housing) and in Section 23-90 (INCLUSIONARY HOUSING), #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# within the #Special 125th Street Districts# are shown on the maps in APPENDIX F of this Resolution.

97-10

SPECIAL USE AND LOCATION REGULATIONS

* * *

97-14

Transient Hotels Within the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or
- (b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:

- (1) sufficient sites are available in the area to meet the #residential development# goal; or
- (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

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

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 4,470 #dwelling units# within the combined areas of the #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, have received temporary or final certificates of occupancy subsequent to [date of adoption].

97-20

LOCATION AND ACCESS REGULATIONS

[Note: applicability of Article II, Chapter 8 has been moved to Section 97-062]

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, the provisions of Section 97-21 (Location and Access Requirements in Certain Areas), inclusive, shall apply.

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the provisions of Section 97-21, inclusive, shall apply to any #zoning lot#, or portion thereof, specified in Section 97-21, and the provisions of Section 97-22 (Use Location Regulations in the Park Avenue Hub Subdistrict), inclusive, shall apply to all other #zoning lots#, or portion thereof.

For the purposes of applying the provisions of this Section, defined terms shall include those set forth in Sections 12-10 (DEFINITIONS) and 37-311 (Definitions).

97-21

Location of and Access to Arts and Entertainment Uses Supplemental Use and Streetscape Regulations along 125th Street

[Note: existing 97-21 provisions moved to Section 97-211]

[Note: existing provisions, moved from Section 97-20]

Within the #Special 125th Street District#, For any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the ~~locational and access~~ requirements of this Section, inclusive. However, ~~O~~on #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

97-211

Location and Access to Art and Entertainment Uses

[Note: existing provisions, moved from Section 97-21]

Any arts and entertainment #uses# listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

* * *

97-212

Uses not permitted on the ground floor of buildings

[Note: existing provisions moved from Section 97-22 and modified]

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section ~~97-221~~ 213 (Access to non-ground floor uses).

* * *

97-213

Access to non-ground floor uses

[Note: existing provisions, moved from Section 97-221]

The maximum ground floor #street# frontage on 125th Street allocated to entranceways or lobby space for non-ground floor #uses# listed in Section 97-22 shall be as set forth for Type 1 lobbies in Section 37-33 (Maximum Width of Certain Uses), except that for #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

Additionally, within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.

97-214
Transparency requirements along 125th Street

[Note: existing provisions, moved from 97-23]

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

97-22
~~Uses Not Permitted on the Ground Floor of Buildings~~
Supplemental Use and Streetscape Regulations within the Park Avenue Hub Subdistrict

[Note: existing 97-22 provisions moved to Section 97-212]

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, for #zoning lots#, or portion thereof, that are not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, the provisions of this Section, inclusive, shall apply.

97-221
~~Access to non-ground floor uses~~
Modification of supplemental use location regulations

[Note: existing 97-221 provisions moved to Section 97-213]

The supplementary #commercial use# regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial uses# on any #story#, provided that at any level containing #residences#, no access exists between such #commercial# and #residential uses# and provided that such #commercial uses# are not located directly over any #residential use#.

97-222

Ground floor use and streetscape regulations

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements#. Any portion of a #ground floor level# allocated to a transit easement required by the MTA pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section.

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along Park Avenue that is not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, as well as any #narrow street# frontage within 50 feet of Park Avenue, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

97-23

Transparency Requirements

[Note: existing 97-23 provisions moved to Section 97-214]

* * *

97-40

SPECIAL BULK REGULATIONS

[Note: the applicability of Article II, Chapter 8 moved to Section 97-062]

Within the #Special 125th Street District#, ~~all #developments# or #enlargements# containing #residences# shall comply with the requirements of Article II, Chapter 8 (Quality Housing), and~~ the applicable #bulk# regulations of the underlying districts shall apply, except as modified ~~in~~ by the provisions of this Section, inclusive.

97-41

Special Floor Area Regulations

The maximum #floor area ratio#, #open space ratio# and #lot coverage# requirements of the applicable underlying district shall apply within the #Special 125th Street District#, unless modified by the following regulations.

97-411

Maximum floor area ratio in C4-4D, C4-7 and C6-3 Districts within the Core Subdistrict and areas outside of a subdistrict

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter and areas outside of a subdistrict, the maximum permitted #floor area ratios# shall be as listed in the following table for #residential#, #commercial# and #community facility uses#, and may only be increased pursuant to Section 97-42 (Additional Floor Area Bonuses Regulations), inclusive.

* * *

97-412

Maximum floor area ratio in the Park Avenue Hub Subdistrict

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:

- (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel# pursuant to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or
- (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (d)(4) of Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;

- (2) for #zoning lots#, subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
- (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses).

97-42

Additional Floor Area Bonuses Regulations

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased by a pursuant to the #floor area# bonus, pursuant to provisions of Sections 23-154 (Inclusionary Housing) 97-421 (Inclusionary Housing) or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

97-421

Inclusionary Housing

[Note: the Inclusionary Housing Program applicability provision moved to 97-063 (Applicability of Inclusionary Housing Program)]

Within the #Special 125th Street District#, In #Inclusionary Housing designated areas# within C4-4D, C4-7 and C6-3 Districts in the Core Subdistrict or areas outside of a subdistrict, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Section 23-154 (Inclusionary Housing).

97-422

Floor area bonus for visual or performing arts uses

- (a) In C4-4D, C4-7 or C6-3 Districts within the ~~#Special 125th Street District#~~ Core Subdistrict or areas outside of a subdistrict, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial uses# listed in Section 97-411 may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR)
FOR RESIDENTIAL AND COMMERCIAL USES WITH
FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES

Outside the Core District Within areas outside of a subdistrict		Within the Core Subdistrict	
#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#

* * *

- (b) In C6-4 Districts within the Park Avenue Hub Subdistrict, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

97-423

Certification for floor area bonus for visual or performing arts uses

The minimum non-residential floor area or equivalent floor space provisions of paragraph (a)(2) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) or the floor area bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all floor area permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412, or all floor area that will result from the permitted increase in floor area ratio pursuant to Section 97-422, including the location of such floor area.
- (b) Drawings also have been provided that clearly designate all floor area and/or below grade floor space for any new visual or performing arts uses provided for the purposes of satisfying the provisions of paragraph (a)(2) of Section 97-412, or for which a bonus is to be received pursuant to Section 97-422.

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts uses, and shall also show that:

- (1) all such visual or performing arts uses are located at or above the ground floor level of the building, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and accessory uses may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;
- (2) all bonused floor area or below grade space occupied by visual or performing arts uses is primarily accessed from 125th Street, except where such visual or performing arts floor area or floor space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422;
- (3) in the case of primary rehearsal space, where such space does not consist of accessory uses subject to the requirements of paragraph (b)(4), such space:

* * *

- (iii) has a street wall with at least 50 feet of frontage along 125th Street, except that where such primary rehearsal space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422 such street wall with 50 feet of frontage need not be along 125th Street, and

has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than nine feet six inches; and

* * *

(5) #Accessory# space

- (i) For primary rehearsal spaces, no more than 25 percent of such minimum required #floor area# or equivalent below grade floor space, or such the bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such primary rehearsal spaces. #Accessory uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;
- (ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory use# occupies more than 25 percent of ~~the~~ such total minimum required #floor area# or equivalent below grade floor space, or bonused #floor area# or below grade floor space. #Accessory uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and

* * *

(6) Signage

- (i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section 97-30, inclusive, except where such visual or performing arts facility is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422; and

* * *

- (e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received; pursuant to ~~this~~ Section 97-422, as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the

event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment use# shall be prohibited for the life of the #development# or #enlargement#.

* * *

- (g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to Section 97-422, as a visual and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased #floor area# permitted under Section 97-422, as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

* * *

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422 shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

* * *

97-44 43
Special Height and Setback Regulations

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-441 431
Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

97-442 **432**
Height and setback regulations for ~~C4-7 and C6-3~~ Districts in the Core Subdistrict and areas outside of a subdistrict

[Note: provisions of paragraph (a) moved from Section 97-443 and modified]

(a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, the #street wall# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:

- (a)(1) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.

- (b)(2) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
- (e)(3) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- (d)(4) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.
- (e)(5) For any #development# or #enlargement# ~~within the #Special 125th Street District#~~ that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.
- (f)(6) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

(b) Maximum height of building and setback

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within ~~the Special District~~ the Core Subdistrict and areas outside of a subdistrict:

~~(a)~~(1) The minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

* * *

~~(b)~~(2) Special regulations for certain C4-7 Districts

~~(1)~~(i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.

~~(2)~~(ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.

~~(3)~~(iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.

~~(e)~~(3) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

97-44 43
Special Height and Setback Regulations

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

97-441 431
Permitted obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

97-442 432

Height and setback regulations for C4-7 and C6-3 Districts in the Core Subdistrict and areas outside of a subdistrict

* * *

97-443 433

Street wall location

Height and setback regulations in the Park Avenue Hub Subdistrict

[Note: existing provisions of Section 97-443 moved to paragraph (a) of Section 97-432]

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

(a) #Street wall# location

The applicable provisions of Section 35-651 shall be modified as follows:

(1) Along 125th Street

Along 125th Street, the minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

(2) Along Park Avenue and #narrow streets#

Along Park Avenue and any #narrow streets#, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section 97-20 (LOCATION AND ACCESS REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section 35-652.

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in paragraph (a) of this Section, nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower allocated exclusively to non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

97-45 44

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

97-50

SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

* * *

97-51

Required Accessory Off-Street Residential Parking Within the Core Subdistrict and areas outside of a subdistrict

[Note: existing provisions moved to Section 97-511]

97-511

Required Accessory Off-Street Residential Parking

[Note: existing provisions moved from Section 97-51]

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

97-512

Required Accessory Off-Street Commercial Parking

[Note: existing provisions moved from Section 97-52]

In #Commercial Districts# within the ~~#Special 125th Street District#~~ Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET

LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

97-52

Required Accessory Off-Street Commercial Parking Within the Park Avenue Hub Subdistrict

[Note: existing provisions moved to Section 97-512]

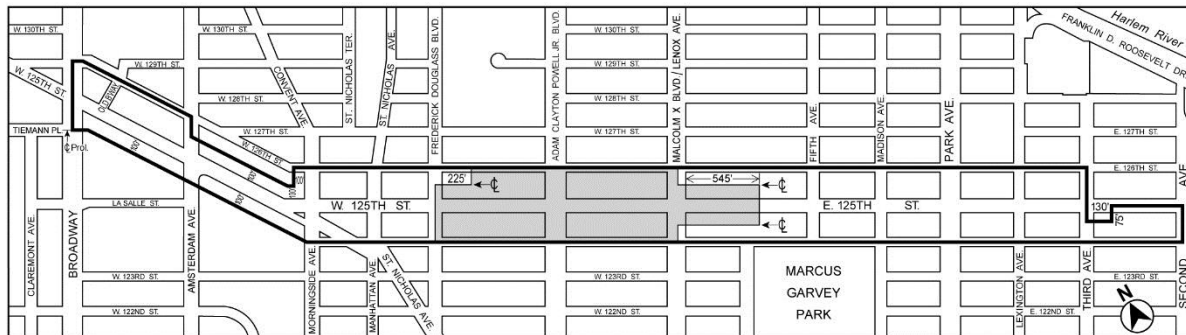
In the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the regulations of the underlying district.

* * *

**Appendix A
Special 125th Street District Plan**

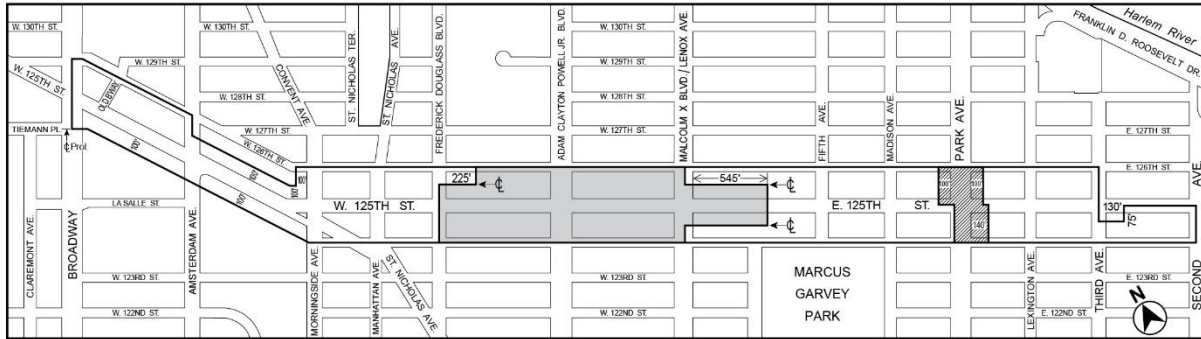
Map 1: Special 125th Street District and Core Subdistricts

[EXISTING MAP]



- Special 125th Street District boundary
- Core Subdistrict

[PROPOSED MAP]



- Special 125th Street District boundary
- Core Subdistrict
- ▨ Park Avenue Hub Subdistrict

* * *

Article XIII
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 8
Special East Harlem Corridors District

138-00
GENERAL PURPOSES

The “Special East Harlem Corridors District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) encourage and guide the development of East Harlem as a dynamic mixed-use neighborhood by permitting the expansion and development of residential, commercial, community facility and light manufacturing uses in appropriate areas;
- (b) encourage the development of residential uses along appropriate corridors ;

- (c) encourage the development of permanently-affordable housing;
- (d) facilitate the development of high-density commercial and manufacturing uses in order to locate jobs near transit connections in ;
- (e) enhance the vitality of both existing and emerging commercial corridors by ensuring that ground floor frontages are occupied by active uses that enliven the pedestrian experience along the street;
- (f) ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique neighborhood conditions such as the Park Avenue viaduct; and
- (g) promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

138-01

General Provisions

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. 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.

138-02

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special East Harlem Corridors District# Plan. The District Plan includes the map, “Special East Harlem Corridors District and Subdistrict,” in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

138-03

Subdistrict

In order to carry out the provisions of this Chapter, the Park Avenue Subdistrict is established within the #Special East Harlem Corridors District#. The location of the Subdistrict is shown in the Appendix to this Chapter.

138-04

Applicability

138-041

Applicability of Article IX, Chapter 5

In the event of a conflict between the provisions of this Chapter and Article IX, Chapter 5 (Special Transit Land Use District), the provisions of Article IX, Chapter 5 shall control.

138-042

Applicability of Article XII, Chapter 3

In M1 Districts paired with a Residence District, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

138-043

Applicability of the Quality Housing Program

In the #Special East Harlem Corridors District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

138-044

Applicability of the Inclusionary Housing Program

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the #Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

138-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

138-11

Location of Residential Use Within Buildings

In C4 or C6 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged#, to permit #dwelling units# on the same #story# as a #commercial use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial uses# are located directly over any #dwelling units#. However, such #commercial uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

138-12

Transient Hotels

C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or
- (b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:
 - (1) sufficient sites are available in the area to meet the #residential development# goal; or
 - (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

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

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 4,470 #dwelling units# within the combined areas of #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of Article IX, Chapter 7 (Special 125th Street District), have received temporary or final certificates of occupancy subsequent to [date of adoption].

