



## **CITY PLANNING COMMISSION**

---

March 2, 2005/Calendar No. 15

N 050133 ZRK

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**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for amendments of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 4 (Special Bay Ridge District), Borough of Brooklyn, Community District 10.

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The application for amendment of the Zoning Resolution was filed by Department of City Planning on October 13, 2004.

### **RELATED ACTIONS**

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

C 050134 (A) ZMK - An amendment of the Zoning Map, Section Nos. 22a and 22b.

### **BACKGROUND**

A full background discussion and description of this project appears in the report on the related application for amendment of the Zoning Resolution (C 050134(A) ZMK).

### **ENVIRONMENTAL REVIEW**

This application (N 050133 ZRK), in conjunction with the application for the related action (C 050134 (A) ZMK), was reviewed pursuant to the New York State Environmental Quality Review

Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 05DCO023K. The lead is the City Planning Commission.

A summary of the environmental review appears in the report on the related application for an amendment of the Zoning Map (C 050134(A) ZMK).

## **PUBLIC REVIEW**

This application (N 050133 ZRK) was duly referred, on October 13, 2004, to Community Board 10 and the Borough President for information and review in accordance with the procedures for referring non-ULURP matters.

### **Community Board Public Hearing**

Community Board 10 held a public hearing on this application on December 9, 2004 and on December 20, 2005, by a vote of 41 to 0 with no abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of that recommendation appears in the report on the related Zoning Map amendment application (C 050134(A) ZMK).

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on January 21, 2005.

A summary of that recommendation appears in the report on the related Zoning Map amendment application (C 050134(A) ZMK).

### **City Planning Commission Public Hearing**

On January 19, 2005 (Calendar No. 3), the City Planning Commission scheduled February 2, 2005, for a public hearing on this application (N 050133 ZRK ). The hearing was duly held on February 2, 2005 (Calendar No. 12), in conjunction with the public hearing on the application for the related action (C 050134(A) ZMK ).

There were nine speakers in favor of the modified application and six speakers in opposition, as described in the report on the related Zoning Map amendment application (C 050134(A) ZMK).

### **Waterfront Revitalization Program Consistency Review**

This application, in conjunction with the applications for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13,

1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP04-105.

A discussion of the WRP Consistency Review appears in the report on the related application for an amendment to the Zoning Map (C 050134(A) ZMK).

### **CONSIDERATION**

The Commission believes that this amendment to the Zoning Resolution, as modified, is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for an amendment of the Zoning Map (C 050134(A) ZMK).

### **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter **Underlined** is new, to be added;  
Matter in **~~Strikeout~~** is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

~~11/2/78~~

## **Article XI - Special Purpose Districts**

### **Chapter 4 Special Bay Ridge District**

~~11/2/78~~

#### **114-00 GENERAL PURPOSES**

The "Special Bay Ridge District" established in this Resolution is designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to preserve, protect and maintain the existing scale and character of the residential and commercial community;
- (b) to encourage design of ~~new~~ residential, commercial and community facility development which is in character with the neighborhood and surrounding community; and
- (c) ~~to foster the development of apartment buildings which provide a superior urban design relationship to the neighborhood;~~
- (d) ~~to provide amenities such as required open space, off-street parking, landscaping and street trees to enhance the character of the physical environment; and~~

- (e) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby to protect the City's tax revenues.

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## **114-01**

### **Definitions**

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

#### ~~Center block line~~

~~A "center block line" is an imaginary line which bisects a #block#. Where the #streets# are parallel such line shall be parallel to the long dimension of the #block#. In the case of #streets# that are not parallel the #center block line# shall be the bisector of the angle formed by prolonging the long dimensions of the #block# to an intersection.~~

#### ~~Development~~

~~For the purposes of this Chapter, a "development" includes construction of a new #building or other structure# on a #zoning lot# or an #enlargement#. To "develop" is to create a #development#.~~

#### ~~Major street~~

~~For the purposes of this Chapter, a "major street" is any of the following: Shore Road, Ridge Boulevard, Third Avenue, Fourth Avenue, Fifth Avenue and 86th Street.~~

#### ~~Minor street~~

~~For the purposes of this Chapter, a "minor street" is any #street# within the #Special Bay Ridge District# other than a #major street#.~~

