



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES  
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CHARLES M. SMITH, Jr., R.A., Commissioner

TO: BOROUGH SUPERINTENDENTS

FROM: George E. Berger, P.E. *GEB* GEORGE E. BERGER, P.E.  
Assistant Commissioner Building Construction

DATE: September 27, 1989

SUBJECT: CONTEXTUAL ZONING - CLARIFICATION OF PARKING,  
ZONING RESOLUTION SECTION 23-12 and BUILDING  
HEIGHT, ZONING RESOLUTION SECTION 119-212

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The recently enacted Lower Density Contextual Zoning Text contains Sections which need clarifications. In this memorandum, the issues of Parking per Z.R. Section 23-12 and Building Height, per Z.R. Section 119-212 will be addressed.

The attached letter of September 10, 1989 by Mr. Tony Levy, Deputy Director of the Zoning Study Group of the Department of City Planning indicates their intentions.

Section 23-12, Permitted Obstructions in Open Space, paragraph (a)(2) indicating 33 Percent, should have been 66 Percent. This would be consistent with the intent of Section 25-64, Restrictions on Use of Required Open Space for Parking where 66 Percent of the required open space may be used for parking and driveways in R4 or R5 Districts.

Section 119-212, Height Limit Controls, establishes maximum heights by measuring all points adjacent to the building from the adjoining ground. For R3, R4 and R5 Zones, Section 23-631 establishes a base plane from which height is measured. For predominantly built-up areas, height limitation of Section 23-691 uses the curb level for measurement. These last two means are not appropriate for Section 119-212 of the Special Hillside Preservation District. All Heights for Section 119-212 shall be measured from the adjoining grade.

Amendments to the Zoning Resolution to clarify Sections 23-12 and 119-212 will be forthcoming.

Enclosures  
GEB:AL:rmr