138-13

Physical Culture or Health Establishments

Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right in C2-5, C4-6, and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

138-14

Public Parking Garages

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), the regulations set forth for C1-4 Districts shall apply to C1-5 Districts, and the regulations set forth for C2-4 Districts shall apply to all other districts. In an M1 District paired with an R9 or R10 District, the regulations of #public parking garages# in Article XII, Chapter 3 (Special Mixed Use Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

138-20

SPECIAL BULK REGULATIONS

In the #Special East Harlem Corridors District#, all #developments# and #enlargements# shall comply with the #bulk# regulations for #Quality Housing buildings#, as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section 138-21 (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section 138-22 (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section 138-23 (Height and Setback Regulations in Commercial Districts) shall apply. In M1 Districts paired with an R9 or R10 Districts, the height and setback provisions set forth in Section 138-24 (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

138-21

Floor Area Regulations

138-211

Floor area regulations in the Park Avenue Subdistrict

The maximum #floor area ratio# for #zoning lots# within the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, is set forth in paragraph (a) of this Section. Such provisions are modified for certain #zoning lots# in accordance with paragraph (b).

(a) Maximum #floor area ratio#

In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# shall be 8.5. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5.

In C6-4 Districts and M1-6 Districts paired with an R10 District, the maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 2.0.

Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5 in M1-6 Districts paired with an R9 District, and 2.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

The maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph (b)(1), the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for #zoning lots# subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154 (Inclusionary Housing), the maximum #residential floor area ratio# of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and

- (3) for #zoning lots# subject to paragraphs (b)(1) or (b)(2) of this Section, the maximum #floor area ratio# for all #uses# shall be 7.52 in M1-6 Districts paired with an R9 District, and 10.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.

138-212

Floor area regulations outside of the Park Avenue Subdistrict

For #zoning lots#, or portions thereof, outside of the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, the underlying #floor area# regulations shall apply, except that:

- (a) in C2 Districts mapped within an R9 District, for any #zoning lot# containing #residential floor area#, the maximum #residential floor area ratio# for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary housing), or, for #affordable independent residences for seniors#, shall be 8.5, the maximum #residential floor area ratio# for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154 shall be 7.52, and the maximum #floor area ratio# for any combination of #uses# shall be 8.5; and
- (b) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.

138-22

Street Wall Regulations

All #developments# and #enlargements# within the #Special East Harlem Corridors District# shall comply with the #street wall# regulations of Section 35-651 (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, #developments# and #enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section 35-651 are specified and modified as follows:

- (a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, and along #narrow streets# within 50 feet of an intersection with such #wide street#, the provisions of paragraph (b) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

- (1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section 37-34 (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#;
- (2) for portions of #developments# and #enlargements# where the provisions of paragraph (a) of this Section apply, such #street wall# shall not be located beyond five feet of the #street line#, except that such #street wall# may be located beyond such distance pursuant to the applicable provisions of paragraph (b) of Section 35-651 or of Section 64-333 (Street wall location in certain districts); and

- (3) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (a) of Section 138-32 (Special Streetscape Provisions for Blank Walls), shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. In addition, such area shall provide visual mitigation elements in accordance with the provisions of Section 138-32.

138-23

Height and Setback Regulations in Commercial Districts

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

Except as provided in paragraph (b) and (c) below, in #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations).

The regulations of paragraph (b)(2) of Section 36-652 relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section 138-30 (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

(b) Alternate Height and Setback Regulations in Certain Districts

Except as provided in paragraph (c) below, in C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# meeting the applicable criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent

residences for seniors), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower containing exclusively non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

(c) Special Height and Setback Regulations in Certain Areas

In #Commercial Districts# in certain areas, the following maximum height and setback modifications shall apply.

(1) In C2-5 Districts mapped over R9 Districts and in C4-6 Districts in the following locations, the provisions of paragraph (a) of this Section shall apply, except that the maximum #building# height shall be 175 feet:

(i) The area bounded by the centerline of East 124th Street, the centerline of Second Avenue, the centerline of East 123rd Street, and a line 100 feet west of the westerly #street line# of Second Avenue;

- (ii) The area bounded by a line 100 feet north of the northerly #street line# of East 116th Street, a line 100 feet east of the easterly #street line# of Lexington Avenue, a line 100 feet south of the southerly #street line# of East 116th Street, and a line 100 feet west of the westerly #street line# of Lexington Avenue;
 - (iii) The area bounded by the centerline of East 124th Street, a line 100 feet east of the easterly #street line# of Third Avenue, the centerline of East 123rd Street, the centerline of Third Avenue, the centerline of East 122nd Street, and a line 100 feet west of the westerly #street line# of Third Avenue.
- (2) In C2-5 Districts mapped over R9 Districts and C2-5 Districts mapped over R10 Districts in the following locations, the provisions of paragraph (a) of this Section shall apply, except that the maximum #building# height shall be 215 feet:
- (i) The area bounded by a line 100 feet east of the easterly #street line# of Park Avenue, the centerline of East 115th Street, a line 100 feet west of the westerly #street line# of Park Avenue, the centerline of East 122nd Street, the centerline of Park Avenue, and the centerline of the #block# located between East 120th Street and East 119th Street;
 - (ii) The area bounded by the centerline of East 132nd Street, the centerline of Park Avenue, the centerline of East 131st Street, and a line 100 feet west of the westerly #street line# of Park Avenue.

138-24

Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (c) of Section 138-22 (Street Wall Regulations) shall apply. The maximum height of #buildings or other structures# and setback provisions set forth in Section 123-66 (Height and Setback Regulations) shall apply as modified in this Section.

- (a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). The maximum #building# height shall be 215 feet; and
- (b) in M1 Districts paired with an R10 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662. The maximum #building# height shall be 215 feet.

138-30

STREETSCAPE REQUIREMENTS

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a ground floor level that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section, inclusive.

138-31

Ground Floor Use Regulations

The special #ground floor level# streetscape provisions set forth in Section 37-30, shall apply to Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, within the #Special East Harlem Corridors District# which, for the purposes of applying such provisions, shall be considered designated retail streets, and any portion of a #ground floor level street# frontage along the designated retail streets, as well as any #narrow street# frontage within 50 feet of such #streets#, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall also include those defined in Section 37-311 (Definitions).

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements), except that:

- (1) in M1-6 Districts paired with an R9 or R10 District, where the #ground floor level# is occupied by #uses# in Use Groups 16, 17 and 18, up to 50 percent of the #ground floor level street wall# width may be exempt from such regulations, provided that any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide planting or screening in accordance with the provisions of paragraphs (a) or (f) of Section 138-32 (Special Streetscape Provisions for Blank Walls) for at least 75 percent of such blank wall; and
- (2) in #flood zones#, where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 15 feet, visual mitigation elements shall be provided in accordance with Section 138-32 for such blank wall.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

138-32

Special Streetscape Provisions for Blank Walls

Where visual mitigation elements are required on a blank wall along the #ground floor level street wall# pursuant to the provisions of Section 138-31 (Ground Floor Use Regulations), at least 75 percent of the linear footage of any such blank wall shall be treated by one or more of the following visual mitigation elements which shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations. Such features when utilized as visual mitigation elements shall include:

(a) Planting

Any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of this paragraph.

(b) Benches

Fixed benches with or without backs shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation

requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

138-40

OFF-STREET PARKING AND LOADING REGULATIONS

The applicable parking and loading regulations of Article II, Chapter 5, Article III, Chapter 6, Article IV, Chapter 4 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) or Section 123-70 (PARKING AND LOADING), inclusive, shall be modified in this Section, inclusive.

138-41

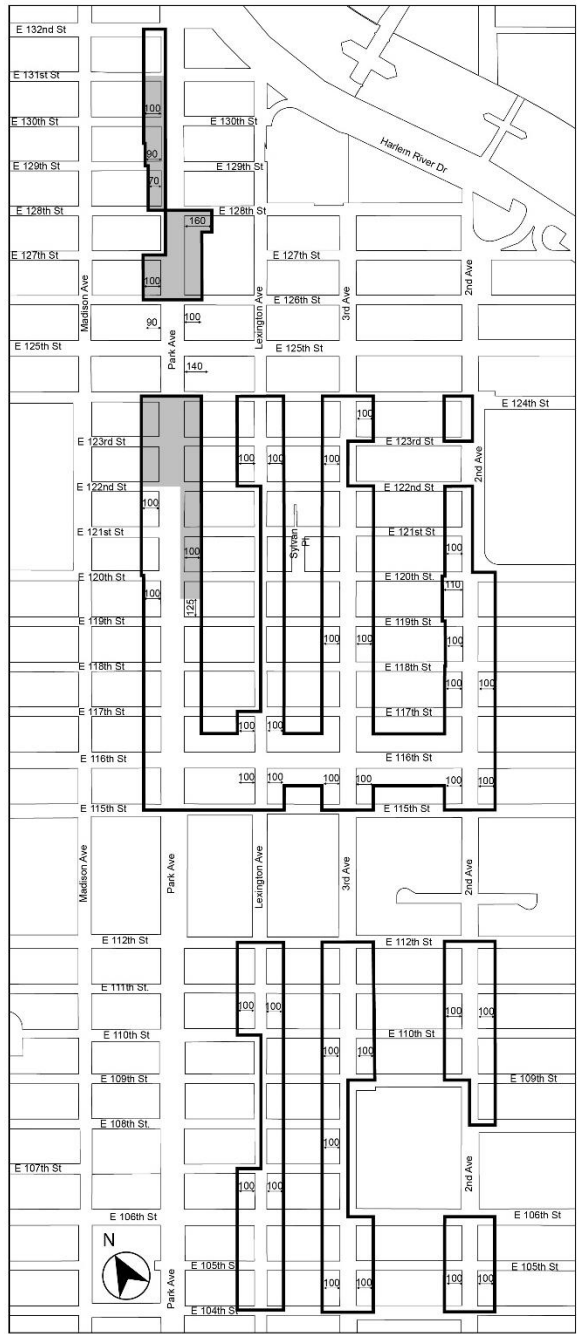
Required Accessory Off-street Parking Spaces for Residences

In the #Special East Harlem Corridors District#, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the underlying district regulations.

APPENDIX: SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN

Special East Harlem Corridors District and Subdistrict

[PROPOSED MAP]



EAST HARLEM DISTRICT PLAN
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

- Special East Harlem Corridors District
- Park Avenue Subdistrict

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

MANHATTAN

* * *

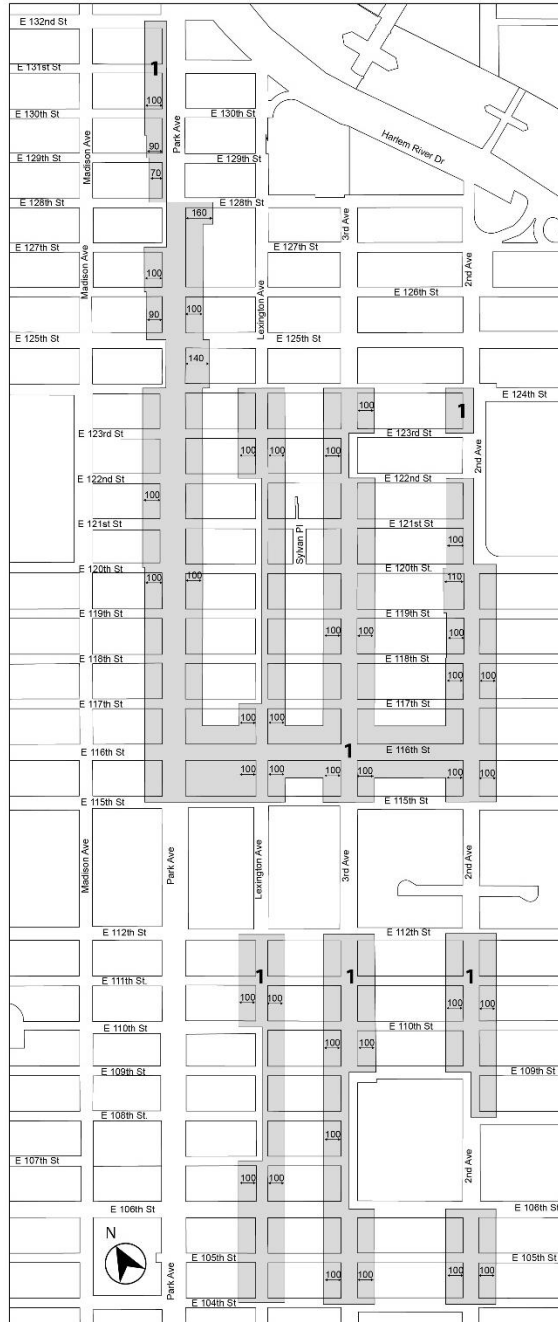
Manhattan Community District 11

In the R7D, R9 and R10 Districts within the areas shown on the following Map 1 and Map 2:

* * *

Map 2 – [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing Program area see Section 23-154(d)(3)
Area 1 [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 11, Manhattan

* * *

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 19

CD 11

C 170360 HUM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the Second Amended Urban Renewal Plan for the Milbank Frawley Circle East Urban Renewal Area.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

NOTICE

On Wednesday, August 23, 2017, at 9:30 a.m., in Spector Hall, at the Department of City Planning located at 22 Reade Street, New York, New York 10007, a 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 an application by the New York City Department of City Planning (DCP) and the Department of Housing Preservation and Development (HPD). DCP, together with HPD, is proposing a series of land use actions—including zoning map amendments, zoning text amendments, and amendments to the Milbank Frawley Circle-East Urban Renewal Plan (collectively, the “Proposed Actions”). The Proposed Actions are intended to facilitate the development of affordable housing, preserve existing neighborhood character, improve the pedestrian experience, and create new commercial and manufacturing space to support job creation adjacent to existing and future transit nodes. The Proposed Actions would affect an approximately 96-block area of the East Harlem neighborhood of Manhattan.

In addition to the above-referenced Proposed Actions, the DEIS considers a series of actions needed to facilitate an HPD-sponsored affordable housing development located on a property bounded by E. 111th St, Madison Ave, E.112th St, and Park Ave (the "Sendero Verde Site"). The land use actions necessary to facilitate the development of the Sendero Verde Site, subject to a concurrent related application proposed by HPD (the "Sendero Verde – East 111th Street" Proposal), include: a zoning map amendment, zoning text amendment, UDAAP designation, disposition of City-owned property, acquisition of a portion of the disposition area by the City, a large-scale general development (LSGD) special permit, and a City Planning Commission certification to waive retail continuity requirements.

The public hearing will also consider a modification to the zoning text amendment (ULURP No. N 170359 (A) ZRM).

Written comments on the DEIS are requested and would be received and considered by the Lead Agency until Tuesday, September 5, 2017.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 17DCP048M.