#### ~~Private open space~~

~~"Private open space" is recreation space which is either open to the sky or roofed but is not enclosed, and is accessible only to the occupants of one or a limited group of #dwelling units#.~~

### ~~Semi-private open space~~

~~"Semi-private open space" is recreation space which is either open to the sky or roofed but is not enclosed and which:~~

~~(a) — is accessible to all #residential# tenants and their agents, for whom no fees are charged;~~

~~(b) — is directly accessible from a lobby or other public area served by elevator which connects to the #residential# portion of the #building#;~~

~~(c) is accessible to the handicapped and physically disabled in accordance with the provisions of Section 114-274 (Access); and~~

~~(d) — is, at a minimum, open from 8:00 a.m. to sunset.~~

~~#Semi-private open space# shall be #developed# and treated in accordance with the provisions of Section 114-28.~~

### **Special Bay Ridge District**

(repeated from Section 12-10)

The "Special Bay Ridge District" is a Special Purpose District designated by the letters "BR" in which special regulations set forth in Article XI, Chapter 4 apply. The #Special Bay Ridge District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or modify those of the districts on which it is superimposed.

### **Transparent surfaces**

"Transparent surfaces" are glazed walls or openings which permit a view into an enclosed space.

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### **114-02 114-01**

#### **General Provisions**

In harmony with the general provisions and intent of this Resolution and the general purposes of the #Special Bay Ridge District#, the regulations of the districts upon which this Special District is superimposed are

supplemented or modified in accordance with the provisions of this Chapter. The provisions of this Chapter shall apply to all #developments# and #enlargements#.

Except as modified by the provisions of this Chapter, the regulations of the underlying districts remain in effect.

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**114-03**  
**District Plan**

The District Plan for the #Special Bay Ridge District# (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations are established in order to carry out the general purposes of the #Special Bay Ridge District#. These areas and the Sections of this Chapter containing regulations relating thereto are as follows:

- ~~Area A - Midblock Preservation Area, Section 114-09~~
- ~~Area B - AVENUE PRESERVATION AREA-1, Section 114-20~~
- ~~Area C - AVENUE PRESERVATION AREA-2, Section 114-30~~
- ~~Area D - AVENUE PRESERVATION AREA-3, Section 114-40~~
- ~~Area E - OTHER AREAS, Section 114-50~~

The elements of the District Plan as set forth in Appendix A are hereby incorporated as an integral part of the provisions of this Chapter.

**NOTE:** *Most provisions of the Special Bay Ridge District are proposed for deletion. Those Sections that would be retained would be reorganized, renumbered and modified. Those sections are as follows:*

<i>Section 114-05 (Street Planting Regulations)</i>	<i>Modified and renumbered 114-20</i>
<i>Section 114-101 (Floor area regulations)</i>	<i>Modified and renumbered 114-11</i>
<i>Section 114-102 (Height regulations)</i>	<i>Modified and renumbered 114-12</i>

*The following Sections have been deleted and their section numbers re-utilized, as follows: 114-12, 114-20 and 114-21.*

## **114-10**

### **SPECIAL BULK REGULATIONS**

In the #Special Bay Ridge District#, the maximum #floor area ratio# and height and setback regulations shall apply as modified in this Section, inclusive.

## **~~114-101~~ 114-11**

### **Special Floor aArea rRegulations**

In the #Special Bay Ridge District#, ~~T~~the maximum #floor area ratio# for #residential# or any #community facility buildings# or a any portion of a #building# containing a #community facility use# combination thereof within the ~~Midblock Preservation Area~~ shall not exceed 1.65 in R4A, R4-1, R4B and R5B Districts and 3.0 in C8-2 Districts.

## **~~114-102~~ 114-12**

### **Special Height and Setback rRegulations**

## **114-121**

### **Special Rooftop Regulations**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings or other structures# in R6A, R6B, R7A, R7B, C4-2A and C8-2 Districts in the #Special Bay Ridge District#, except the provisions of paragraph (d) of Section 33-42 shall not apply. In lieu thereof, the following regulations shall apply:

Elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may exceed a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 20 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

## **114-122**

### **Maximum building height and setback**

In the #Special Bay Ridge District#, the height and setback and the maximum #building# height regulations of the underlying districts have been modified as follows:

(a) In C8-2 Districts

In C8-2 Districts, the maximum height of a #building or other structure# shall be 70 feet. Any portion of a #building or other structure# that exceeds a height of 60 feet shall be set back with a depth of at least ten feet from a #wide street line# and at least 15 feet from a #narrow street line#.

