

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, JUNE 23, 2004
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO	PROJECT NAME	C.P.C. ACTION
1	C 010645 ZMK	2	WATER STREET DEVELOPMENT	Scheduled to be Heard 7/14/04
2	C 010646 ZSK	2	“ ”	“ ”
3	C 010647 ZSK	2	“ ”	“ ”
4	C 030492 ZSK	2	“ ”	“ ”
	N O T I C E	2	“ ”	“ ”
5	C 040314 HAM	3	EAST 4 TH STREET CULTURAL DISTRICT	“ ”
6	C 040443 ZMM	11	HARLEM PARK HOTEL	Not Scheduled
7	C 040444 ZSM	11	“ ”	“ ”
8	C 040445 ZSM	11	“ ”	“ ”
9	C 030284 MMM	8	MAIN STREET ROOSEVELT ISLAND	Scheduled to be Heard 7/14/04
10	N 040414 ZRY	cw	LOWER DENSITY GROWTH MANAGEMENT	“ ”
11	C 030352 PPK	1	CITY-OWNED-PROPERTY DISPOSITION	Hearing Closed
12	N 040487 PPK	13	OFFICE SPACE	“ ”
13	C 030385 ZSQ	2	ISLAMIC CENTER	“ ”
14	N 040352 HAX	6	RESIDENCIA ESTRELLA VARGAS	Favorable Report Adopted
15	N 040463 HKK	1	BERLENBACH HOUSE	Forward Rep't to City Council
16	N 040474 HKK	4	BROOKLYN PUBLIC LIBRARY-DEKALB BRANCH	“ ”

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:														
		In Favor - Y Oppose - N Abstain - AB Recuse - R														
Calendar Numbers:		14	15	16	17	18	19	20	21	22	23	24	25	26	27	
Amanda M. Burden, AICP, Chair	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Angela R. Cavaluzzi, R.A.	A															
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Alexander Garvin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Jane D. Gol	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Christopher Kui	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Karen A. Phillips	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	
Dolly Williams, Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

MEETING ADJOURNED AT: 10:54 A.M.

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, JUNE 23, 2004
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO	PROJECT NAME	C.P.C. ACTION
17	C 030331 MEM	9	GRANT'S TOMB	Favorable Report Adopted
18	C 030387 ZSM	3	PATHMARK GARAGE	" "
19	C 040331 ZMM	5	LADIES' MILE	" "
20	N 040332 ZRM	5	" "	" "
21	C 040333 ZSM	5	" "	" "
22	C 040334 ZSM	5	" "	" "
23	N 040464 HKM	3	KEHILA KEDOSHA JANINA SYNAGOGUE	Forward Rep't to City Council
24	C 040273 ZMQ	2	HUNTERS POINT	Favorable Report Adopted
25	N 040272 ZRQ	2	" "	" "
26	C 040344 ZMQ	13	BELLEROSE REZONING	" "
27	C 040115 ZMQ	13	ROYAL RANCH REZONING	Fav. Rep't Adopted as Modified
28	C 030191 MMR	1	MERSEREAU AVENUE	Favorable Report Adopted
29	N 040193 ZAR	1	20 CUNARD AVENUE	Authorization Approved
30	N 040419 ZAR	2	41 BENEDICT ROAD	" "

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:											
		In Favor - Y Oppose - N Abstain - AB Recuse - R											
Calendar Numbers:		28	29	30									
Amanda M. Burden, AICP, Chair	P	Y	Y	Y									
Kenneth J. Knuckles, Esq., Vice Chairman	P	Y	Y	Y									
Angela M. Battaglia	P	Y	Y	Y									
Irwin Cantor, P.E.	P	Y	Y	Y									
Angela R. Cavaluzzi, R.A.	A												
Richard W. Eaddy	P	Y	Y	Y									
Alexander Garvin	P	Y	Y	Y									
Jane D. Gol	P	Y	Y	Y									
Christopher Kui	P	Y	Y	Y									
John Merolo	P	Y	Y	Y									
Karen A. Phillips	P	Y	Y	Y									
Dolly Williams, Commissioners	P	Y	Y	Y									

MEETING ADJOURNED AT: 10:54 A.M.