Nos. 20-26

SENDERO VERDE – EAST 111TH STREET

No. 20

CD 11

C 170361 ZMM

IN THE MATTER OF an application submitted by NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by:
 - a. East 112th Street, a line 100 feet easterly of Madison Avenue, East 111th Street, and Madison Avenue; and
 - b. East 112th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 111th Street, and a line 100 feet westerly of Park Avenue;

2. changing from an R7-2 District to an R9 District property bounded by East 112th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 111th Street, and Madison Avenue; and
3. establishing within the proposed R9 District a C2-5 District bounded by:
 - a. East 112th Street, a line 100 feet easterly of Madison Avenue, East 111th Street, and Madison Avenue; and
 - b. East 112th Street, the westerly boundary line of the New York Central Railroad right-of-way, East 111th Street, and a line 100 feet westerly of Park Avenue;

as shown on a diagram (for illustrative purposes only) dated April 24, 2017.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 21

CD 11

N 170362 ZRM

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

MANHATTAN

* * *

Manhattan Community District 11

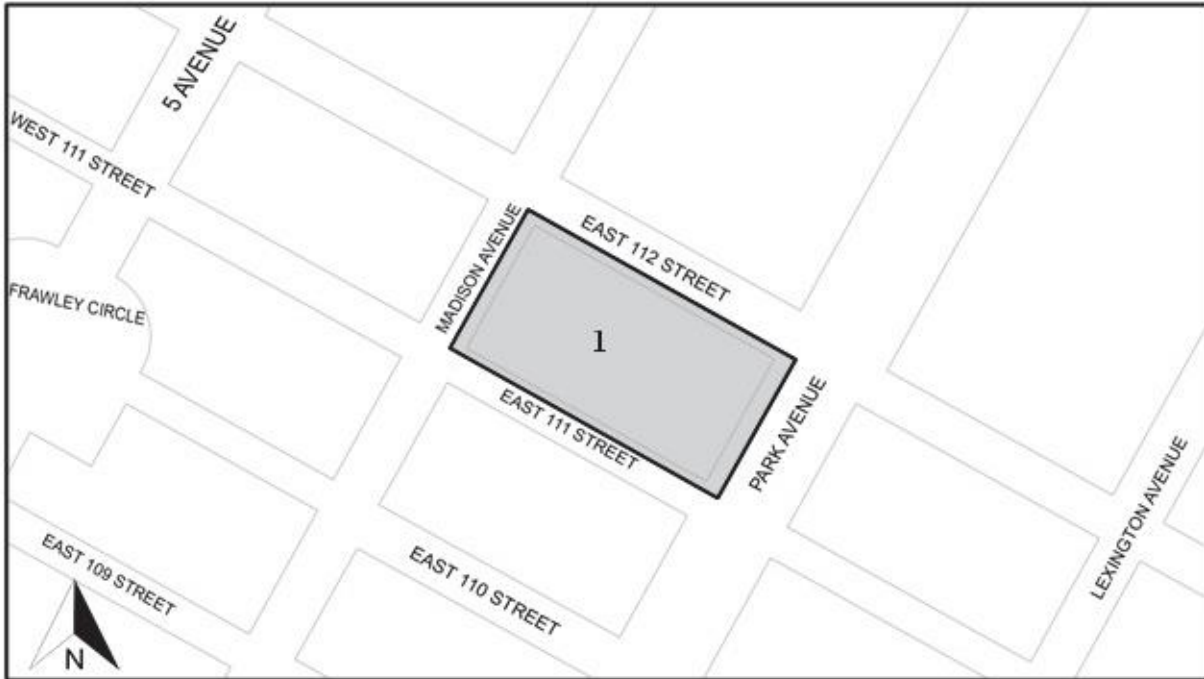
* * *


In the R9 District within the areas shown on the following Map 2:

* * *

Map 2 - (date of adoption)

[PROPOSED MAP]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area 1 (date of adoption) - MIH Program Option 1 and Option 2

Portion of Community District 11, Manhattan

* * *

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 22

CD 11

C 170363 HAM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located on the block generally bounded East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 and 122), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of large scale general development consisting of three mixed-use buildings with commercial and community facility uses on the lower levels, a total of approximately 655 affordable dwelling units on the upper levels and community gardens.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 23

CD 11

C 170364 PQM

IN THE MATTER OF an application submitted by the Department of Housing Preservation pursuant to Section 197-c of the New York City Charter, for acquisition of property generally located on the block generally bounded East 111th Street, Park Avenue, East 112th Street and Madison Avenue (Block 1617, Lots 22, 35, 121, 122 and parts of Lots 23, 25, 28, 37) for use as passive recreation space and community gardens.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 24

CD 11

C 170365 ZSM

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the height and setback requirements of Sections 23-64 (Basic Height and Setback Requirements), 23-65 (Tower Regulations), 23-651 (Tower-on-a-base) and the rear yard requirements of Sections 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 24-382 (Require Rear Yard Equivalents), in connection with a proposed mixed used development, within a large scale general development, on property generally bounded by East 112th Street, Park Avenue, East 111th Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 & 122), in R9 and R9/C2-5* Districts.

* Note: The site is proposed to be rezoned by changing R7-2 and R7-2/C1-4 Districts to R9 and R9/C2-5 Districts under a concurrent related application for a Zoning Map change (C 170361 ZMM).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 25

CD 11

C 170366 ZSM

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(b) of the Zoning Resolution to modify the use location requirements of Section 32-421 (Location of commercial uses) to allow Use Group 6 uses on portions of the third floor of a proposed building (Building A), in connection with a proposed mixed use development, within a large scale general development, on property generally bounded by East 112th Street, Park Avenue, East 111th Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 & 122), in R9/C2-5* Districts.

* Note: The site is proposed to be rezoned by changing R7-2 and R7-2/C1-4 Districts to R9 and R9/C2-5 Districts under a concurrent related application for a Zoning Map change (C 170361 ZMM).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

No. 26

CD 11

C 170367 ZSM

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-532 of the Zoning Resolution to waive all required accessory residential off-street parking spaces, in connection with a proposed mixed use development, within a large scale general development, in the Transit Zone, on property generally bounded by East 112th Street, Park Avenue, East 111th Street and Madison Avenue (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 50, 51, 52, 53, 54, 121 & 122), in R9 and R9/C2-5* Districts.

* Note: The site is proposed to be rezoned by changing R7-2 and R7-2/C1-4 Districts to R9 and R9/C2-5 Districts under a concurrent related application for a Zoning Map change (C 170361 ZMM).

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

Resolution for adoption scheduling August 23, 2017 for a public hearing.

NOTICE

On Wednesday, August 23, 2017, at 9:30 a.m., in Spector Hall, at the Department of City Planning located at 22 Reade Street, New York, New York 10007, a 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 an application by the New York City Department of Housing Preservation and Development (HPD). HPD proposes a series of land use actions necessary to facilitate the development of an affordable housing development at the Sendero Verde – East 111th Street Property (the “Sendero Verde Site”) bounded by E. 111th St, Madison Ave, E.112th St, and Park Avenue. The proposed actions include a zoning map amendment, zoning text amendment, UDAAP designation, disposition of City-owned property, acquisition of a portion of the disposition area by the City, a large-scale general development (LSGD) special permit, and a City Planning Commission certification to waive retail continuity requirements. The East Harlem Rezoning DEIS (CEQR No.17DCP048M) considers these actions and their environmental effects.

The public hearing will also consider a modification to the zoning text amendment (ULURP No. N 170359 (A) ZRM).

Written comments on the DEIS are requested and would be received and considered by the Lead Agency until Tuesday, September 5, 2017.

This public hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 17DCP048M.

***Note:** The Sendero Verde – East 111th Street Proposal is considered and analyzed in the East Harlem Rezoning DEIS, prepared in connection with a concurrent related application (East Harlem Neighborhood Rezoning, ULURP Nos. C 170358 ZMM, N 170359 ZRM, C 170360 HUM).

II. REPORTS

BOROUGH OF THE BRONX

No. 27

MORRIS PARK BID

CD 11

N 170440 BDX

IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the Morris Park Business Improvement District Steering Committee pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning the establishment of the Morris Park Business Improvement District.

(On June 21, 2017, Cal. No. 5, the Commission scheduled July 12, 2017 for a public hearing On July 12, 2017, Cal. No. 22, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 28

DOMINO FLEXIBLE FIELD

CD 1

N 170369 ZAK

IN THE MATTER OF an application submitted by Domino A LLC and Domino B LLC for the grant of an authorization pursuant to Section 62-822(b) of the Zoning Resolution to modify the design requirements of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS) in connection with changes to the waterfront public access area on property generally bounded by Grand Street and its northwesterly prolongation, Kent Avenue, South 3rd Street, a line 100 feet northwesterly of Wythe Avenue, South 4th Street, Kent Avenue, South 5th Street and its northwesterly prolongation, and the U.S. Pierhead line (Block 2414, Lots 1, 2, 3, 25, 26 & 27; and Block 2428, Lot 1), in R6/C2-4, R8/C2-4 and C6-2 Districts, within a large-scale general development.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271

For consideration.

BOROUGH OF MANHATTAN

Nos. 29 & 30

10 EAST 30TH STREET PARKING RENEWAL

No. 29

CD 5

N 170062 ZAM

IN THE MATTER OF an application submitted by Aero Parking Corp. for the grant of an authorization pursuant to Section 11-411 of the Zoning Resolution to extend the period of continuance for a second 10-year term of a previously approved special permit (CP-13446) for a public parking garage with a maximum capacity of 188 spaces, including roof parking, in an existing 7-story garage building, on property located at 10 East 30th Street (Block 859, Lot 77), in a C5-2 District.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271.

For consideration.

No. 30

CD 5

N 170063 ZAM

IN THE MATTER OF an application submitted by Aero Parking Corp. for the grant of an authorization pursuant to Section 11-411 of the Zoning Resolution to extend the period of continuance for a third 10-year term of a previously approved special permit (CP-13446) for a public parking garage with a maximum capacity of 188 spaces, including roof parking, in an existing 7-story garage building, on property located at 10 East 30th Street (Block 859, Lot 77), in a C5-2 District.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271.

For consideration.

No. 31

NYPD 107TH STREET PARKING FACILITY

CD 11

C 170066 PCM

IN THE MATTER OF an application submitted by the New York City Police Department and Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 127 East 107th Street (Block 1635, Lot 17) for use as a police parking facility.

(On June 21, 2017, Cal. No. 2, the Commission scheduled July 12, 2017 for a public hearing. On July 12, 2017, Cal. No. 19, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

Nos. 32 & 33

EAST SHORE SPECIAL COASTAL RISK DISTRICT

No. 32

CD 2

C 170373 ZMR

IN THE MATTER OF an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 27b, 27d, and 34a:

1. eliminating from within an existing R3-2 District a C1-1 District bounded by Quincy Avenue, Slater Boulevard, Father Capodanno Boulevard, and Graham Boulevard;
2. establishing within an existing R3-2 District a C1-3 District bounded by a line 210 feet southeasterly of Quincy Avenue, a line 60 feet southwesterly of Sioux Street, a line 240 feet southeasterly of Quincy Avenue, Iona Street, a line 270 feet southeasterly of Quincy Avenue, Slater Boulevard, Father Capodanno Boulevard, and Graham Boulevard; and
3. establishing a Special Coastal Risk District bounded by:
 - a. Olympia Boulevard, Slater Boulevard, a line 370 feet southeasterly of Patterson Avenue, Naughton Avenue, a line 200 feet northwesterly of Quincy Avenue, Dongan Hills Avenue, Quincy Avenue, a line 100 feet southwesterly of Liberty Avenue, a line 40 feet northwesterly of Quincy Avenue, Liberty Avenue, a line 90 feet northwesterly of Quincy Avenue, Seaview Avenue and its southeasterly centerline prolongation, the northwesterly boundary line of a park, Slater Boulevard and its southeasterly centerline prolongation, a line 270 feet southeasterly of Quincy Avenue, Iona Street, a line 240 feet southeasterly of Quincy Avenue, a line 60 feet southwesterly of Sioux Street, a line 210 feet southeasterly of Quincy Avenue, Graham Boulevard, Father Capodanno Boulevard, a line 40 feet southwesterly of Jefferson Avenue, a line 105 feet southeasterly of Jay Street, a line 180 feet southwesterly of Jefferson Avenue, Father Capodanno Boulevard, a line 140 feet northeasterly of Hunter Avenue, Jay Street, a line 175 feet northeasterly of Hunter Avenue, Baden Place, and Jefferson Avenue; and
 - b. Riga Street, Dugdale Street, a line 100 feet northwesterly of Riga Street, a line 250 feet southwesterly of Aviston Street, Amherst Avenue, a line 100 feet southwesterly of Aviston Street, Riga Street, Aviston Street, Mill Road, Old Mill Road, a line 85 feet northeasterly of Kissam Avenue and its southeasterly prolongation, the northwesterly,

southwesterly, northwesterly and northeasterly boundary lines of Great Kills Park, the northeasterly prolongation of a northwesterly boundary line of Great Kills Park, Emmet Avenue, Cedar Grove Avenue, the southwesterly and southerly street line of Delwit Avenue, the southeasterly terminus of Emmet Avenue and its northeasterly prolongation, and Emmet Avenue;

as shown on a diagram (for illustrative purposes only) dated April 24, 2017, and subject to the conditions of CEQR Declaration E-423.

(On June 21, 2017, Cal. No. 3, the Commission scheduled July 12, 2017 for a public hearing. On July 12, 2017, Cal. No. 20, the hearing was closed.)

For consideration.

No. 33

CDs 2, 3

N 170374 ZRR

IN THE MATTER OF an application submitted by NYC 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, relating to Article XIII, Chapter 7 (Special Coastal Risk District) to establish the Special Coastal Risk District.

The proposed text amendment may be seen in the Comprehensive City Planning Calendar of July 12, 2017 (Cal. No. 21) and at the City Planning web site (www.nyc.gov/planning).

(On June 21, 2017, Cal. No. 4, the Commission scheduled July 12, 2017 for a public hearing. On July 12, 2017, Cal. No. 21, the hearing was closed.)

For consideration.

No. 34

134 MILDEN AVENUE

CD 2

N 170144 ZCR

IN THE MATTER OF an application submitted by Duck Chung Kim for the grant of certification of restoration plans pursuant to Section 105-45 of the Zoning Resolution to facilitate removal of Environmental Control Board Violation No. 35216425X for unauthorized removal of trees at 134 Mildren Avenue (Block 829, Lot 48) within the Special Natural Area District (NA-1).

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6th floor, Staten Island, New York, 10301.

For consideration.

No. 35

BRIGHTON AVENUE & FAIRMOUNT AVENUE

CD 1

N 170349 ZCR

IN THE MATTER OF an application submitted by Stasia Krebushevski/B123L77, LLC for the grant of certification pursuant to Section 119-04 of the Zoning Resolution for the future subdivision of one existing zoning lot into two separate zoning lots (Block 123, Existing Lot 77, Tentative Lots 77 and 79) within the Special Hillside Preservation District, Borough of Staten Island, Community District 1.

Plans for this proposal are on file with the City Planning Commission and may be seen at the Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6th Floor, Staten Island, New York, 10301.

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF THE BRONX

No. 36

WESTCHESTER AVENUE BRIDGE

CDs 10, 11

C 160253 MMX

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by The New York City Department of Transportation, Division of Bridges, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the modification of legal grades on Westchester Avenue between Waters Place and Hutchinson River Parkway East Service Road, in accordance with Map No. 13139 dated March 2, 2017 and signed by the Borough President.