(b) For Community Facilities in #Residential# Districts

In R3A, R3X, R3-2, R4A, R4-1, R4B and R5B Districts, the maximum height of a #building or other structure# containing #community facility uses# shall not exceed 32 feet.

The maximum height for all #developments# within the Midblock Preservation Area shall be 32 feet or three #stories#, whichever is less.

**114-20**

**~~AVENUE PRESERVATION AREA-1 (Area B)~~**

**SPECIAL TREE PLANTING REGULATIONS**

~~The provisions of this Section shall apply to all #development# within the Avenue Preservation Area-1 (Area B) as such area is indicated on the District Plan (Appendix A):~~

**114-05**

**~~Street Planting Regulations~~**

~~All #developments# within the #Special Bay Ridge District# shall provide and maintain trees of four three inch caliper, at the time of planting, along the entire length of the #street# frontage of the #zoning lot#. Such trees shall be provided at the rate of one tree for each 20 feet of frontage, be spaced 20 feet on center, be planted between the curb line and five feet from the curb line, and be in accordance with the requirements of the Department of Highways and the Department of Parks.~~

In any zoning district permitting #residences# in the #Special Bay Ridge District#, all #developments# and #enlargements# shall provide and maintain, along the entire #street# length of the #zoning lot#, one street tree for every 25 feet of #street# frontage of the #zoning lot#. Such trees shall be of at least three-inch caliper at the time of planting and shall be placed at approximately equal intervals, except where the Department of Parks and Recreation determines that such tree planting would not be feasible. All such trees shall be planted, maintained and replaced when necessary with the approval of and in accordance with the standards of the Department of Parks and Recreation.

-End of proposed Chapter-

**Note: The following Sections are being deleted**

**114-04**

**Zoning Lots Divided by District Boundaries**

Whenever a #zoning lot# existing on November 2, 1978 is divided by an area boundary as indicated on the District Plan (Appendix A) and more than 50 percent of the #zoning lot# is within Area A, the entire #zoning lot# may be #developed# in accordance with the regulations of Area A provided that the distance between the Area A boundary and the nearest #side lot line# of the #zoning lot# does not exceed 10 feet.

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**114-06**

**Curb Cut Regulations**

No curb cuts are permitted along any #major street# which is located within Area B, Area C or Area

D, as such areas are indicated on the District Plan (Appendix A), except as provided herein.

Curb cuts are permitted on #minor streets#, provided that such curb cut is at least 55 feet from the nearest #street# intersection. However, no #zoning lot# may have more than one curb cut on any one #street# frontage, except as provided herein.

For any #zoning lot# having more than one #major street# frontage and having no #minor street# frontage, one curb cut along one of the #major street# frontages is permitted.

No curb cut for #residential# or #community facility use# shall have a width including splays in excess of 12 feet and the provisions of Section 25-631 (Location and width of curb cuts in certain districts) shall be inapplicable.

The City Planning Commission may by certification permit a curb cut along a #major street#, or permit more than one curb cut along a #minor street# frontage of a #zoning lot#, or permit a #residential# or #community facility use# to have a curb cut having a width in excess of 12 feet, provided the Commission, after referral of the application to the Department of Traffic for review and report, determines that such curb cut is necessary in order to gain safe access and egress from the property and that such curb cut will not unduly interfere with pedestrian or vehicular traffic.

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**114-07**

**Secondary Kitchens**

No ~~#development#~~ shall provide more than one kitchen for each ~~#dwelling unit#~~ nor shall the plumbing or utility connections for such kitchens be provided within any ~~#dwelling unit#~~.

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**114-08**

**Buffer at Area Boundaries**

Any ~~#development#~~ on a ~~#zoning lot#~~ which is either divided by an Area boundary line or abuts an Area boundary line, as indicated on the District Plan (Appendix A), shall provide a buffer along such boundary line of at least 4 feet so that there is a minimum distance between ~~#buildings#~~ across such Area boundary line of 8 feet.

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**114-09**

**Midblock Preservation Area (Area A)**

The provisions of this Section shall apply to all ~~#developments#~~ within the area designated as Area A on the District Plan (Appendix A).