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York
—
CITY PLANNING COMMISSION
—
WEDNESDAY, JUNE 23, 2004
—
MEETING AT 10:00 A.M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK



Michael R. Bloomberg, Mayor

City of New York

[No. 12]

Prepared by Yvette V. Gruel, Calendar Officer

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

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). The availability of these documents on-line will occur earlier than the current printed documents.

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. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the certified check made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address including E-mail by writing to:

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

B
CITY PLANNING COMMISSION

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

AMANDA M. BURDEN, *AICP, Chair*
KENNETH J. KNUCKLES, *Esq., Vice Chairman*
ANGELA M. BATTAGLIA
IRWIN G. CANTOR, P.E.
ANGELA R. CAVALUZZI, R.A.
RICHARD W. EADDY
ALEXANDER GARVIN
JANE D. GOL
CHRISTOPHER KUI
JOHN MEROLO
KAREN A. PHILLIPS
DOLLY WILLIAMS, *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.

ORDER OF BUSINESS AND INDEX

WEDNESDAY, JUNE 23, 2004

Roll Call; approval of minutes	1
I. Scheduling of July 14, 2004	1
II. Public Hearings	44
III. Reports	46
IV. Schedule of Meetings: July 1, 2004 - December 31, 2004	75

**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 2E, 22 Reade Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for July 14, 2004 at Spector Hall, 22 Reade Street, New York, at 10:00 a.m.

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

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

Written Comments: If you intend to submit a written statement and/or other documents please submit 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

**CITY PLANNING COMMISSION
Calendar Information Office - Room 2E
22 Reade Street, New York, N.Y. 10007**

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ Identification No.: _____ CB No.: _____

Position: Opposed _____

In Favor _____

Comments: _____

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

JUNE 23, 2004

APPROVAL OF MINUTES OF Regular Meeting of June 9, 2004

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, JULY 14, 2004
STARTING AT 10:00 A.M.
IN SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF BROOKLYN

Nos. 1, 2, 3 and 4

WATER STREET DEVELOPMENT

No. 1

CD 2

C 010645 ZMK

IN THE MATTER OF an application submitted by the Two Trees Management Co. pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 12d:**

- 1. changing from an M1-2 District to an M1-2/R8 District property bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street; and**
- 2. establishing a Special Mixed Use District (MX-2) within the area bounded by Water Street, a line 230 feet westerly of Main Street, Front Street, and Dock Street;**

as shown on a diagram (for illustrative purposes only) dated March 24, 2004, and subject to the conditions of CEQR Declaration E-132.

Resolution for adoption scheduling July 14, 2004 for a public hearing.

No. 2

CD 2

C 010646 ZSK

IN THE MATTER OF an application submitted by the Two Trees Management Co. 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(a)(2) of the Zoning Resolution **to allow the location of a proposed 16-story mixed use building without regard for the applicable yard, court and height and setback regulations, on a zoning lot located at 38-64 Water Street a.k.a. 9-43 Dock Street** (Block 36, Lots 1, 3, and 14), within a General Large Scale Development (Block 36, Lots 1, 3, 14, 16, and 116, Block 26, Lots 33 and 38), within M1-2/R8*, M1-2/R8A and M3-1 Districts, partially within a Special Mixed Use District (MX-2)*, partially within the Fulton Ferry Historic District.

* Note: A portion of the site is proposed to be rezoned by changing an M1-2 District to an M1-2/R8 District, and by establishing a Special Mixed Use District (MX-2), under a related application (C 010645 ZMK) for a change in the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y.

Resolution for adoption scheduling July 14, 2004 for a public hearing.

No. 3

CD 2

C 010647 ZSK

IN THE MATTER OF an application submitted by the Two Trees Management Co. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-512 of the Zoning Resolution **to allow an attended public parking garage with a maximum capacity of 327 spaces on portions of the cellar floor, ground floor and second floor, and to allow floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), in a proposed 16-story mixed use building on a zoning lot located at 38-64 Water Street a.k.a. 9-43 Dock Street** (Block 36, Lots 1, 3, and 14), within a General Large Scale Development (Block 36, Lots 1, 3, 14, 16, and 116, Block 26, Lots 33 and 38), within M1-2/R8*, M1-2/R8A and M3-1 Districts, partially within a Special Mixed Use District (MX-2)*, partially within the Fulton Ferry Historic District.