(On July 26, 2017, Cal. No. 1, the Commission scheduled August 9, 2017 for a public hearing which has been duly advertised.

Close the hearing.

Nos. 37 & 38

SPECIAL HARLEM RIVER WATERFRONT DISTRICT EXPANSION

No. 37

CD 1

C 170413 ZMX

PUBLIC HEARING:

IN THE MATTER OF an application submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

1. eliminating a Special Mixed Use District (MX-1) from property bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the

southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line; and

2. establishing a Special Harlem River Waterfront District (HRW) bounded by Park Avenue and its southwesterly centerline prolongation, East 135th Street (southwesterly portion), the southwesterly centerline prolongation of Rider Avenue, Major Deegan Expressway, Third Avenue, Bruckner Boulevard, Lincoln Avenue and its southwesterly centerline prolongation, and the U.S. Pierhead and Bulkhead line;

as shown on a diagram (for illustrative purposes only) dated June 5, 2017.

(On July 26, 2017, Cal. No. 2, the Commission scheduled August 9, 2017 for a public hearing which has been duly advertised.

Close the hearing.

No. 38

CD 1

N 170414 ZRX

PUBLIC HEARING:

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, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10, 62-11, 64-11 and/or 87-01;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I

GENERAL PROVISIONS

Chapter 4
Sidewalk Cafe Regulations

* * *

14-44
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

The Bronx	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
City Island District	No	Yes
<u>Harlem River Waterfront District</u>	<u>No</u>	<u>Yes</u>

* * *

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Residential Bulk Regulations in Residence Districts

* * *

23-00
APPLICABILITY AND GENERAL PURPOSES

23-01
Applicability of This Chapter

* * *

23-011
Quality Housing Program

* * *

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

(1) Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments);

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

* * *

#Special Grand Concourse Preservation District#;

#Special Harlem River Waterfront District#;

#Special Limited Commercial District#;

* * *

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-90
WATERFRONT ACCESS PLANS

* * *

62-92
Borough of The Bronx

The following Waterfront Access Plans are hereby established within the Borough of The Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-~~60~~70 (HARLEM RIVER WATERFRONT ACCESS PLAN).

* * *

[NOTE: Section titles and provisions in the following Chapter may reflect the proposed text amendment, Lower Concourse North Rezoning (ULURP No. N 170312 ZRX, certified 3/20/2017).]

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Harlem River Waterfront District

87-00
GENERAL PURPOSES

The “Special Harlem River Waterfront District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

* * *

- (f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms; ~~and~~
- (g) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;
- (h) encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner that will safeguard the health and safety of people using the area; and
- (i) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront and thus conserve the value of land and buildings and thereby protect City tax revenues.

87-01
Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 62-11 or 64-11, or within this Section.

[NOTE: The definition of “ground floor level,” moved from 87-10 (SPECIAL USE REGULATIONS) and amended]

Ground floor level

~~As used in this Section, The~~ “ground floor level” shall mean the finished floor level of ~~a~~ the first #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#, or the finished floor level of the #lowest occupiable floor# pursuant to the provisions of Section 64-21 (Ground Floor Use), whichever is lower.

Parcel 1 building line

* * *

[NOTE: The following terms are already defined in Section 62-11 (Definitions)]

~~Shore public walkway~~

~~A “shore public walkway” is a linear public access area running alongside the shore or water edges of a #platform#, as defined in Section 62-11, on a #waterfront zoning lot#.~~

~~Supplemental public access area~~

~~A “supplemental public access area” is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements.~~

~~A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.~~

~~Upland connection~~

~~An “upland connection” is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, public mapped parkland or other accessible public place.~~

~~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 mapped parkland or other public place.~~

~~Waterfront block or waterfront zoning lot~~

~~A “waterfront block” or “waterfront zoning lot” is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:~~

- ~~(a) — a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;~~
- ~~(b) — a #block# within the #waterfront area# that abuts public mapped parkland along the waterfront shall be deemed to be part of a #waterfront block#; and~~
- ~~(c) — a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.~~

~~Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not abut public mapped parkland along the waterfront, shall be deemed outside of the #waterfront block#.~~

~~Waterfront public access area~~

~~A “waterfront public access area” is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or, as defined in Section 62-11, a public access area on a #pier# or #floating structure#.~~

87-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. 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, except as specifically modified in this Chapter. ~~However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.~~

[NOTE: The Article VI, Chapter 4 applicability provision, moved to Section 87-043]

87-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into two Subdistricts comprised of parcels that consisting of tax blocks and lots as established on June 30, 2009, as follows:

Core Subdistrict - tax blocks and lots existing on June 30, 2009

Parcel 1: Block 2349, Lot 112

Parcel 2: Block 2349, Lot 100 (that portion not mapped as parkland* in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President)

Parcel 3: Block 2349, Lots 46, 47, 146

Parcel 4: Block 2349, Lot 38

Parcel 5: Block 2349, Lots 15, 20

Parcel 6: Block 2349, Lots 3, 4

Parcel 7: Block 2323, Lot 43

Parcel 8: Block 2323, Lot 28

Parcel 9: Block 2323, Lots 5, 13, 18

[NOTE: The following North Subdistrict provisions are currently under review as part of Lower Concourse North Rezoning, N 1700312 ZRX, certified 3/20/2017]

North Subdistrict - tax blocks and lots existing on [date of adoption]

Parcel 10: Block 2539, Lot 1, portion of Lots 2, 3
Block 2356, Lots 2, 72 and tentative Lot 102 (existing on [date of adoption])

South Subdistrict - tax blocks and lots existing on [date of adoption]

Parcel 11: Block 2319, Lot 55

Parcel 12: Block 2319, Lot 60

Parcel 13: Block 2319, Lots 37 and 155

Parcel 14: Block 2319, Lot 98

Parcel 15: Block 2319, Lot 99

Parcel 16: Block 2319, Lots 100 and 108

Parcel 17: Block 2319, Lot 109

Parcel 18: Block 2319, Lot 112

Parcel 19: Block 2319, Lot 2

Parcel 20: Block 2316, Lots 1 and 35

Parcel 21: Block 2319, Lot 200

The District Plan includes the following maps:

Map 1. (Special Harlem River Waterfront District, Subdistricts and Parcels)

Map 2. (Designated Non-residential Use Locations)

Map 3. (Waterfront Access Plan: Public Access Elements)

Map 4. (Waterfront Access Plan: Designated Visual Corridors)

~~* in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the
Bronx Borough President~~

87-04

Applicability of ~~Article VI, Chapter 2~~ District Regulations

[NOTE: Existing provisions, moved to 87-042 and modified]

87-041

Applicability of the Quality Housing Program

In the #Special Harlem River Waterfront District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

87-042

Applicability of Article VI, Chapter 2

[NOTE: Existing provisions, moved from Section 87-04 and modified.]

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified by the provisions of this Chapter.

[NOTE: Existing provisions, moved from Section 87-65 and modified.]

For the purpose of applying the provisions of Article VI, Chapter 2, Parcels 1, 2, 3 and 4 within the Core Subdistrict, and any parcels having a boundary within 40 feet of a #shoreline# within the South Subdistrict, as shown on Map 1 (Special Harlem River Waterfront District, Subdistricts and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009 for the Core Subdistrict, and after [date of adoption] for the South Subdistrict.

87-043

Applicability of Article VI, Chapter 4

[NOTE: Existing provisions, moved from Section 87-02 and modified]

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control, except as modified by the provisions of this Chapter.

84-044

Applicability of Article XII, Chapter 3

Within the South Subdistrict, for M1 Districts mapped with a Residence District#, the provisions of Article XII, Chapter 3 (Special Mixed Use District) for #waterfront blocks# shall apply, except as modified in this Chapter. In the event of a conflict between the provisions of Article XII, Chapter 3 and this Chapter, the provisions of this Chapter shall control.

87-045

Applicability of Inclusionary Housing Program

[NOTE: Existing Inclusionary Housing applicability provision, moved from Section 87-20 and modified.]

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, shall be an #Inclusionary Housing designated area#.

87-05

Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 in the Core Subdistrict after June 30, 2009, and on any Parcel in the South Subdistrict after [date of adoption], as shown on Map 1 in the Appendix to this Chapter, ~~after June 30, 2009,~~ the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying ~~all #use# and #bulk# #floor area#~~ regulations of this Zoning Resolution.

87-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified ~~in Sections 87-11 through 87-24~~ by the provisions of this Section, inclusive.

~~As used in this Section, “ground floor level” shall mean the finished floor level of a #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.~~

[NOTE: the definition of “ground floor level” moved to 87-01 and amended.]

87-11

~~Vehicle Storage Establishments~~

Use Regulations within the Core Subdistrict

[NOTE: Existing Section 87-11 provisions, moved to Section 87-111]

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-111

Vehicle storage establishments

[NOTE: Existing provisions, moved from Section 87-11 and cross-references are updated]

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in Use Group 16C shall be a permitted #use# on Parcel 5, as shown on Map 1 in the Appendix to this Chapter, provided that:

- (a) such #use# is the primary #use# on the parcel;
- (b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and
- (c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-~~64~~71 (Special Public Access Provisions by Parcel).

The streetscape provisions of Section 87-~~13~~41, inclusive, the maximum width of establishment provisions of Section 87-23 and the special height and setback regulations of Section 87-~~30~~32, inclusive, shall not apply to such #use#. In lieu thereof, the applicable height and setback provisions of Article VI, Chapter 2 shall apply.

87-112

Location of Commercial Space

[NOTE: Existing provisions, moved from Section 87-12]

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located directly over any #residential use#. However, such #commercial uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

87-12

Location of Commercial Space Use Regulations in the North Subdistrict

[NOTE: Existing provisions, moved to Section 87-112]

[NOTE: This section would contain special use provisions proposed by Lower Concourse North Rezoning]

87-13

Streetscape Regulations

[NOTE: Existing provisions, moved to Section 87-40]

87-14

Location of Underground Uses

~~Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards),
underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.~~

87-20

SPECIAL FLOOR AREA REGULATIONS

The applicable #floor area# regulations of the underlying districts, of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), or of Article XII, Chapter 3 (Special Mixed Use District), are modified by the provisions of this Section, inclusive.

[NOTE: The following provisions, moved to Section 87-045]

~~The #Special Harlem River Waterfront District# shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.~~

87-21

~~Special Residential Floor Area Regulations~~

Floor Area Regulations in the Core Subdistrict

[NOTE: Existing provisions, moved to Section 87-211]

The provisions of this Section, inclusive, shall apply to #developments# and #enlargements# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-211

Special Floor Area Regulations

[NOTE: Existing floor area ratio (FAR) provisions for mixed buildings, moved from Section 87-21 and amended]

The ~~base~~ maximum #floor area ratio# for ~~any~~ #zoning lots# containing only #residences residential uses#, or #residential uses# and #community facility# or #commercial uses# shall be 3.0. Such ~~base~~ maximum #floor area ratio# may be increased to ~~a maximum of~~ 4.0 through the provision of #affordable housing# pursuant to ~~the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING)~~ paragraph (b) of Section 23-

154 (Inclusionary Housing). The maximum #floor area ratio# for #affordable independent residences for seniors# shall be 4.0. ~~, except that the height and setback regulations of Sections 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.~~

[NOTE: the above height and setback applicability provisions, moved to Section 87-30]

87-212

Special floor area requirement for certain commercial uses

[NOTE: Existing special floor area provisions, moved from Section 87-22]

- (a) For each square foot of #commercial floor area# in a #building# occupied by the #uses# listed in paragraph (a)(1) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial floor area# shall be provided from #uses# listed in paragraph (a)(2) of this Section.

* * *

87-213

Location of building entrances

[NOTE: Existing provisions, moved from 87-24]

On Parcels ~~1~~, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, the main front entrance of at least one #building# on each Parcel, as the term “main front entrance” is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

~~(a) on Parcel 1, located no less than 120 feet from 149th Street;~~

~~(b)~~ (a) on Parcel 2, located no less than 95 feet from a mapped parkland; and

~~(e) (b)~~ on Parcels 3 and 4, located no less than 45 feet from an ~~#upland connection#~~.

87-22

Special Retail Floor Area Requirement

[NOTE: Existing provisions moved to Section 87-212]

87-23

Maximum Width of Establishments

[NOTE: Existing requirements for commercial and community facility would be eliminated and be replaced with provisions of Section 87-40]

~~On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.~~

87-24

Location of Building Entrances

[NOTE: Existing 87-24 provisions, moved to 87-213]

87-30

SPECIAL HEIGHT AND SETBACK AND OTHER BULK REGULATIONS

~~The underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section, inclusive, shall apply. For the purposes of applying such regulations:~~

In the #Special Harlem River Waterfront District#, the provisions of Section 87-32 (Special Height and Setback Regulations in the Core Subdistrict), inclusive, shall apply to the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

In the Core Subdistrict, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive. The height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall not apply.

In the South Subdistrict, as shown on Map 1, the height and setback and other bulk regulations of Article XII, Chapter 3 (Special Mixed Use District) applicable to M1 Districts mapped with an R8 District in #waterfront blocks# shall apply.

The height of all #buildings or other structures# shall be measured from the #base plane#.

[NOTE: Lower Concourse North text amendment also contains applicability language]

[The following paragraph (a) provisions moved to Section 87-32, and (b) re-located above.]

(a) ~~a #shore public walkway#, mapped parkland, an #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-32:~~

~~(1) Exterior Street; and~~

~~(2) that portion of any other #street#, mapped parkland, #upland connection# or fire apparatus access road that is located east of the #Parcel 1 building line#; and~~

~~(b) the height of all #buildings or other structures# shall be measured from the #base plane#.~~

87-31

Permitted Obstructions

In the Core Subdistrict, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all buildings#. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

87-32

~~Street Wall Location and Building Base~~

Special Height and Setback Regulations in the Core Subdistrict

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for developments# and enlargements#, the provisions of this Section, inclusive, shall apply.

[Following street line# provisions moved from 87-30 and modified]

For the purposes of applying the special height and setback regulations of this Section, inclusive, and the underlying height and setback, distance between legally required windows# and lot lines#, and court# regulations, as applicable, , a shore public walkway#, mapped parkland, supplemental public access area#, upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-62 (Fire Apparatus Access Roads), shall be considered a street# and its boundary shall be considered a street line#, except that:

- (a) for Parcel 1, the westerly street line# of Exterior Street shall be the Parcel 1 building line#;
- (b) for Parcel 1, the street line# of East 149th Street shall be the southernmost boundary of or any easement area existing on [date of adoption], any fire apparatus access road or any private road; and
- (c) for all other parcels with frontage along Exterior Street, the street line# of such street# shall be the westerly boundary of Exterior Street or the Major Deegan Expressway, whichever is closest to the shoreline#.