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**114-103**

**Open space regulations**

The minimum ~~#open space ratio#~~ for all ~~#developments#~~ within the Midblock Preservation Area shall be 27.0.

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## **114-104**

### **Density Regulations**

The density requirements of Section 23-22 (Maximum Number of Dwelling Units or Rooming Units) applicable to ~~#predominantly built-up areas#~~ shall apply to all ~~#developments#~~ within the Midblock Preservation Area.

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## **114-111**

### **Front yards**

All ~~#developments#~~ shall provide a ~~#front yard#~~. The required depth of the ~~#front yard#~~ shall be determined by the application of the provisions of this Section based upon the average depth of the ~~#front yards#~~ of the two adjacent ~~#zoning lots#~~; however, in no event may the ~~#front yard#~~ be less than 5 feet nor shall it be required to exceed 18 feet.

- (a) ~~Where one of the adjacent #zoning lots# is vacant, the #front yard# of the adjacent and #developed zoning lot# shall be the average #front yard# depth for the purposes of this Section.~~
- (b) ~~Where both adjacent #zoning lots# are vacant or where the average #front yard# depth is less than five feet, the #development# shall provide a #front yard# of at least five feet.~~
- (c) ~~Where the average #front yard# depth exceeds 5 feet and the aggregate width of the #street wall# of the #development# is 150 feet or less, the #front yard# of the #development# shall have a depth within three feet, plus or minus, of the average #front yard# depth.~~
- (d) ~~Where the average #front yard# depth exceeds 5 feet and the aggregate width of the #street wall# of the new #development# exceeds 150 feet, the #front yard# of the new #development# shall have a depth within 5 feet of the average #front yard# depth.~~

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## **114-112**

### **Rear yards**

All ~~#developments#~~ shall provide a ~~#rear yard#~~ of a depth sufficient to provide a combined ~~#front yard-rear yard#~~ depth of at least 45 feet; however, in no case may the ~~#rear yard#~~ have a depth less than 30 feet.

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### **114-113**

#### **Side yards**

A ~~#side yard#~~ is required for new ~~#developments#~~ only when an existing ~~#building#~~ on an adjacent ~~#zoning lot#~~ is located less than 8 feet from but not on the common ~~#side lot line#~~. In no event shall the minimum distance between an existing ~~#building#~~ and new ~~#building#~~ across such common ~~#side lot line#~~ be less than 8 feet and in no event shall such required ~~#side yard#~~ be less than 4 feet. In all other cases, the underlying district regulations are applicable.

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### **114-12**

#### **Through Lot Provisions**

All ~~#developments#~~ within the Midblock Preservation Area (Area A) that are located on a ~~#through lot#~~ shall provide a ~~#rear yard equivalent#~~ as provided in Section 23-533, paragraph (a):

For ~~#community facility buildings#~~ or ~~#residential buildings#~~ that contain at least 4 ~~#dwelling units#~~, the City Planning Commission may by special permit, after public notice and hearing, allow a modification in the requirements of this Section, provided the Commission finds that:

- (a) ~~the proposed siting of the #development# blends harmoniously with the existing character of the neighborhood;~~
- (b) ~~the proposed siting will not adversely impact light and air to surrounding properties;~~
- (c) ~~the modification is necessary in order to construct a #development# of superior design, layout and siting that might not otherwise be #developed#; and~~
- (d) ~~the #yards# created by the siting will provide useful #open space# in relation to the #use# or occupancy of the #development# and the #use# of such #yards# will not interfere with the enjoyment of adjacent #zoning lots#.~~

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### **114-13**

#### **Limitation on Balconies**

When unenclosed balconies are provided over a ~~#front yard#~~, no portion of such balcony may be within

five feet of the #front lot line#.

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#### **114-14**

##### **Parking Regulations**

All new #residential developments# involving three #dwelling units# or less shall provide one enclosed #accessory# off-street parking space. The driveway providing access to such enclosed off-street parking space shall be perpendicular to the #street#. Further, such driveway may not be between 8 and 18 feet in length, as measured from the #street line# to the closest exterior wall of the enclosure. For #developments# containing three #dwelling units# or less, no parking is permitted in either the #side# or #rear yard#.