* Note: A portion of the site is proposed to be rezoned by changing an M1-2 District to an

M1-2/R8 District, and by establishing a Special Mixed Use District (MX-2), under a related application (C 010645 ZMK) for a change in the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y.

Resolution for adoption scheduling July 14, 2004 for a public hearing.

No. 4

CD 2

C 030492 ZSK

IN THE MATTER OF an application submitted by the Two Trees Management Co. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-711 of the Zoning Resolution **to modify the use regulations of Section 42-00 (Use Regulations) to allow residential use (Use Group 2 uses) on the 2nd floor, 3rd floor and 4th floor of an existing 4-story building on a zoning lot located at 85 Water Street** (Block 26, Lots 33 and 38), in an M3-1 District, within a General Large Scale Development (Block 36, Lots 1, 3, 14, 16, and 116, Block 26, Lots 33 and 38), within M1-2/R8*, M1-2/R8A and M3-1 Districts, partially within a Special Mixed Use District (MX-2)*, partially within the Fulton Ferry Historic District.

* Note: A portion of the site is proposed to be rezoned by changing an M1-2 District to an M1-2/R8 District, and by establishing a Special Mixed Use District (MX-2), under a related application (C 010645 ZMK) for a change in the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y.

Resolution for adoption scheduling July 14, 2004 for a public hearing.

NOTICE

On Wednesday, July 14, 2001, at 10:00 a.m., in Spector Hall at the Department of City Planning, 22 Reade Street in Lower Manhattan, 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

amendment to the zoning map to change an M1-2 zoning district to an M1-2/R8 (MX-2) zoning district, for the western portion of the block bounded by Water, Front, Dock and Main Streets in the DUMBO area of Community District 2, Brooklyn, as well as a Special Permit pursuant to Section 74-743 of the Zoning Resolution for bulk modifications in a General Large-Scale Development, a Special Permit pursuant to Section 74-512 of the Zoning Resolution to permit the construction of a public parking garage in excess of 150 spaces and to allow a portion of the garage floor area to be exempted from the definition of floor area, and a Special Permit pursuant to Section 74-711 of the Zoning Resolution to allow use modifications for a building located within a Historic District.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 00DCP015K.

BOROUGH OF MANHATTAN

No. 5

EAST 4TH STREET CULTURAL DISTRICT

CD 3

C 040314 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 at 59-61 East 4th Street (Block 460, Lot 56), 62-72 East 4th Street (Block 459, Lots 17-19, 21-22) and 19 East 3rd Street (Block 459, Lot 40), Sites 4 and 5 within the Cooper Square Urban Renewal Area, as an Urban Development Action Area;
 - 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 sponsor to be selected by HPD;

to facilitate the rehabilitation and disposition of six buildings and a vacant lot, tentatively known as the East 4th Street Cultural District, to preserve and promote the cultural activity of East 4th Street.

Resolution for adoption scheduling July 14, 2004 for a public hearing.

No. 6

HARLEM PARK HOTEL

CD 11

C 040443 ZMM

IN THE MATTER OF an application submitted by 1800 Park Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 6a and 6b:**

- 1. eliminating from an existing R7-2 District a C1-4 District bounded by** a line midway between East 124th Street and East 125th Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, East 124th Street, and a line 100 feet westerly of Park Avenue;
- 2. changing from an R7-2 District to a C4-7 District property bounded by** a line midway between East 124th Street and East 125th Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, East 124th Street, and a line 85 feet easterly of Madison Avenue; and
- 3. changing from a C4-4 District to a C4-7 District property bounded by** East 125th Street/Dr. Martin Luther King Boulevard, the westerly boundary line of the Metro North Rail Road right-of-way, a line midway between East 124th Street and East 125th Street/Dr. Martin Luther King Boulevard, and a line 215 feet westerly of Park Avenue;

as shown on a diagram (for illustrative purposes only) dated May 10, 2004 and subject to the conditions of CEQR Declaration E-133.

Resolution for adoption scheduling July 14, 2004 for a public hearing.