[NOTE: Lower Concourse North text amendment proposed temporary language to apply existing rules to Core Subdistrict]

[NOTE: Existing 87-32 provisions moved to 87-321 and 87-322 and modified]

(a) ~~Street wall location~~

~~The street wall of a building shall be located within five feet of the street line and extend along the entire frontage of the zoning lot, except that:~~

- ~~(1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;~~
- ~~(2) to allow for corner articulation, the street wall may be located anywhere within an area bounded by intersecting street lines and lines 15 feet from and parallel to such street lines;~~
- ~~(3) for buildings that are required to locate at least one main front entrance facing a shore public walkway, pursuant to Section 87-24 (Location of Building Entrances), no portion of the street wall containing such entrance shall be closer to the shore public walkway than the main front entrance; and~~
- ~~(4) no portion of a building facing a shore public walkway, except on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, shall exceed a width of 300 feet.~~

~~However, on Parcel 1, in order to accommodate a sewer easement located within an area bounded by the eastern boundary of the shore public walkway, East 149th Street, a line 120 feet south of and parallel to East 149th Street and a line 120 feet east of and parallel to the shore public walkway, no street wall shall be required along that portion of East 149th Street and any fire apparatus access road within such easement area. Such area not developed as a fire apparatus access road and open to the sky shall be at least 35 percent planted and shall not be used for parking or loading. Furthermore, in the event such area contains a driveway, it shall be screened from the shore public walkway and East 149th Street, except for curb cuts and pedestrian paths, with densely planted evergreen shrubs maintained at a height of three feet.~~

(b) ~~Minimum and maximum base heights~~

~~The #street wall# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required.~~

~~However, on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a “building base.”~~

~~All portions of #buildings or other structures# that exceed the maximum base heights set forth in this paragraph, (b), shall be set back from the #street wall# at least ten feet along a #shore public walkway#, mapped parkland and Exterior Street, and at least 15 feet along an #upland connection#.~~

~~For #buildings# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, as shown on Map 1 in the Appendix to this Chapter, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six #stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of eight #stories# or 85 feet, whichever is less.~~

~~Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(1) of this Section.~~

(e) — Transition heights

~~All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.~~

~~All portions of #buildings# that exceed the transition heights set forth in this paragraph, (e), shall comply with the tower provisions of Section 87-33.~~

87-321

Street wall location

[Existing provisions, moved from 87-32 (a), and modified]

In the Core Subdistrict, the following #street wall# location rules shall apply.

(a) Parcels 1, 2, 3 and 4

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for frontages along the #shore public walkway#, #supplemental public access areas#, #upland connections#, mapped parkland or #visual corridors#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#. For frontages beyond 50 feet of the #shore public walkway#, such #street wall# shall rise to at least the minimum base height specified in Section 87-322 (Base heights and transition heights), or the height of the #building#, whichever is less. Along all frontages, up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

(b) Parcels 5, 6, 7, 8 and 9

On Parcels 5, 6, 7, 8 and 9, as shown on Map 1, for frontages along #visual corridors#, or #upland connections#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall rise to at least the minimum base height specified in Section 87-322, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

87-322

Base heights and transition heights

[Existing provisions, moved from paragraph (a) of Section 87-32, and modified]

In the Core Subdistrict, the following base heights, required setbacks and maximum transition heights shall apply. Towers are permitted above the maximum heights set forth in this Section only in accordance with Section 87-323 (Tower provisions).

(a) Base heights

(1) Within 50 feet of the #shore public walkway#

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, the maximum base height shall be 85 feet, except that:

(i) on Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for #street walls# fronting on a #shore public walkway#, at least 30 percent of the #aggregate width of street walls# fronting on the #shore public walkway#, or a contiguous #street wall# width of 60 feet, whichever is greater, shall not exceed a maximum height of 45 feet. In addition to being applied along the #shore public walkway#, such lowered #street wall# may be applied along intersecting #streets# within 100 feet of the #shore public walkway#; and

(ii) on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, such maximum base height shall be 45 feet.

(2) Beyond 50 feet of the #shore public walkway#

Along all other frontages, beyond 50 feet of the #shore public walkway#, the #street wall# shall rise without setback to a minimum base height of 60 feet, or

the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(b) Required setbacks

Above such maximum base height, #street walls# shall be set back a minimum of 30 feet from the #street line# along the #shore public walkway# on Parcel 1, 15 feet from such #street line# on any other parcels, and a minimum of 10 feet from the #street line# along all other #streets#. Along all #streets#, such set back shall have a minimum depth of seven feet from any portion of the #street wall# below such maximum base height. However, the depth of such setback may include the depth of recesses or #outer courts# provided that the aggregate width of such portion of a #street wall# with a reduced setback shall not exceed 30 percent of the #street wall#.

In addition, on Parcels 1, 2, 3 and 4, in locations where the maximum base height is limited to 45 feet, #street walls# above such maximum base height shall be set back a minimum of 30 feet from the #street line#, and a minimum of seven feet from any portion of the #street wall# below such height.

Dormers provided in accordance with paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall be permitted obstructions in all setback areas, except along the #shore public walkway#. Such dormers shall not exceed the maximum transition height set forth in paragraph (c) of this Section.

(c) Maximum transition heights

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, #street walls# above a required setback may rise to a maximum transition height of 125 feet and, along all other frontages, #street walls# above a required setback may rise to a maximum transition height of 155 feet. Such transition heights may only be exceeded where towers are provided in accordance with the provisions of Section 87-323 (Tower provisions).

87-323

Tower provisions

[Existing provisions, moved from 87-33, and modified]

A #building or other structure# may exceed the applicable maximum heights set forth in Section 87-322 (Base heights and transition heights) only in accordance with the tower provisions of this Section.

(a) Maximum number of towers

For #zoning lots# with less than 100,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted. The minimum separation between any two towers on the same #zoning lot# shall be 60 feet.

(b) Setbacks

All towers shall comply with the applicable setback provisions set forth in paragraph (b) of Section 87-322, except that on Parcel 1, towers shall be set back from the #shore public walkway# a minimum of 30 feet.

The dormer provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall not apply to the tower portion of a #building#. In lieu thereof, up to 50 percent of the width of the #street wall# of a tower shall be permitted to encroach into a required setback area, except in setback areas along the #shore public walkway#.

(c) Maximum tower size

Each #story# of a tower shall not exceed a gross area of 10,000 square feet, except that any encroachment into a setback area provided in accordance with paragraph (b) of this Section need not be included in such gross area.

(d) Maximum tower width

On Parcels 1, 3, 4 and 7, as shown on Map 1 in the Appendix to this Chapter, the maximum width of any #story# of a tower facing the #shoreline# shall not exceed 130 feet, and on Parcel 2, the maximum width of any #story# of a tower facing mapped parkland shall not exceed 100 feet.

(e) Maximum height of towers

For #zoning lots# with 100,000 square feet or less of #lot area#, the maximum height of a tower shall be 300 feet, and for #zoning lots# with more than 100,000 square feet of #lot area# the maximum height of a tower shall be 400 feet.

However, for #zoning lots# with two towers, such maximum tower height of 400 feet shall apply to only one tower and a maximum tower height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between any two #towers# on a #zoning lot#.

(f) Tower top articulation

The uppermost three #stories# of a tower, or as many #stories# as are located entirely above a height of 300 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#.

87-33

[Towers

Special Height and Setback and Other Bulk Regulations in the North Subdistrict]

[NOTE: Lower Concourse North text amendment is adding height and setback provisions for the North Subdistrict]

[Existing text moved to 87-323 and modified]

~~All #stories# of a #building# located partially or wholly above the applicable transition height set forth in paragraph (c) of Section 87-32 shall be considered a “tower” and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.~~

(a) ~~Maximum tower height~~

~~For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with~~

more than 100,000 square feet of #lot area# shall be 400 feet. For #zoning lots# with two towers, however, such maximum #building# height of 400 feet shall apply to not more than one tower and a maximum #building# height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between towers.

(b) — Location rules for #zoning lots# adjacent to mapped parkland

Where a tower is provided on a #zoning lot# adjacent to mapped parkland, such tower or portion thereof shall be located within 85 feet of such mapped parkland, and if two towers are provided on such #zoning lot#, the second tower or portion thereof shall be located either within 120 feet of East 149th Street or within 45 feet of an #upland connection#. Where two towers are provided on a #zoning lot# adjacent to mapped parkland, the shorter of the towers shall be located nearer the mapped parkland.

(c) — Maximum tower size

The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.

(d) — Tower top articulation

All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:

(1) — Setbacks on each tower face

- (i) — For #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#;
- (ii) — For #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the

~~#story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.~~

~~Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (d)(1), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.~~

~~(2) — Three setbacks facing Harlem River~~

~~The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west-facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.~~

* * *

87-40

~~SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS~~

SPECIAL REGULATIONS FOR GROUND FLOOR LEVEL

[NOTE: All existing Sections 87-40, 87-41 and 87-42 provisions, moved to Section 87-50]

[NOTE: Existing provisions, moved from Section 87-13 and modified]

The provisions set forth in this Section, inclusive, shall apply to #ground floor levels# of #developments# and #ground floor level enlargements# within the #Special Harlem River Waterfront District#, as applicable.

87-41

Fire Apparatus Access Roads

Streetscape Requirements in the Core and South Subdistricts

[NOTE: Existing 87-41 provisions, moved to 87-62]

In the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #ground floor level enlargements#, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the special streetscape regulations of this Section, inclusive, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection# or a fire apparatus access road provided pursuant to the provisions of Section 87-62 (Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#.

87-411

Ground floor uses

[NOTE: Existing provisions, moved from Section 87-13 and modified]

~~All #ground floor level uses# facing a #shore public walkway#, mapped parkland or an #upland connection# shall comply with the minimum depth requirements of 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail #streets#. Lobbies and entrances shall comply with the provisions for Type 1 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses). The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other publicly accessible area.~~

~~For #buildings# on Parcels 1 through 6, as shown on Map 1 in the Appendix to this Chapter, that face a #shore public walkway#, mapped parkland or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings# shall consist of #uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.~~

Within the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, the following shall apply:

(a) Minimum amount of required #ground floor level floor area#

At least 50 percent of the width of the #ground floor level street wall# of a #building# shall be occupied by #floor area#, and on Parcels 1 and 2, as shown on Map 1, the entire width of the #ground floor level street wall# facing a #shore public walkway# or a mapped parkland, shall be occupied by #floor area#. Such #floor area# shall be allocated to any permitted #use#, except #group parking facilities#.

(b) Required non-#residential uses# in certain locations

The #ground floor level street wall# within 50 feet of the intersection of two #streets# at locations designated on Map 2, shall be occupied exclusively by non-#residential floor area#. In addition, on Parcels 3 and 4, at least 50 feet of additional #ground floor level street wall# facing the #shore public walkway# shall be occupied exclusively by non-#residential floor area#, at the locations designated on Map 2. #Group parking facilities#, including entrances and exits thereto, shall not be permitted within such locations.

Non-#residential floor area# required pursuant to this paragraph may satisfy #ground floor level floor area# required pursuant to paragraph (a) of this Section.

All #ground floor level floor area# required pursuant to this Section shall extend to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, all #streets# shall be considered designated retail streets.

87-412

Transparency requirements in the Core and South Subdistricts

[NOTE: Existing provisions, moved from 87-13 (b)]

~~Any#building# wall containing #ground floor level commercial# or #community facility uses# that faces a #shore public walkway#, mapped parkland or #upland connection#, shall be glazed~~

~~in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail streets.~~

In the Core and South Subdistricts, for non-#residential uses# located at the #ground floor level# shall be subject to the following requirements, any portion of a #ground floor level street wall# that is subject to the #floor area# requirements of paragraph (b) of Section 87-411 (Ground floor uses), shall be glazed in accordance with the transparency requirements for designated retail streets set forth in Section 37-34 (Minimum Transparency Requirements), except that:

- (a) in the South Subdistrict, where the #ground floor level street wall# is occupied by #uses# in Use Groups 16, 17 or 18, up to 50 percent of the length of such #ground floor level street wall# may be exempt from such transparency requirements, provided that any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide planting or screening in accordance with the provisions of paragraphs (a) or (e) of Section 87-415 (Special streetscape provisions for certain blank walls) for at least 75 percent of such blank wall; and
- (b) in #flood zones#, for #buildings# utilizing the provisions of paragraph (a) of Section 64-21 (Ground Floor Use), where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 25 feet, visual mitigation elements shall be provided in accordance with Section 87-415 for such blank wall.

For the purposes of applying the provisions of Section 37-34, locations subject to the provisions of paragraph (b) of Section 87-411 shall be considered designated retail streets.

87-413

Parking wrap and screening requirements in the Core and South Subdistricts

The following provisions shall apply to any #group parking facility# in the Core and South Subdistricts:

[NOTE: Existing provisions, moved from paragraphs (c) through (e) of 87-50]

~~(e) Location requirements for parking facilities~~

~~No parking facility, open or enclosed, shall front upon or be visible from:~~

- ~~(1) a #shore public walkway#, except as provided for in paragraph (e) of this Section for Parcel 5;~~
- ~~(2) any #upland connection# or mapped parkland, or portion thereof, that is located west of the #Parcel 1 building line#.~~

~~(d)(a) Design requirements for enclosed off-street #group parking facilities#~~

~~All enclosed off-street #group parking facilities# shall be located either entirely below the level of any #street# an adjacent sidewalk or open area accessible to the public upon which such facility fronts any other adjacent pedestrian area required to be accessible to the public or, when located above grade, shall comply with the following: in compliance with the following provisions:~~

- ~~(1) The provisions of this paragraph, (d)(1), shall apply to facilities facing a #shore public walkway#, an #upland connection#, mapped parkland, or the northern #street line# of 138th Street.~~

~~At every level above grade, off-street parking facilities shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). For the purposes of applying such provisions, #shore public walkways#, an #upland connection# or mapped parkland and East 138th Street shall be considered designated retail streets. All such parking facilities shall be exempt from the definition of #floor area#.~~

~~On Parcel 6, as shown on Map 1 in the Appendix to this Chapter, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 so that no portion of a parking facility is visible from such portion of Exterior Street or East 138th Street.~~

- ~~(2) The provisions of this paragraph, (d)(2), shall apply to facilities not facing a #shore public walkway#, or that portion of an #upland connection# or mapped parkland located west of the #Parcel 1 building line#, or the northern #street line# of East 138th Street.~~

~~Such facilities shall be screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35.~~

- (1) #Group parking facilities# on the #ground floor level# within 30 feet of #street walls# subject to the provisions of Section 87-411 (Ground floor uses) shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements. For the purpose of applying such provisions, #street walls# subject to the provisions of Section 87-411 shall be considered designated retail streets.
- (2) #Group parking facilities# along all other frontages shall either be wrapped by #floor area#, or screened in accordance with the provisions of paragraph (e) of Section 87-415. In addition, any continuous stretch of screening that exceeds 25 feet in width shall provide planting in accordance with the provisions of paragraph (a) of Section 87-415 (Special streetscape provisions for certain blank walls) along 50 percent of such screened frontage.