All #residential developments# involving 4 or more #dwelling units# or community facilities shall provide off-street parking in accordance with the underlying district regulations, except parking is not permitted in the #front yard#.

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#### **114-15**

##### **Special Permit for Development on Zoning Lots 40,000 Square Feet or Greater**

For any #residential development# on a #zoning lot# 40,000 square feet or greater in a #Commercial District# within the Midblock Preservation Area (Area A), the City Planning Commission may permit up to the maximum #floor area ratio# of the underlying district to be applicable and may permit modification of all other #bulk# regulations, provided the #development# does not exceed sixty feet in height, and provided the Commission finds that:

- (a) — the proposed #development# blends harmoniously with the existing character of the neighborhood;
- (b) — the modification of #lot area# requirements will not result in a density of population in the #development# that will adversely affect the surrounding area;
- (c) — the proposed #development# will not adversely impact light and air to surrounding properties;
- (d) — such #bulk# modifications are necessary to construct a #development# of superior design, layout and siting than might otherwise be #developed#; and
- (e) — any curb cuts are located so as to minimize pedestrian and vehicular conflicts and congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse

effects on the character of the surrounding area.

*Note: Section number 114-20 moved and re-titled "SPECIAL TREE PLANTING REGULATIONS"*

11/2/78

**114-21**  
**Use Regulations**

For all ~~developments~~ within an underlying ~~Commercial District~~, at least 50 percent of the portion of the ground floor within the ~~primary building zone~~ shall be occupied by ~~commercial~~ or ~~community facility uses~~. Such ~~commercial~~ or ~~community facility use~~ shall have a minimum depth of at least 25 feet.

All ~~commercial uses~~ shall be located only on the ground floor.

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**114-22**  
**Bulk Regulations**

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**114-221**  
**Floor area regulations**

For all ~~developments~~ within the Avenue Preservation Area-1 (Area B), the permitted ~~floor area ratio~~ for ~~residential~~ or ~~community facility~~ or ~~commercial buildings~~, where permitted by the underlying district regulations, shall not exceed 2.43. However, for a ~~mixed building~~ the maximum ~~floor area ratio~~ may be increased by .275 provided all such increased ~~floor area~~ is located on the ground floor and is occupied solely by ~~commercial~~ or ~~community facility uses~~.

7/26/01

**114-222**  
**Height and setback regulations**

The maximum height for all ~~#developments#~~ within the Avenue Preservation Area-1 (Area B) shall be 48 feet or four ~~#stories#~~ excluding the ~~#basement#~~, whichever is less.

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#### **114-23**

##### **Street Wall Regulations**

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#### **114-231**

##### **Street walls**

For all ~~#developments#~~, the building wall along each frontage of the ~~#zoning lot#~~ shall be coincident with the ~~#street line#~~ for at least 65 percent of the length of such building wall except where balconies are provided in accordance with the provisions of Section C26-604.2(g) of the Administrative Code of the City of New York.

Any building wall containing such balconies shall be, for at least 65 percent of its length, within five feet of the ~~#street line#~~.

#### **114-232**

##### **Street wall penetrations**

No opening in a ~~#street wall#~~, for the purpose of parking, is permitted along a ~~#major street#~~ frontage or along a ~~#minor street#~~ frontage within 55 feet of the intersection with the ~~#street line#~~ of a ~~#major street#~~.

#### **114-233**

##### **Street wall transparency**

At least 25 percent of the area up to the height of the ceiling of the first ~~#story#~~ of the building wall which fronts upon a ~~#major street#~~ shall be a transparent surface.

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#### **114-24**

##### **Coverage - Open Space Regulations**

For all ~~#major street block#~~ fronts within the Avenue Preservation Area-1 (Area B), there shall be a ~~#primary building zone#~~, a ~~#restricted building-open space zone#~~ and a ~~#required open space zone#~~. All ~~#developments#~~ on ~~#zoning lots#~~ which are located within these zones shall be ~~#developed#~~ in accordance

with the regulations for each particular zone as established in this Section and the #open space# regulations of the underlying district shall not be applicable to such #development#. For the purpose of this Section, the following definitions shall apply:

**Primary building zone**

The "primary building zone" is that portion of a #block# which is within 55 feet of a #major street#. In addition, in the case where a #block# fronts upon a #minor street# which contains the boundary line between two areas as indicated on the District Plan (Appendix A), the #primary building zone# for such #block# shall also be that portion which is within 55 feet of such #minor street#.