No. 7

CD 11

C 040444 ZSM

IN THE MATTER OF an application submitted by 1800 Park Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit pursuant to Section 74-721(a) of the Zoning Resolution to modify the height and setback regulations of Section 33-43 (Maximum Height of Walls and Required Setbacks) and the tower regulations of Section 33-45 (Tower Regulations) of the Zoning Resolution to facilitate the development of a 42-story mixed use building on a zoning lot located at 1800 Park Avenue** (Block 1749, Lots 24, 31, 33, 35, 40 and 43), in a C4-7** District.

** Note: The site is proposed to be rezoned from R7-2, R7-2/C1-4 and C4-4 Districts to a C4-7 District under a related application (C 040443 ZMM) for a change in the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Resolution for adoption scheduling July 14, 2004 for a public hearing.

No. 8

CD 11

C 040445 ZSM

IN THE MATTER OF an application submitted by 1800 Park Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for **the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 369 spaces on portions of the ground floor, cellar 1 level, cellar 2 level and cellar 3 level of a proposed 42-story mixed use building on a zoning lot located at 1800 Park Avenue** (Block 1749, Lots 24, 31, 33, 35, 40 and 43), in a C4-7** District.

** Note: The site is proposed to be rezoned from R7-2, R7-2/C1-4 and C4-4 Districts to a C4-7 District under a related application (C 040443 ZMM) for a change in the Zoning Map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Resolution for adoption scheduling July 14, 2004 for a public hearing.

No. 9

MAIN STREET ROOSEVELT ISLAND

CD 8

C 030284 MMM

IN THE MATTER OF an application, submitted by Hudson Related Associates, LLC, pursuant to Sections 197-c and 199 of the New York City Charter and section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the establishment of a southerly extension of Main Street;
- the elimination, discontinuance and closing of a portion of Main Street at the existing southerly terminus;
- adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 8, Borough of Manhattan, in accordance with Map No. 30212 dated March 4, 2004 and signed by the Borough President.

Resolution for adoption scheduling July 14, 2004 for a public hearing.

CITYWIDE

No. 10

LOWER DENSITY GROWTH MANAGEMENT

Citywide

N 040414 ZRY

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 to the Zoning Resolution** of the City of New York to establish a lower density growth management area, as follows:

Matter in underline is new, to be added;

matter in ~~strikeout~~ is old, to be deleted;

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

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

* * *

**ARTICLE 1
GENERAL PROVISIONS**

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

* * *

**11-40
EXCEPTIONS, VARIANCES, AUTHORIZATIONS OR PERMITS**

* * *

**11-44
Authorizations or Permits in Lower Density Growth Management Areas**

The provisions of this Section 11-44 shall apply within #lower density growth management areas#.

- (a) Notwithstanding the provisions of N040414ZRY and subject to the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) with respect to amendments of this Resolution other than N040414ZRY, Section 11-42 (Lapse of Authorization or Special Permit Granted by

the City Planning Commission Pursuant to the 1961 Zoning Resolution) and Section 11-43 (Renewal of Authorization or Special Permit), the following provisions shall apply with respect to special permits and authorizations granted by the City Planning Commission or for which certification or referral for public review has been made prior to (effective date of amendment):

1. Any #development# or #enlargement#, including minor modifications thereto, granted a special permit or authorization by the City Planning Commission and, where applicable, the City Council, prior to (the effective date of amendment) may be #developed# or #enlarged# pursuant to the terms of such permit or authorization and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such permit or authorization was granted.

—

2. Any application for a special permit certified by the Department of City Planning or application for an authorization referred by the Department of City Planning for public review prior to May 24, 2004 may be continued pursuant to the regulations in effect at the time of certification or referral and, if granted by the City Planning Commission, and, where applicable, the City Council, may be #developed# or #enlarged# pursuant to the terms of such permit or authorization, including minor modifications thereto, and, to the extent not modified under the terms of such permit or authorization, in accordance with the regulations in effect at the time such application was certified or referred for public review.

(b) Notwithstanding the provisions of N040414ZRY, the following provisions shall apply to certain #developments# within the #Special South Richmond Development District#:

1. #Developments#, including minor modifications thereto, within the #Special South Richmond Development District# that contain #designated open space# and a portion of the #waterfront esplanade#, where such #development# is conditioned upon a restrictive declaration that includes a site plan for such #development#, including provisions for public access to such #designated open space# and #waterfront esplanade#, may be #developed# in accordance with the regulations in effect prior to (effective date of amendment).