~~(e)(c)~~ Open parking areas

Open parking areas shall be permitted only in the following locations:

- (1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the #Parcel 1 building line#;
- (2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the Parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;
- (3) on Parcel 6, a parking lot shall be permitted within 130 feet of the southern boundary of the parcel with East 138th Street; and

- (4) on all parcels, open, unscreened, in tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-62 (Fire Apparatus Access Roads), provided that all parking spaces comply with the Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply. In addition, on Parcel 1, for parking lots located east of the #Parcel 1 building line#, or on Parcel 5, for parking lots used solely as a commercial or public utility vehicle storage #use# as listed in Use Group 16C, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing is not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-555 shall not apply to any parking lots provided within private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-62.

[ORIGINAL PROVISIONS]

~~The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, (e):~~

~~For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.~~

~~On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.~~

~~On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or~~

~~#enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.~~

87-414

Special provisions applicable within the flood zone

In the Core and South Subdistricts, the provisions of Section 64-336 (Alternative height measurement in Commercial and Manufacturing Districts) shall be modified so that where the #flood-resistant construction elevation# is between four feet and 12 feet above #curb level#, #building# height may be measured from a reference plane 12 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. The requirements of Section 64-642 (Transparency requirements for buildings utilizing alternative height measurement) shall apply to #buildings# utilizing these alternative height measurement provisions.

87-415

Special streetscape provisions for certain blank walls

The provisions of this Section shall apply to a #ground floor level building# frontage, or any portion thereof, facing a #street#, #shore public walkway#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-62 (Fire Apparatus Access Roads), where no transparent materials or entrances or exits are provided on the #ground floor level# below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 25 feet. For the purpose of this Section, such a #building# wall, or portion thereof, shall be referred to as a “blank wall” and visual mitigation elements shall be provided in accordance with this Section.

At least 50 percent of the linear footage of any blank wall on a #ground floor level building# frontage shall be treated by one or more of the following visual mitigation elements. Where a #building# wall fronts upon a #street#, such visual mitigation elements shall be provided on the #zoning lot#, except that the depth of an area containing such elements within the #zoning lot#

need not be greater than three feet, when measured perpendicular to the #street line#. Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of paragraph (a) of this Section, and where a blank wall exceeds a height of 10 feet, as measured from the level of the adjoining grade, for a width of more than 25 feet, at least 50 percent of such #street wall# width shall provide wall treatments in accordance with the provisions of paragraph (e) of this Section.

The maximum width of a portion of the #ground floor level# blank wall without visual mitigation elements shall not exceed 10 feet. However, such blank wall limitation shall not include portions of #street walls# occupied by entrances or exits to #accessory# off-street parking facilities and #public parking garages#, where permitted, entryways to required loading berths, where permitted, or doors accessing emergency egress stairwells and passageways.

Visual mitigation elements:

(a) Planting

Any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

(b) Benches

Fixed benches with or without seatbacks shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street

wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

87-50

SPECIAL PARKING REGULATIONS

[NOTE: Existing provisions, moved to 87-51]

The applicable parking and loading regulations of underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified by the provisions of this Section, inclusive.

87-51

~~Curb Cut Restrictions~~

Special Parking Regulations in the Core Subdistrict

[NOTE: Existing provisions, moved from 87-50; existing 87-51 provisions moved to 87-52]

The following provisions shall apply to all parking facilities in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter:

~~(a)~~ Use of parking facilities

~~All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord.~~

~~(b)~~(a) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required #accessory# off-street parking spaces may be provided on any #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is within the #Special Harlem River Waterfront District# Core Subdistrict.

[NOTE: Existing text in paragraphs (c) through (e) of 87-51 moved to Section 87-412]

~~(f)~~(b) Roof parking

~~Any roof, or portion thereof, of a facility containing that covers off-street parking spaces; not otherwise covered by a #building#, that and is larger than 400 square feet in surface area, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.~~

~~(e)~~(c) Open parking lots

Open parking lots shall be permitted only in the following locations:

- (1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the #Parcel 1 building line#;
- (2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the Parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;
- (3) on Parcel 6, along the southern boundary of the Parcel with East 138th Street, provided that such parking lot is south of any #building# on the Parcel and east of the #shore public walkway#; and
- (4) on all Parcels, open, unscreened, tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on fire apparatus access roads provided pursuant to the provisions of Section 87-62 (Fire Apparatus Access Roads), provided that all parking spaces comply with Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply, and, on Parcels 1 and 5, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing in not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-655 shall not apply to fire apparatus access roads provided pursuant to the provisions of Section 87-62.

[ORIGINAL PROVISIONS]

~~The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, (e).~~

~~For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.~~

~~On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from~~

~~#streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.~~

~~On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.~~

87-52

Curb Cut Restrictions

[EXISTING PROVISIONS MOVED FROM 87-51]

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway#, and further, on Parcels 1 and 2, no curb cuts shall be provided facing a mapped parkland.

87-60

HARLEM RIVER WATERFRONT ACCESS PLAN

SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS

The following provisions shall apply in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-61

Special Public Access Provisions

Sidewalks

[NOTE: Existing 87-61 provisions moved to 87-71]

[NOTE: Existing provisions, moved from 87-42 and modified]

In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed use buildings#, ~~as defined in Section 123-11,~~ sidewalks shall be provided on Parcel 1, as follows:

- (a) Sidewalks with a ~~depth~~ width of at least 15 feet, ~~measured perpendicular to the curb of a #street#,~~ shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# ~~so~~ such that the combined width of the sidewalk within the #street# and the sidewalk widening equals at least 15 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement.
- (b) A 22 foot wide walkway shall extend east of and along the #Parcel 1 building line#, linking East 149th Street and mapped parkland, or a fire apparatus access road if such a road is provided adjacent to mapped parkland. ~~In the event that a parking lot is provided east of such walkway, the easternmost seven feet of such walkway shall be densely planted with evergreen shrubs maintained at a maximum height of three feet above the adjoining walkway.~~ Such walkway and planting strip may be interrupted to allow vehicular or pedestrian access.
- (c) ~~Any driveway located east of the #Parcel 1 building line# that extends along a sewer easement and intersects Exterior Street shall have curbs and sidewalks with a minimum width of 13 feet along each curb, which may be interrupted to allow for vehicular access to a parking lot.~~

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards, shall connect at grade to be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times, except when required to be closed for repairs.

**Certification to Waive Supplemental Public Access Area Requirement
Fire Apparatus Access Roads**

[NOTE: Existing provisions, moved from Section 87-41 and modified]

Within the Core and South Subdistricts, for Parcels 1, 2, 3, 4 and 11, where a fire apparatus access road is provided as required by New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the Chairperson of the City Planning Commission shall certify, in conjunction with a certification application filed pursuant to paragraph (c) of Section 62-811, the following:

- (a) the road shall be constructed to minimum Department of Transportation standards for public #streets#, including sidewalks, curbs and curb drops, lighting, signage, materials, and crosswalk, and shall meet the requirements set forth in the New York City Fire Code;
- (b) for Parcels 2, 3, or 4, the contiguity provisions of paragraph (a) of Section 87-64 shall be met, except that where no connection for vehicular travel lanes terminating at the opposite side of a shared #lot line# exist at the time of construction, the provisions of paragraph (b) of such section may be utilized as an interim alternative;
- (c) a restrictive declaration shall be executed in accordance with the provisions of Section 87-66; and
- (d) street trees shall be planted pursuant to the requirements of Section 26-41 along such fire apparatus access road as if it were a #street#.

However, the requirements of this Section shall not apply to: fire apparatus access roads on Parcels 1 and 3 that are provided pursuant to the provisions of paragraph (b)(3) of Section 87-71 (Special Public Access Provisions); and to a fire apparatus access road on Parcel 11 located in the required #upland connection# within the prolongation of East 134th Street.

[ORIGINAL PROVISIONS]

~~Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the following requirements:~~

- (a) ~~the width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops;~~
- (b) ~~curbs shall be provided along each side of the entire length of such road;~~
- (c) ~~a minimum 13 foot paved sidewalk shall be provided adjacent to and along the entire length of the required curb;~~
- (d) ~~for the purposes of making the #street# tree requirements of Section 26-41 applicable to fire apparatus access roads, a fire apparatus access road shall be considered a #street#;~~
~~and~~
- (e) ~~all such roads shall be constructed with lighting, signage, materials and crosswalks to minimum Department of Transportation standards for public #streets#.~~

87-63

Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4

[NOTE: Existing provisions, moved to paragraph (b) of this Section]

On Parcels 2, 3 and 4, in addition to the certification provisions of Section 87-62 (Fire Apparatus Access Roads), a fire apparatus access road shall be provided in accordance with the provisions of this Section.

(a) Bi-Directional Road

[NOTE: Existing provisions, moved from Section 87-66 (Connection with Adjacent Zoning Lots) and modified]

On each of Parcels 2, 3 and 4, and only among such Parcels, a connection for bi-directional vehicular travel lanes to an adjacent #zoning lot line# shall be provided. When complete, such fire apparatus access road shall provide bi-directional contiguous vehicular access from the northerly #upland connection# of Parcel 2 along the mapped parkland, along the #shore public walkway# of Parcels 2, 3 and 4, and within the southerly #upland connection# of Parcel 4.

Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent fire apparatus access road. Such fire apparatus access road shall extend along the entire #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-64, has been recorded against the adjacent #zoning lot#.

(b) Interim fire apparatus turnaround

[NOTE: Existing provisions of Section 87-63, modified]

When bi-directional vehicular travel lanes are constructed that terminate at a #lot line# and do not continue on the adjacent #zoning lot# at the time of their construction, an interim dead-end fire apparatus access road turnaround may be constructed as an alternative to the provisions of paragraph (a) of this Section, in accordance with the following provisions.

An applicant utilizing the provisions of this paragraph shall construct a fire apparatus access road that extends along the entire #upland connection# and #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#, and shall provide an “approved turnaround area,” constructed as part of a “dead-end fire apparatus access road,” as those terms are defined in the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor.

Such turnaround area shall be constructed to dimensions no greater than required under the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor, and shall be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. Such turnaround area may extend into the designated #shore public walkway, but at no point may such turnaround area extend into the associated circulation path. Sidewalks shall not be required adjacent to the turnaround area. The portion of the turnaround area that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials to the extent permissible by the Fire Commissioner and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not

wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage.

At the time of certification pursuant to Section 87-62, the site plan shall demonstrate a suitable design for the dead-end fire apparatus access road that demonstrates both the approved turnaround area and the repurposed turnaround area outside of the roadbed upon the issuance of a notice of substantial compliance for the adjacent #zoning lot#. In addition, a conceptual site plan shall demonstrate that the proposed site plan and grading plan for required contiguous access pursuant to the provisions of paragraph (a) of this Section is compatible with future #development# on the adjoining #zoning lot#. Such site plans shall be included as an exhibit to the declaration of restrictions recorded pursuant to Section 87-64.

Repurposing a turnaround area and providing contiguous access in accordance with an approved conceptual site plan shall not necessitate a certification pursuant to Section 62-811, provided that there are no further modifications to an approved #waterfront public access area#.

[BELOW: Original provisions of Section 87-66 (Connection with Adjacent Zoning Lots)]

~~The following provisions apply to #developments#, #enlargements#, alterations or changes of #use#, pursuing certification, pursuant to either Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement) or 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).~~

~~On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development#, #enlargement#, alteration or change of #use#, shall provide a connection for bi-directional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent private street. In addition to such physical shared #lot line# connection, a #private road# declaration shall be provided pursuant to the provisions of Section 87-64. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-64, has been recorded against the adjacent #zoning lot#.~~

~~When no connection for vehicular travel terminating at the opposite side of a shared #lot line# exists, a dead-end fire apparatus access road turnaround may be constructed, pursuant to Section 87-63, which may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-64.~~

[BELOW: Original provisions of Section 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways)]

~~On Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code, Section 503.2.5 (Dead-ends) may, by certification, extend into the designated #shore public walkway#, provided that:~~

- ~~(a) — a declaration of restrictions has been provided, pursuant to Section 87-64;~~
- ~~(b) — a fire apparatus access road abutting the shared #zoning lot line# between the #development#, #enlargement#, alteration or change of #use# seeking certification under this Section and Parcels 2, 3 or 4 does not exist; and~~
- ~~(c) — the fire apparatus access road serves as a segment of a bi-directional loop road along the #shore public walkway#, providing a connection to Exterior Street at the northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.~~

~~Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining sidewalks.~~

87-64

Declaration of Restrictions

[NOTE: Existing provisions, modified]

For any fire apparatus access road proposed for certification pursuant to Sections 87-62 (Fire Apparatus Access Roads), a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, and any sidewalk adjacent to such road, to guarantee that such road, and any sidewalk adjacent to such road, remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections 87-62 ~~and 87-63~~, where applicable.

For certifications proposed pursuant to Section 87-~~63~~62 on Parcels 2, 3 or 4, where #developments# or #enlargements# on such parcels utilize the allowance for interim fire access turnaround, in accordance with paragraph (b) of Section 87-63 (Cross Access Connection with Adjacent Zoning Lots on Parcels 2, 3 and 4), any declaration of restrictions shall include that, at the time of the issuance of the notice of substantial compliance for the adjacent #development#, or #enlargement# pursuant to this Section, thereby permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously-constructed fire apparatus access road turnaround area shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

- (a) repurposing the fire apparatus access road turnaround area pursuant to the requirements set forth in paragraph (b) of Section 87-63;
- (b) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable unobstructed pedestrian movement across parcels;
- (c) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code; and
- (d) providing a connection with the adjacent #zoning lot# pursuant to Section 87-63.

[BELOW: Original provisions of Section 87-64 (Declaration of Restrictions)]

~~For any fire apparatus access road proposed for certification pursuant to Sections 87-62 or 87-63, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections 87-62 and 87-63, where applicable.~~

~~For certifications proposed pursuant to Section 87-63, at the time a declaration of restrictions has been provided by the adjacent #development#, #enlargement#, alteration or change of #use#, pursuant to this Section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:~~

- ~~(a) deconstructing the fire apparatus access road turnaround;~~
- ~~(b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action;~~
- ~~(c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across parcels; and~~
- ~~(d) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code.~~

87-70

HARLEM RIVER WATERFRONT ACCESS PLAN

[NOTE: Existing waterfront access plan provisions, moved from Section 87-60]

Map 23 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location of where certain features are mandated or permitted by the Plan.

87-71

Special Public Access Provisions

[NOTE: Existing provisions, moved from 87-61]

The provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to ~~#developments#, #enlargements#, alterations or changes of #use#,~~ as follows modified in this Section: For the purpose of applying the provisions of this Section, “development” shall be as defined in Section 62-11, that require ~~#waterfront public access areas#~~. To “develop” shall mean to create such ~~#development#~~.

(a) ~~#Shore public walkways#~~

- (1) The ~~#shore public walkway#~~ shall be provided in the location designated on Map 3 (Waterfront Access Plan: Public Access Elements) and constructed at an elevation of ~~two feet above~~ not lower than the highest level of the train track bed of the Oak Point Rail Link, except that:
 - ~~(i) on Parcels 6 and 7, no such elevation requirement shall apply;~~
 - ~~(ii)~~ on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is ~~#developed# or #enlarged#~~ as the primary ~~#use#~~ on the ~~#zoning lots#~~, such the elevation requirement shall not apply. However, for any other ~~#use#~~, such the elevation requirement shall only apply along the westernmost section of the ~~#shore public walkway#~~ to a depth of 40 feet.