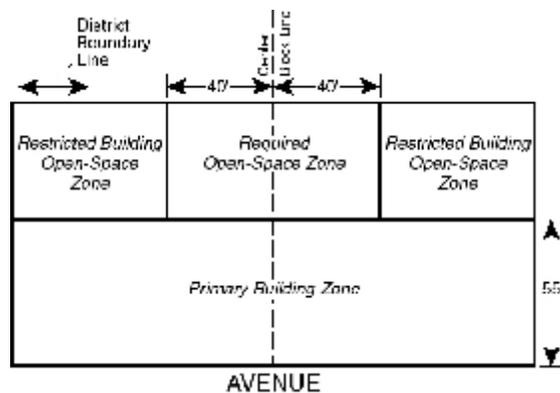
In the case of ground floor #commercial uses#, the #primary building zone# for such commercial portion of #development# may extend up to 70 feet from the #front lot line# where such #development# is located on an #interior lot# which fronts upon a #major street# and which fronts upon a #block# frontage which is 230 feet or more in length.

**Required open space zone**

The "required open space zone" is that portion of a #block# not within the #primary building zone# and within 40 feet of the #center block line#.

**Restricted building-open space zone**

The "restricted building-open space zone" is that portion of the #block# not within the #primary building zone# nor within the #required open space zone#.



**[DELETE DIAGRAM]**

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#### **114-25**

##### **Development of Small Lots**

For ~~#zoning lots#~~ which have a ~~#major street#~~ frontage of 50 feet or less, all ~~#development#~~ shall occur within the ~~#primary building zone#~~. The remainder of the ~~#zoning lot#~~ shall be reserved for ~~#open space#~~.

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#### **114-26**

##### **Development of Large Lots**

For ~~#zoning lots#~~ which have a ~~#major street#~~ frontage which is in excess of 50 feet, the following regulations shall apply:

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#### **114-261**

##### **Primary building zone**

~~#Development#~~, in accordance with the provisions of this Chapter, is permitted within the ~~#primary building zone#~~.

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#### **114-262**

##### **Required open space zone**

Within the ~~#required open space zone#~~ no ~~#development#~~ is permitted, and such zone shall be improved as ~~#semi-private open space#~~. However, the following regulations with regard to permitted obstructions within the ~~#required open space zone#~~ shall apply:

- (a) ~~enclosed #accessory group parking facility#~~ provided the roof of such facility is not more than 10 feet above ~~#curb level#~~;
- (b) ~~flagpoles, eaves, kiosks, #accessory# sheds, breeze ways, and steps~~ are permitted in accordance with the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard

Equivalents) of this Resolution; and

- (c) ~~unenclosed #accessory group parking facilities#, enclosed #accessory group parking facilities# with roofs higher than 10 feet above #curb level#, driveways, service or mechanical equipment, loading berths, exhaust vents, building trash storage facilities and unenclosed balconies are not permitted obstructions within the #required open space zone#.~~

11/2/78

#### **114-263**

##### **Restricted building-open space zone**

~~#Development# may occur within the #restricted building-open space zone#, provided that for each square foot of #lot area# which is covered by such #development#, an amount of #private# or #semi-private open space#, as specified in this Section, is provided within the #development#.~~

~~For each square foot of the #restricted building-open space zone# that is covered by the #development#, there shall be either one square foot of #semi-private open space# or two square feet of #private open space#. However, at least 50 percent of the #open space# to be provided shall be #semi-private open space#. Such #semi-private# or #private open space# may not be located on the ground level of any uncovered portion of #restricted building-open space zone#.~~

11/2/78

#### **114-264**

##### **Development of lots in excess of 40,000 square feet or for certain corner lots**

~~For any #development# on a #zoning lot# which has at least 40,000 square feet of #lot area# and which fronts upon more than one #major street#, or for #corner lots# which front upon two #major streets# which are both within the same area designation as indicated on the District Plan (Appendix A), the Commission may by special permit modify the locational requirements of the #primary building zone#, the #required open space zone# and the #restricted building-open space zone#, provided the Commission finds that:~~