2. #Developments# within the #Special South Richmond Development District# accessed by in part by #private roads# and consisting in part of construction within #streets# that are unimproved, and for which a

conservation easement has been granted to the City, and for which the Board of Standards and Appeals has granted a permit pursuant to Section 35 of the General City Law, and an application for an authorization for such #development# has been filed pursuant to paragraph (a) of Section 26-27 prior to May 1, 2004, may be #developed# in accordance with the regulations in effect prior to (effective date of amendment).

12-10 Definitions

* * *

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

* * *

- (i) floor space used for #accessory# off-street parking spaces provided in any #story# after June 30, 1989:
 - (1) within #detached# or #semi-detached single-# or #two-family residences# in R2X, R3, R4 or R5 Districts, except that in R3, R4A and R4-1 Districts in #lower density growth management areas#, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces;
 - (2) within #residential buildings developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#;
 - (3) in excess of 100 square feet per required space in individual garages within other #residential buildings# (#attached residential buildings#, rowhouses or multiple dwellings) in R3-2, R4 or R5 Districts, except that in R3-2 Districts within #lower density growth management areas#, #floor area# shall only include floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces. However, all of the floor space within any #story# in individual garages shall be considered #floor area# where, subsequent to June 7, 1989, the level of any #yard# except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of:

- (i) #curb level#; or
- (ii) grade existing on June 7, 1989.

* * *

However, the #floor area# of a #building# shall not include:

* * *

- (6) floor space used for #accessory# off-street parking spaces provided in any #story#:
 - (i) up to 200 square feet per required space existing on June 30, 1989 within #residential buildings# in R3, R4 or R5 Districts, except that for #detached# or #semi-detached single-# or #two-family residences# in R3, R4A and R4-1 Districts within #lower density growth management areas#, #floor area# shall not include up to 300 square feet for one required space and up to 500 square feet for two required spaces;
 - (ii) up to 100 square feet per required space in individual garages in #attached residential buildings#, rowhouses or multiple dwellings in R3, R4, or R5 Districts except that in R3-2 Districts within #lower density growth management areas#, up to 300 square feet for one such space and up to 500 square feet for two such spaces, except for:
 - (1) #residential buildings developed# or #enlarged# after June 30, 1989 pursuant to the optional regulations applicable in a #predominantly built-up area#;
 - (2) #residential buildings# where, subsequent to June 7, 1989, the level of any #yard#, except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of #curb level# or grade existing on June 7, 1989.

* * *

Lower density growth management area

A “lower density growth management area” is any R1, R2, R3, R4A or R4-1 District in the following designated areas, and any #development# accessed by #private roads# in R1 through R5 Districts within such areas:

The Borough of Staten Island

* * *

Private road

Except in #lower density growth management areas#, a private road is a right-of-way, other than a #street#, that provides vehicular access from a #street# to any #dwelling unit# within a #development# where five or more #dwelling units# are within #buildings# or #building segments# that are located wholly beyond 50 feet of a #street line# or #street setback line#. An individual driveway serving fewer than five parking spaces shall not be considered a #private road#.

In #lower density growth management areas#, a private road is a right-of-way, other than a #street#, that provides vehicular access from a #street# to:

- (a) three or more #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line#; or
- (b) one or two #buildings# or #building segments# located wholly beyond 50 feet of a #street line# or #street setback line# that contain five or more #dwelling units#.

* * *

**Chapter 2
Use Regulations**

* * *

**22-40
SUPPLEMENTAL USE REGULATIONS**

* * *

**22-43
Detached and Semi-Detached Two-Family Residences**

~~R3-1 R3A R3X~~ R3 R4-1 R4A

In R3A, R3X or R4A Districts, and in R3-2 Districts within #lower density growth management areas#, a #detached two-family residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below

the other, and in R3-1 or R4-1 Districts, a #semi-detached two-family residence# shall be designed so that at least 75 percent of the #floor area# of one #dwelling unit# is located directly above or directly below the other.