- (iii) ~~on all #zoning lots#, a #shore public walkway# shall be required to meet the grade of an existing adjacent #street#, which may include deviating from such elevation requirement where necessary.~~

- (2) An approved turnaround area in a dead-end fire apparatus access road~~turnaround area~~, as defined in the New York City Fire Code, Section 503.2.95 (Dead-end turnarounds), or its successor, may, by certification extend into a designated #shore public walkway# pursuant to paragraph (b) of Section 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround Area in Shore Public Walkways Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4).

- (3) In the event that a portion of a #waterfront zoning lot# is within 40 feet of the #shoreline# yet does not abut the #shoreline# because of an intervening #zoning lot#, a #shore public walkway# shall be provided on such upland portion. The width of the #shore public walkway# on such portion shall be 40 feet measured from the #shoreline# of the intervening #zoning lot# and shall include the width of the intervening #zoning lot#. The portion of such #shore public walkway# located upland of the intervening #zoning lot# shall be improved with a circulation path at least ten feet wide, and any required planted screening buffer shall have a width of at least four feet.

- (4) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# ~~or #enlarged#~~ as the primary #use# on the parcel, the #shore public walkway# requirements set forth in Section 62-62 shall apply, except that:
 - (i) the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet and may be reduced to a minimum of 30 feet along the eastern edge of the inlet;

 - (ii) the circulation path required in paragraph (a)(1) of Section 62-62 shall be modified to a minimum width of 10 feet along the northern and eastern edge of the inlet; and

 - (iii) the screening provisions of paragraph (c)(2) of Section 62-62 shall not apply. In lieu thereof, a planted screening buffer with a width of four feet

shall be provided. Such planted buffer shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting; ~~and~~.

- (iv) ~~in the event that the #upland connection# on Parcel 6 has not been provided,~~ a ten foot wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.

(b) #Upland connections#

#Upland connections# shall be located on Parcels 1, 3, 4, 5 and 6 and 11, as designated on Map 23 in the Appendix to this Chapter.

The applicable provisions of Sections 62-50, inclusive, are modified, as follows:

- (1) On Parcel 1, for an #upland connection# required along the northern boundary of a mapped park, the additional open area requirement of paragraph (a)(2) of Section 62-561 (Types of upland connections) shall not apply;
- (2) ~~Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2.~~ Parcel 3 shall provide an #upland connection# at the designated location shown on Map 3. In addition, such #upland connection# shall be provided as specified below:
 - (i) On Parcel 3, an #upland connection# is required at the designated location as shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall not apply;
 - (ii) In the event that Parcel 3 is developed with Parcels 2 or 4, an #upland connection# shall be provided within the flexible location zone shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall apply.
- (3) On Parcels 1 and 3, if a Type 1 #upland connection# is provided, and a fire apparatus access road is required pursuant to the New York City Fire Code

Section 503.2 (Fire apparatus access roads), or its successor, the design requirements of 62-64 shall be modified as follows:

- (i) the required circulation path may be used to allow such fire apparatus access road, and it's minimum width shall be in accordance with all applicable requirements of the Fire Code;
 - (ii) such circulation path shall be paved with distinct materials, not including asphalt, to facilitate pedestrian usage; and
 - (ii) the minimum planting area requirements shall be reduced to 15 percent;
- (4) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

#Supplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1, ~~and 2 and 11,~~ as indicated on Map ~~23~~ in the Appendix to this Chapter, except that: ~~However, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement).~~

- (1) such requirement may be waived for Parcels 1 and 2 by the Chairperson of the City Planning Commission, in conjunction with a certification pursuant to paragraph (c) of Section 62-811 (Waterfront public access and visual corridors), where the site plan includes a vehicular connection through the #zoning lot#, provided that:
 - (i) such vehicular connection complies with the requirements of Section 87-62 (Fire Apparatus Access Roads) and, for Parcel 2, the requirements of Section 87-63 (Contiguity of Fire Apparatus Access Road With Adjacent Zoning Lots on Parcels 2, 3 and 4); and
 - (ii) such vehicular connection, either:

- (a) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and mapped parkland; or
 - (b) on Parcel 2, provides a bi-directional connection between Exterior Street at its intersection with East 144th Street and the southernmost #lot line# of Parcel 2.
- (2) for Parcel 11, at the location designated as “Supplemental Public Access Area (Shore Public Walkway Location)” on Map 3, a #supplemental public access area# shall be provided at a minimum width of 40 feet as indicated on Map 3, and the design and dimensional requirements for #shore public walkway# as set forth in Sections 62-50, inclusive, and 62-60, inclusive, shall apply.

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels ~~1 and 4~~, 9, 11, 12 and 13, and mapped parkland, as indicated on Map ~~24~~ (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter. For all required #visual corridors#, the provisions of Section 62-512 (Dimension of visual corridors) shall be modified to allow the lowest level of a #visual corridor#, at its seaward points, to be measure to a height two feet above #base flood elevation# or a height equal to the Oak Point Rail Link train track bed elevation, whichever is higher.

The Oak Point Rail Link shall be a permitted obstruction for #visual corridors#.

87-72

Applicability of Waterfront Regulations

[NOTE: Existing provisions, moved from Section 87-65]

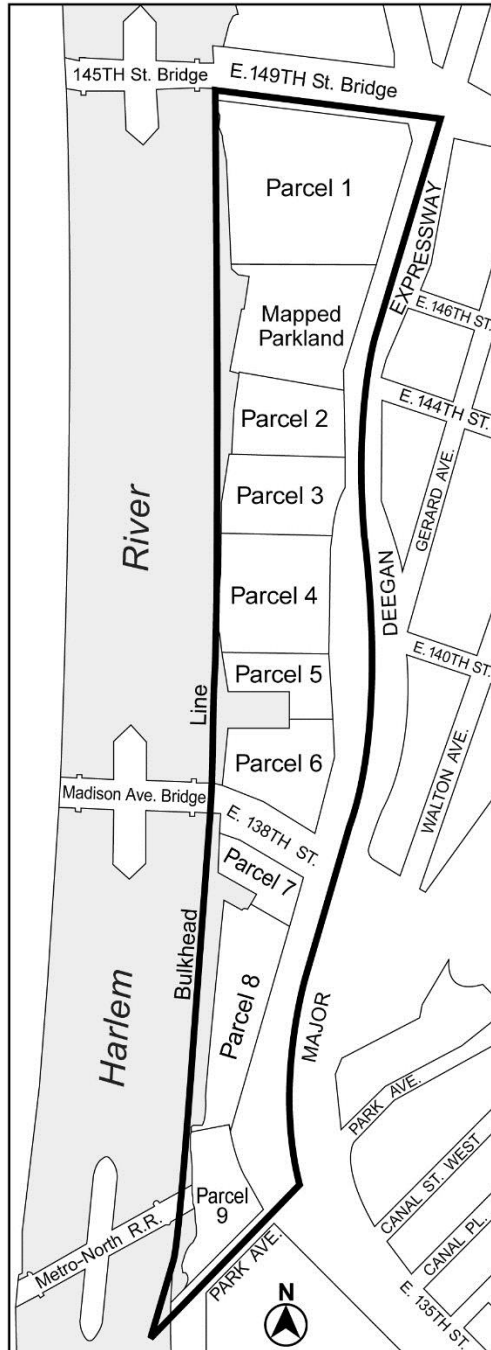
In the event that #streets# are mapped within a #zoning lot# on Parcels 1, 2, 3 ~~and~~ or 4 after June 30, 2009, or on Parcel 11 after [date of adoption], the area within such #streets# may continue to

be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

Appendix
Special Harlem River Waterfront District Plan

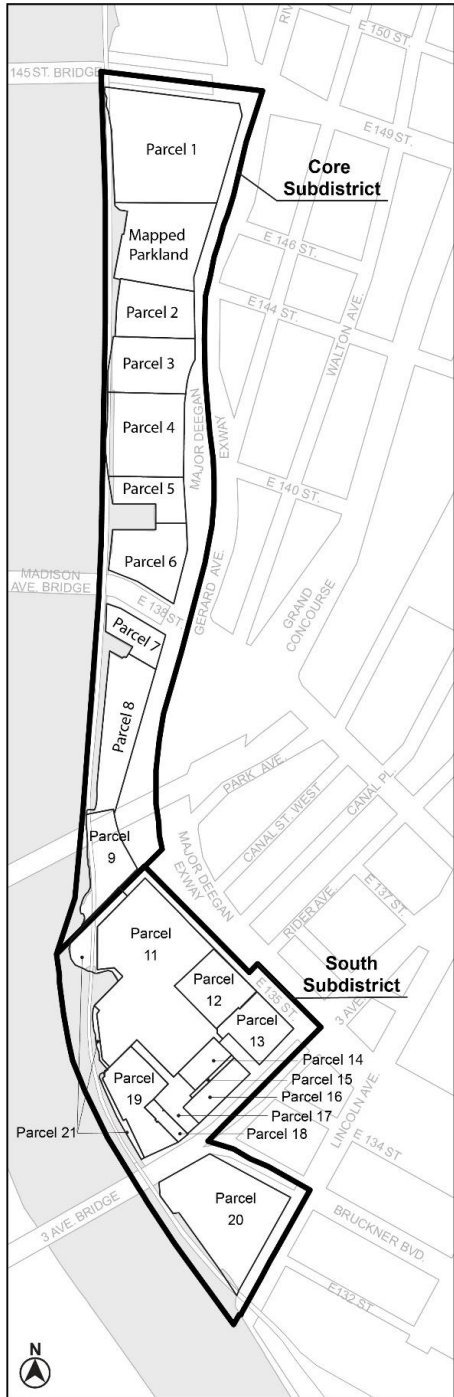
Map 1. Special Harlem River Waterfront District, Subdistricts and Parcels

[EXISTING MAP]



— Special Harlem River Waterfront District

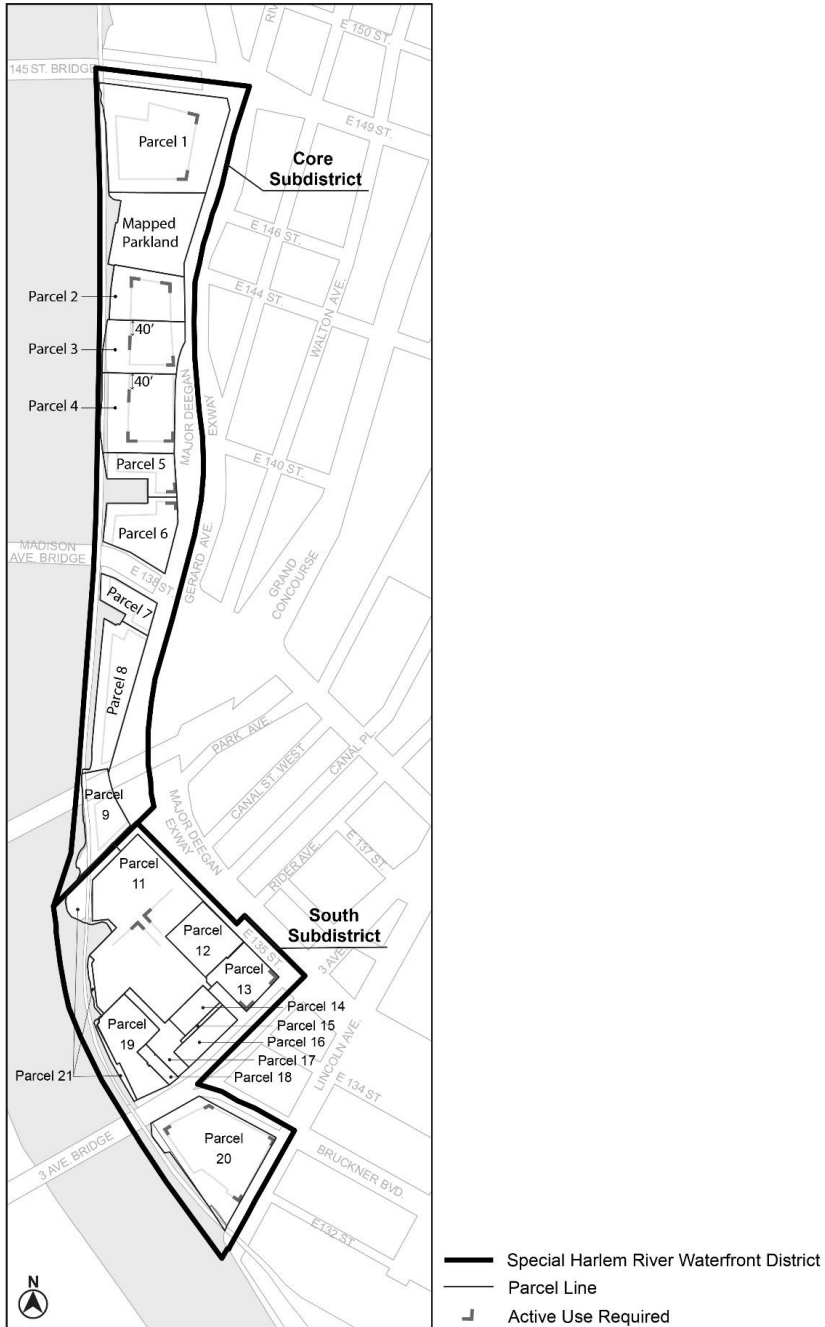
[PROPOSED MAP]



Special Harlem River Waterfront District
 Parcel Line

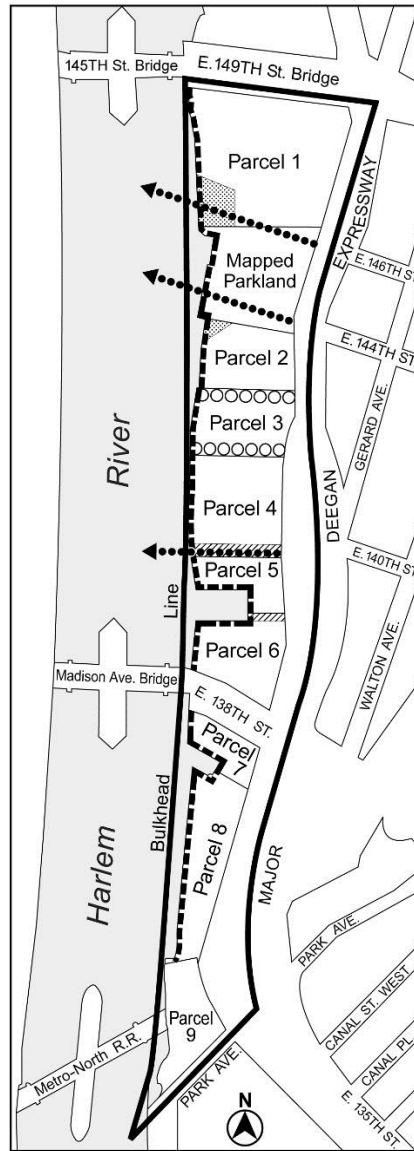
Map 2. Designated Non-residential Use Locations

[PROPOSED MAP]