- (a) ~~at least 20 percent of the #zoning lot# is #developed# as the #required open space zone# and is located on the #zoning lot# so as to maximize the amount of sunlight on such #open space# and on adjacent properties;~~
- (b) ~~25 percent of the #zoning lot# is provided as the #restricted building-open space zone#;~~
- (c) ~~in addition to complying with the applicable height limitation, the #development# relates to the character and scale of adjacent #development#; and~~

~~(d) any curb cuts are located so as to minimize pedestrian and vehicular conflicts and/or congestion.~~

~~11/2/78~~

#### ~~114-27~~

#### ~~Required Open Space Zone Improvements~~

~~All #open space# within the #required open space zone# shall be accessible to all tenants of the #development# and shall be improved and/or treated in accordance with the provisions of this Section. The owner of the #building# shall be responsible for the maintenance of the #required open space zone# including litter control, security, maintenance of accessways and equipment and replacement of vegetation.~~

~~11/2/78~~

#### ~~114-271~~

#### ~~Landscaping/Surfacing~~

~~At least 50 percent of the #open space# shall either be landscaped with flowers, shrubs, trees, bushes or grass or covered with decorative paving materials. Combinations of landscaping materials and decorative paving are permitted. The remaining portion shall be surfaced with a durable material which may be non-decorative.~~

~~11/2/78~~

#### ~~114-272~~

#### ~~Trees and planting~~

~~There shall be at least one tree of a minimum of 4-inch caliper for each 1,000 square feet of required #open space#. Such trees shall be planted in at least 3.5 cubic feet of top soil to a depth of at least 3 feet, 6 inches.~~

~~In addition, 150 linear feet of plants, flowers or shrubbery shall be provided for each 1,000 square feet of required #open space#.~~

~~11/2/78~~

#### ~~114-273~~

#### ~~Recreation facilities~~

~~The #required open space zone# may be #developed# with active recreation facilities, provided that such facilities do not occupy more than 25 percent of such required #open space#.~~

11/2/78

#### **114-274**

##### **Access**

The ~~#required open space zone#~~ and all required ~~#open space#~~ is to be accessible for the physically handicapped and shall contain at least one path of travel to:

- (a) ~~the major portion of such required #open space#;~~
- (b) ~~the building lobby from the required #open space#;~~ and
- (c) ~~the adjacent sidewalks, if such access is provided at all.~~

Ramps shall be provided which have a minimum width of 36 inches and a slope not greater than 1:12, a non-skid surface and, for open edged ramps, a two-inch high safety curb. At each end of the ramp there shall be a level area of at least 5 feet in length.

11/2/78

#### **114-28**

##### **Semi-Private Open Space**

All ~~#semi-private open space#~~ which is provided in order to satisfy the requirements of Section 114-263 (Restricted building-open space zone) shall have a minimum area of 400 square feet, exclusive of accessways. At least 50 percent of the total area shall be landscaped with trees, flowers, shrubs or plants. Where trees are provided they shall be of 4 inch caliper and be planted in at least 3.5 cubic yards of top soil to a depth of at least 3 feet, 6 inches.

Remaining unlandscaped portions may be improved for either active or passive recreation. The area should contain a suitable amount of seating and the surface shall be appropriately treated for safe walking. ~~#Semi-private open space#~~ may be located on any roof of the ~~#development#~~.

Access for physically handicapped persons shall be provided in accordance with the provisions of Section 114-274 (Access):

Any mechanical equipment that is located either near or within the required ~~#semi-private open space#~~ shall be screened and/or buffered to reduce any noise or emissions therefrom. No intake or exhaust duct shall face directly into the area.

The building owner shall be responsible for the maintenance of the ~~#semi-private open space#~~ including litter

control, security, maintenance of accessways and equipment and replacement of vegetation.

3/4/82

#### **114-29**

##### **Parking Regulations**

All ~~developments~~ shall provide off-street parking spaces in an amount equal to 50 percent of the number of ~~dwelling units~~ contained in the ~~development~~. However, for ~~developments~~ on ~~interior lots~~ which have a ~~lot area~~ of 5,000 square feet or less, no off-street parking spaces are required.

However, for ~~developments~~ on ~~interior lots~~ which have a ~~lot area~~ of 5,000 square feet or less as of November 2, 1978, no off-street parking spaces are required.