The City Planning Commission may, upon application, authorize the waiver of these requirements provided that the Commission finds that:

- (a) the #development# is compatible with the scale and character of the surrounding area; and
- (b) the design of:
 - (1) the #detached building# does not give the appearance of a #semi-detached building#; or
 - (2) the #semi-detached building# does not give the appearance of an #attached building#; and each #dwelling unit# has a perimeter wall with windows facing a #side yard#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

* * *

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

* * *

**23-00
APPLICABILITY AND GENERAL PURPOSES**

* * *

**23-012
Lower Density Growth Management Areas**

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply to all #residential developments# or #enlargements#. Such regulations are superceded or supplemented as set forth in the following Sections:

- 11-44 Authorizations or Permits in Lower Density Growth Management Areas
- 12-10 (DEFINITIONS) “floor area”; “lower density growth management area”; and
‘private road’
- 22-43 (Detached and Semi-Detached Two-Family Residences)
- 23-141 (Open space and floor area regulations in R1, R2, R3 R4 or R5 Districts)
- 23-32 (Minimum Lot Area or Lot Width for Residences)
- 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)
- 23-461 (Side yards for single-or two-family residences)
- 23-462 (Side yards for all other residential buildings)
- 23-533 (Required rear yard equivalents)
- 23-541 (Within 100 feet of corners)
- 23-542 (Along short dimension of block)
- 23-544 (For portions of through lots)
- 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts)
- 23-711 (Standard minimum distance between buildings)
- 23-88 (Minimum Distance Between Lot Lines and Building Walls in Lower Density
Growth Management Areas)
- 25-22 (Requirements Where Individual parking Facilities Are Provided)
- 25-23 (Requirements Where Group parking Facilities Are Provided)
- 25-621 (Location of parking spaces in certain districts)
- 25-622 (Location of parking spaces in lower density growth management areas)
- 25-631 (Location and width of curb cuts in certain districts)
- 25-632 (Driveway and curb cut regulations in lower density growth management areas)
- 25-64 (Restrictions on Use of Open Space for Parking)
- 25-66 (Screening)
- 26-30 (SPECIAL REGULATIONS FOR DEVELOPMENTS WITH PRIVATE ROADS
IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive
- 26-40 (STREET TREE PLANTING REQUIREMENTS FOR LOWER DENSITY
GROWTH MANAGEMENT AREAS)
- 105-702 (Applicability of lower density growth management area regulations)
- 119-05 (Applicability of Parking Location Regulations)
- 119-214 (Tier II requirements for driveways, private roads and location of parking
spaces)

* * *

23-10
OPEN SPACE AND FLOOR AREA REGULATIONS

* * *

23-141
In R1, R2, R3, R4 or R5 Districts

R1 R2 R3 R4 R5

Except as otherwise provided in Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following tables:

* * *

(b)

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R3A R3X	governed by #yard# requirements		.50*
R4A R4-1	governed by #yard# requirements		.75*
R2X	governed by #yard# requirements		.85*
R3-1			
R3-2**	35	65	.50*
R4**	45	55	.75*
R4B	55	45	.90
R5**	55	45	1.25
R5B	55	45	1.35

*—~~the #floor area ratio# in this table may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 3 and 1/2 inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between 5 and 8 feet.~~

**—~~The permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989 may be increased by 100 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located in the #side lot ribbon# pursuant to Section 23-12 (f) (Permitted Obstructions in Open Space), 23-441 (Location of garages in~~

side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots):

In addition, the following rules shall apply:

- (1) In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within #lower density growth management areas#, the #floor area ratio# in this table may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 3 and 1/2 inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between 5 and 8 feet.
- (2) In R3, R4A and R4-1 Districts in #lower density growth management areas#, the #floor area ratio# in this table may be increased by up to 20 percent provided that any such increase in #floor area# is located in a portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.
- (3) In R3-2, R4 and R5 Districts, except R4A, R4B, R4-1 and R5B Districts, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989 may be increased by 100 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located in the #side lot ribbon# pursuant to Section 23-12 (f) (Permitted Obstructions in Open Space), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).
- (4) In R3, R4A and R4-1 Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located in the #side lot ribbon# pursuant to Section 23-12 (f) (Permitted Obstructions in Open Space), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).