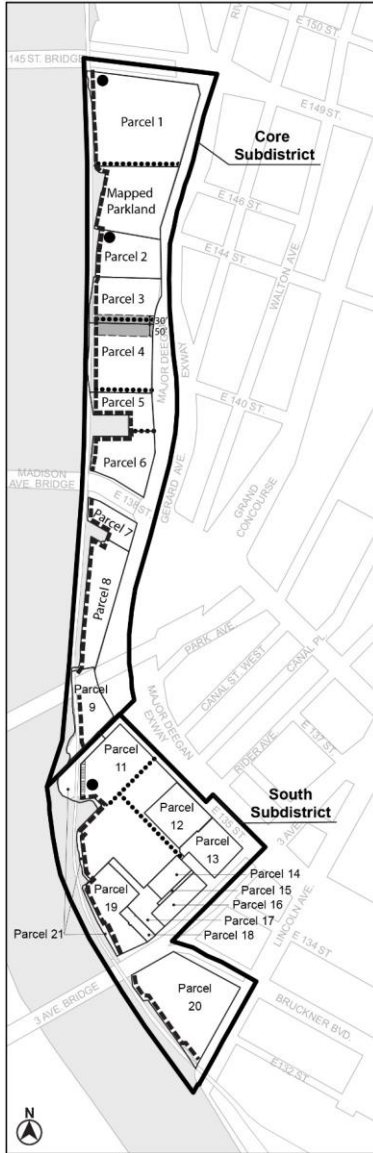
Map 3. Waterfront Access Plan: Public Access Elements

[EXISTING MAP]



- Special Harlem River Waterfront District
- - - - - Shore Public Walkway/ Waterfront Yard
- ◀•••• Visual Corridor (Designated Location)
- ○ ○ ○ ○ Upland Connection (Variable Location)
- ▨ Upland Connection (Designated Location)
- ▤ Supplemental Public Access Area (Designated Location)

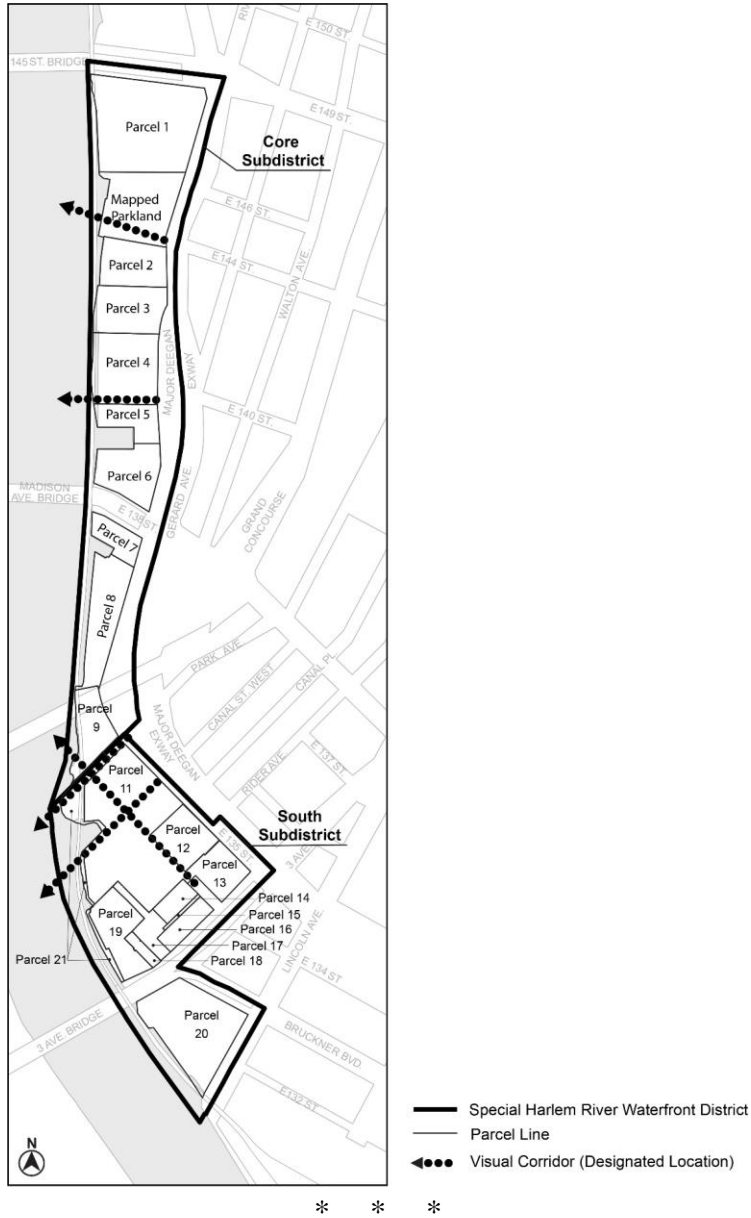
[PROPOSED MAP]



- Special Harlem River Waterfront District
- Parcel Line
- - - - Shore Public Walkway
- ▨ Supplemental Public Access Area (SPW Location)
- Supplemental Public Access Area (Designated Location)
- ▨ Upland Connection (Within Flexible Location Zone)
- Upland Connection (Designated Location)

Map 4. Waterfront Access Plan: Visual Corridors

[PROPOSED MAP]



(On July 26, 2017, Cal. No. 3, the Commission scheduled August 9, 2017 for a public hearing which has been duly advertised.

Close the hearing.

No. 39

TLC OFFICE SPACE

CD 10

N 180015 PXX

PUBLIC HEARING:

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 2500 Halsey Street (Block 3852, Lot 1) (Taxi & Limousine Commission offices)

(On July 12, 2017, the Commission duly advertised August 9, 2017 for a public hearing.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 40

FDNY OFFICE SPACE

CD 2

N 180016 PXX

PUBLIC HEARING:

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 1 Pierrepont Plaza (Block 239, Lot 1) (Fire Department of New York offices).

(On July 12, 2017, the Commission duly advertised August 9, 2017 for a public hearing.)

Close the hearing.

No. 41

ALBANY NEIGHBORHOOD SENIOR CENTER

CD 8

C 150382 PQK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department for Aging and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 196 Albany Avenue (Block 1230, Lot 44) for continued use as a senior citizen center.

(On July 26, 2017, Cal. No. 4, the Commission scheduled August 9, 2017 for a public hearing which has been duly advertised.)

Close the hearing.

No. 42

930 FLUSHING AVENUE

CD 4

C 170352 PQK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Office of Emergency Management and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 930 Flushing Avenue (Block 3140, Lot 1) for use as a warehouse.

(On July 26, 2017, Cal. No. 5, the Commission scheduled August 9, 2017 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 43

ALL MY CHILDREN DAY CARE CENTER 6

CD 12

C 150395 PQQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 117-16 Sutphin Blvd. (Block 12022, Lot 20) for continued use as a child care center.

(On July 26, 2017, Cal. No. 6, the Commission scheduled August 9, 2017 for a public hearing which has been duly advertised.

Close the hearing.

Nos. 44 & 45

NORTHEASTERN TOWERS ANNEX REZONING

No. 44

CD 12

C 170336 ZMQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Northeastern Towers Annex LP pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 18c and 19a, by changing from an R3X District to an R6 District property bounded by a line perpendicular to the southwesterly street line of Guy R. Brewer Boulevard distant 350 feet northwesterly (as measured along the Street line) from the point of intersection of the northwesterly street line of 132nd Avenue and the southwesterly street line of Guy R. Brewer Boulevard, Guy R. Brewer Boulevard, 132nd Avenue, 161st Street, a line 295 feet northwesterly of

132nd Avenue, a line 135 feet northeasterly of 161st Street, and a line 355 feet northwesterly of 132nd Avenue, Borough of Queens, Community District 12, as shown on a diagram (for illustrative purposes only) dated May 22, 2017, and subject to the conditions of CEQR Declaration E-426.

(On July 26, 2017, Cal. No. 7, the Commission scheduled August 9, 2017 for a public hearing which has been duly advertised.

Close the hearing.

No. 45

CD 12

N 170337 ZRQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Northeastern Towers Annex LP pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

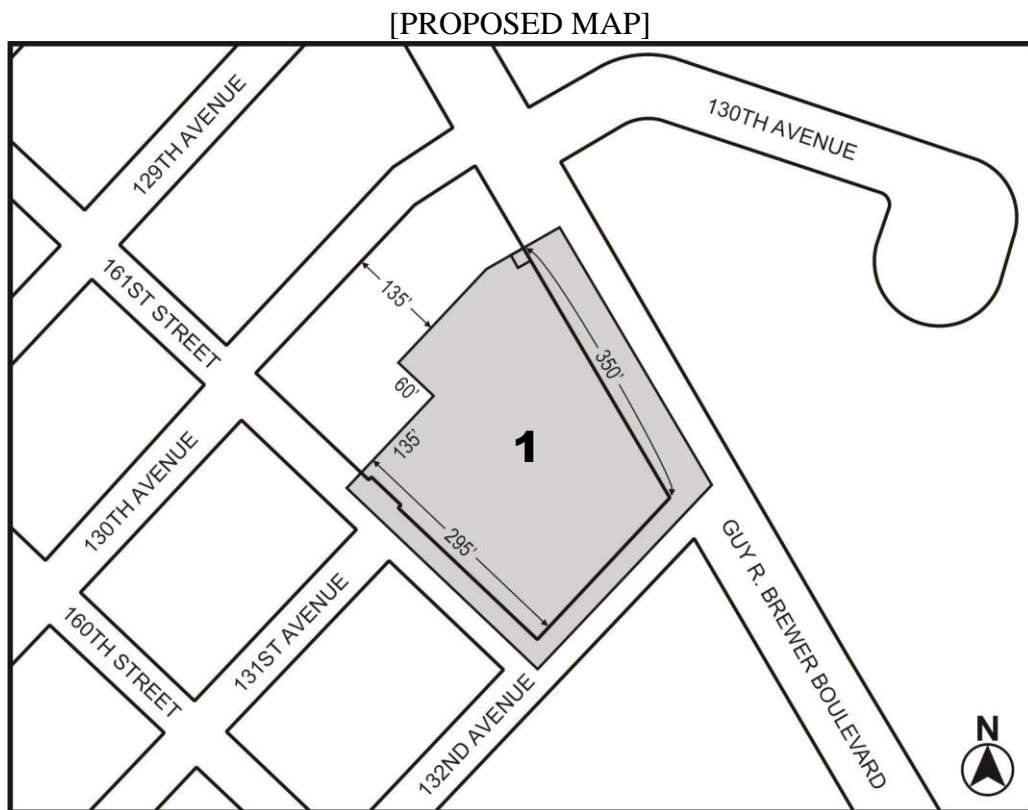
* * *

Queens Community District 12

* * *

In the R6 District within the area shown on the following Map 2:

Map 2 – (date of adoption)



 Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

1 Area 1 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 12, Queens

* * *

(On July 26, 2017, Cal. No. 8, the Commission scheduled August 9, 2017 for a public hearing which has been duly advertised.

Close the hearing.

IV CITY PLANNING COMMISSION 2017 SCHEDULE OF MEETINGS

	SUN	MON	TUE	WED	THU	FRI	SAT
JANUARY	1 New Year's Day	2 New Year's Observed	3 REVIEW SESSION	4 CPC PUBLIC MEETING	5	6	7
	8	9	10	11	12	13	14
	15 Martin Luther King, Jr. Day	16	17 REVIEW SESSION	18 CPC PUBLIC MEETING	19	20	21
	22	23	24	25	26	27	28 Chinese New Year
	29 REVIEW SESSION	30	31				
FEBRUARY				1 CPC PUBLIC MEETING	2	3	4
	5	6	7	8	9	10	11
	12 Lincoln's Birthday	13	14	15	16	17	18
	19	20 Presidents' Day	21 REVIEW SESSION	22 CPC PUBLIC MEETING Washington's	23	24	25
	26	27	28				
MARCH				1 Ash Wednesday	2	3	4
	5	6 REVIEW SESSION	7	8 CPC PUBLIC MEETING	9	10	11
	12	13	14	15	16	17 St. Patrick's Day	18
	19	20 REVIEW SESSION	21	22 CPC PUBLIC MEETING	23	24	25
	26	27	28	29	30	31	
APRIL							1
	2	3 REVIEW SESSION	4	5 CPC PUBLIC MEETING	6	7	8
	9 Palm Sunday	10	11	12	13	14	15
	16 Easter	17	18 Passover	19	20	21 Good Friday	22
	23 REVIEW SESSION	24	25	26 CPC PUBLIC MEETING	27	28	29
MAY	30	1	2	3	4	5	6
	7	8 REVIEW SESSION	9	10 CPC PUBLIC MEETING	11	12	13
	14	15	16	17	18	19	20
	21	22 REVIEW SESSION	23	24 CPC PUBLIC MEETING	25	26	27 First Day Ramadan
	28	29 Memorial Day	30	31			
JUNE					1	2	3
	4	5 REVIEW SESSION	6	7 CPC PUBLIC MEETING	8	9	10
	11	12	13	14	15	16	17
	18	19 REVIEW SESSION	20	21 CPC PUBLIC MEETING	22	23	24
	25	26	27	28	29	30	
JULY	2	3	4 Independence Day	5	6	7	8 1
	9	10 REVIEW SESSION	11	12 CPC PUBLIC MEETING	13	14	15
	16	17	18	19	20	21	22
	23	24 REVIEW SESSION	25	26 CPC PUBLIC MEETING	27	28	29
	30	31					
AUGUST			1	2	3	4	5
	6	7 REVIEW SESSION	8	9 CPC PUBLIC MEETING	10	11	12
	13	14	15	16	17	18	19
	20	21 REVIEW SESSION	22	23 CPC PUBLIC MEETING	24	25	26
	27	28	29	30	31		
SEPTEMBER						1	2
	3	4 Labor Day	5 REVIEW SESSION	6 CPC PUBLIC MEETING	7	8	9
	10	11	12	13	14	15	16
	17	18 REVIEW SESSION	19 CPC PUBLIC MEETING	20	21 Rosh Hashanah	22	23
	24	25	26	27	28	29	30 Yom Kippur
OCTOBER	1	2 REVIEW SESSION	3	4 CPC PUBLIC MEETING	5	6	7
	8	9 Columbus Day Observed	10	11	12	13	14
	15	16 REVIEW SESSION	17	18 CPC PUBLIC MEETING	19	20	21
	22	23	24	25	26 Diwali	27	28
	29	30 REVIEW SESSION	31				
NOVEMBER				1 CPC PUBLIC MEETING	2	3	4
	5	6	7 Election Day	8	9	10 Veterans' Day Observed	11 Veterans' Day
	12	13 REVIEW SESSION	14	15 CPC PUBLIC MEETING	16	17	18
	19	20	21	22	23	24	25
	26	27 REVIEW SESSION	28	29 CPC PUBLIC MEETING	30		
DECEMBER					1	2	3
	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19 REVIEW SESSION	20	21 CPC PUBLIC MEETING Hanukkah	22	23	24
	25	26	27	28	29	30	
	31 Christmas		26 Kwanzaa Begins	27	28	29	30

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 PM
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 AM