3/4/82

#### **114-30**

##### **~~AVENUE PRESERVATION AREA-2 (Area C)~~**

The provisions of this Section shall apply to all ~~developments~~ within the area designated as Area C on the District Plan (Appendix A). The regulations applicable to Area C shall be those that apply to Area B, as set forth in Sections 114-20 through 114-29, inclusive, except as provided in this Section.

However, the Commission may by authorization modify the regulations relating to parking requirements and ~~open space~~ requirements in Sections 114-20 through 114-29, inclusive, and may modify spacing between ~~building~~ requirements, provided that the following findings are made:

- (a) — that the ~~development~~ consists of ~~buildings~~ no more than three ~~stories~~ in height, on a ~~zoning lot~~ in excess of 40,000 square feet.
- (b) — that at least 20 percent of the ~~zoning lot~~ is ~~developed~~ as the ~~required open space zone~~.
- (c) — that at least 25 percent of the ~~zoning lot~~ is provided as the ~~restricted building-open space zone~~.
- (d) — that any curb cuts are located so as to minimize pedestrian and vehicular conflicts and/or congestion.

11/2/78

#### **114-31**

##### **Height and Setback Regulations**

The maximum height for any #development# within Area C shall be sixty feet or six #stories#, whichever is less.

When any portion of the #development# extends more than 55 feet from the #front lot line#, such portion of the #development# which is beyond 55 feet from the #front lot line# shall not exceed a height of 40 feet.

7/26/01

#### **114-32**

##### **Use Restrictions**

Except where the underlying district designation is C4-2, all #commercial uses# shall be limited to the ground floor.

11/2/78

#### **114-40**

##### **AVENUE PRESERVATION AREA-3 (Area D)**

The provisions of this Section shall apply to all #developments# within the area designated as Area D on the District Plan (Appendix A).

The regulations applicable to Area D shall be those that apply to Area B, as set forth in Sections 114-20 through 114-29, inclusive, except as provided in this Section.

11/2/78

#### **114-41**

##### **Maximum Floor Area Ratio**

The maximum #floor area ratio# for #residential# or #community facility buildings#, or where permitted by the underlying district regulations for #commercial buildings#, or for a #mixed building# containing any combination of such #uses#, shall be 2.75.

11/2/78

#### **114-42**

##### **Height and Setback Regulations**

The maximum height for any #development# within Area D shall be eighty feet or 8 #stories#, whichever is less. Above the height of sixty feet or six #stories# there shall be a setback of at least 10 feet from any

~~#street line#.~~

~~When any portion of a #development# extends more than 55 feet from the #front lot line#, such portion of the #development# which is beyond 55 feet from the #front lot line# shall not exceed a height of 40 feet.~~

~~11/2/78~~

#### ~~114-50~~

#### ~~OTHER AREAS (Area E)~~

~~The provisions of this Section shall apply to all #developments# within the area designated as Area E on the District Plan (Appendix A).~~

~~The regulations applicable to Area E are primarily those of the underlying district designations, except as those regulations are modified or changed by the provisions of Sections 114-00 through 114-08, inclusive, and by the provisions of this Section.~~

~~6/30/89~~

#### ~~114-51~~

#### ~~Height Limitations~~

~~The following height limitations shall apply to all #developments# within Area E:~~

- ~~(a) — For #zoning lots# within the underlying district designation of R3-2, Section 23-631 (Height and setback in R1, R2, R3, R4 or R5 Districts) shall apply except that the maximum height for any #development# shall be 32 feet or three #stories#, whichever is less.~~
- ~~(b) — For #zoning lots# which have the underlying district designation of R7 the maximum height for any #development# shall be 80 feet or eight #stories#.~~
- ~~(c) — For #zoning lots# which have the underlying district designation of R6, the maximum height for any #development# shall be 60 feet or six #stories#.~~

~~11/2/78~~

#### ~~APPENDIX A~~

#### ~~SPECIAL BAY RIDGE DISTRICT PLAN~~

**[DELETE MAP]**

The above resolution ( N 050133 ZRK ), duly adopted by the City Planning Commission on March 2, 2005 (Calendar No. 15), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**

**KENNETH J. KNUCKLES, Esq., Vice Chair**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA M. CAVALUZZI, R.A.,**

**ALFRED C. CERULLO, III, RICHARD EADDY, JANE D. GOL, LISA A. GOMEZ,**

**CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,**

Commissioners