* * *

**23-30
LOT AREA AND LOT WIDTH REGULATIONS**

* * *

**23-32
Minimum Lot Area or Lot Width for Residences**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as provided in Section 23-33 (Special Provisions for Existing Small Lots), no #residence# is permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)	District
#Single-family detached#	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2
	2,850	30	R2X
#Single-# or #two-family detached# or #zero lot line# where permitted	3,800	40	R3-1 R3-2 R4-R10
	3,325	35	R3X
	2,850	30	R4A*
	2,375	25	R3A*_R4B R4-1*_R5B
Any other permitted	1,700	18	R3-R10*

* In #lower density growth management areas#, for #two-family detached# and #two-family zero lot line residences#, where permitted, in R3A, R4A and R4-1 Districts, and for #two-family semi-detached residences# in R3-1, R3-2 and R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

**23-40
YARD REGULATIONS**

* * *

23-44

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following shall not be considered obstructions when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:

* * *

~~Parking spaces, off-street, open, #accessory#, except such spaces located within a #front yard#, that are:~~

- ~~(1) #accessory# to any #residential use# in R4B or R5B Districts;~~
- ~~(2) #accessory# to a #residential building# where no more than two parking spaces are required in R1 or R2 Districts, except R2X Districts, or in R2X, R3, R4 or R5 Districts, unless such spaces are located in a permitted #side lot ribbon#;~~
- ~~(3) #accessory# to a #residential building# where more than two parking spaces are required in R3, R4 or R5 Districts unless such spaces or~~
- ~~(4) not screened from #zoning lots# situated across the #street# in the manner specified in Section 25-66 (Screening);~~

Parking spaces, off-street, open, #accessory#, within a #side # or #rear yard#;

Parking spaces, off-street, open, within a #front yard# that are #accessory# to a #residential building# where:

- (1) in R2X, R3, R4 and R5 Districts, no more than two parking spaces are required, provided such spaces are located in a permitted #side lot ribbon#;
- (2) in R3, R4 and R5 Districts, more than two parking spaces are required, provided such spaces meet all the requirements of paragraph (b) of Section 25-621 (Location of parking spaces in certain districts), and the screening requirements of Section 25-66.

However, no such parking spaces shall be permitted in any #front yard# within

R4B or R5B Districts, and no such required spaces shall be permitted in any front yard# within any R1, R2, R3, R4A or R4-1 District within a lower density growth management area#.

Steps and ramps for access by the handicapped;

* * *

**23-461
Side yards for single- or two-family residences**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, as indicated, for #single-family detached residences# or, where permitted, for #two-family detached residences#, #side yards# shall be provided as set forth in the following table, except that on corner lots# in lower density growth management areas#, one side yard# shall be at least 20 feet in width:

MINIMUM REQUIRED SIDE YARDS

Number Re-quired	Required Total Width (in feet)	Required Minimum Width of any Side Yard# (in feet)	District
2	35	15	R1-1
2	20	8	R1-2
2	13	5	R2 R3-1 R3-2 R4-R10
2	10	2*	R2X R3X R4A
1	8	0*	R3A R4-1 R4B R5B

* * *

R3-1 R3-2 R4 R4-1 R4B R5

- (b) In the districts indicated, for #single-# or #two-family semi-detached residences#, a #side yard# shall be provided as set forth in the following table, except that on corner lots# in lower density growth management areas#, one side yard# shall be at least 20 feet in width.

MINIMUM REQUIRED SIDE YARD

Feet	District
8	R3-1 R3-2 R4 R5
4*	R4-1 R4B R5B

* * *

23-462

Side yards for all other residential buildings

R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, for all other #residential buildings#, #side yards# shall be provided as follows:

R3-2 R4 R5

- (a) In the districts indicated, except R4B or R5B Districts, two #side yards#, each with a minimum required width of eight feet, shall be provided. However, if a #detached residential building# has an #aggregate width of street walls# of more than 80 feet, two #side yards# shall be provided, each equal to not less than 10 percent of such #aggregate width of street walls#. For #residential buildings# not exceeding two #stories# and a #basement# in height, no such #side yard# need be more than 15 feet wide. However, on #corner lots# in #lower density growth management areas#, one #side yard# shall be at least 20 feet in width.

* * *

23-533

Required rear yard equivalents

R4 R5 R6 R7 R8 R9 R10

In the districts indicated, and in R1, R2 and R3 Districts within #lower density growth management areas#, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

- (a) an open area with a minimum depth of 60 feet, linking adjoining #rear yards# or, if no such #rear yards# exist, an open area with a minimum depth of 60 feet, midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts; or
- (b) two open areas, each adjoining and extending along the full length of a #street line# and each with a minimum depth of 30 feet measured from such #street line#, except that in R6, R7, R8, R9 or R10 Districts, the depth of such required open area along one #street line# may be decreased, provided that:
 - (1) a corresponding increase of the depth of the open area along the other #street line# is made; and
 - (2) any required front setback areas are maintained; or
- (c) an open area adjoining and extending along the full length of each #side lot line# with a minimum width of 30 feet measured from each such #side lot line#.

However, in #lower density growth management areas# and in R6A, R6B, R7A, R7B, R7X, R8A, R8B, R8X, R9A, R9X, R10A and R10X Districts, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, on any #through lot# at least 180 feet in maximum depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

**23-54
Other Special Provisions for Rear Yards**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the #rear yard# requirements set forth in Section 23-47 (Minimum Required Rear Yards) shall be modified as set forth in this Section.

**23-541
Within one hundred feet of corners**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except within #lower density growth management areas#, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

23-542

Along short dimension of block

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except within #lower density growth management areas#, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

* * *

23-60

HEIGHT AND SETBACK REGULATIONS

* * *

23-631

Height and setback in R1, R2, R3, R4 and R5 Districts

* * *

R2X R3 R4 R4A R4-1

- (b) In the districts indicated, the height and setback of a #building or other structure# shall be as set forth herein except where modified pursuant to paragraphs (g) and (h) of this Section.

For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered to be separate #buildings# and abutting #semi-detached buildings# may be considered to be one #building#.

The perimeter walls of a #building or other structure# are those portions of the outermost walls enclosing the #floor area# within a #building or other structure# at any level and height is measured from the #base plane#. Perimeter walls are subject to setback regulations at a maximum height above the #base plane# of:

21 feet	R2X R3 R4A
25 feet	R4 R4-1
<u>26 feet*</u>	<u>R3 R4A R4-1</u> <u>within #lower density growth management</u> <u>areas#</u>

* In R3, R4A and R4-1 Districts within #lower density growth management areas#, where a #base plane# is established at a #base flood elevation# higher than grade, the maximum perimeter wall height shall be 21 feet above such base flood elevation or 26 feet above grade, whichever is more.

* * *

**23-70
MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON
A SINGLE ZONING LOT**

* * *

**23-711
Standard minimum distance between buildings**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the required minimum distance between a #residential building# and any other #building# on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing building walls. Such minimum distance shall be, in feet, as indicated in the following table:

Wall Condition*	Maximum Building Height above #Base Plane# or #Curb Level#, as Applicable (in feet)				
	25	35	40	50	Over 50
Wall to Wall	20	25	30	35	40
Wall to Window	30	35	40	45	50
Window to Window	40	45	50	55	60

* Wall condition shall be defined as:

"wall to wall" is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;

"wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;

"window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

In addition, the following rules shall apply:

- (a) the minimum distances set forth in this table shall be provided at the closest point between #buildings#;
- (b) any portion of a #building# that qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#;
- (c) where #buildings# of different heights face each other, the average of the heights of such #buildings# shall determine the minimum distance required between them;
- (d) projections having a maximum height of 25 feet above adjoining grade, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the building wall from which they project, may penetrate the minimum spacing requirements; and

- (e) portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart.
- (f) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph, (f) shall apply to any #zoning lot# with a #building# located behind another #building# so that lines drawn perpendicular to the #street line# intersect both such #buildings#, and where the #private road# provisions do not apply. For the purposes of this paragraph, a “front building” shall be any #building# with no #building# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building#, and a “rear building” shall be any other #building# on the #zoning lot#. The minimum distances set forth in the table above shall apply, except that a minimum distance of 45 feet shall be provided between any rear building and any front building.

* * *

23-88

Minimum Distance between Lot Lines and Building Walls in Lower Density Growth Management Areas

- (a) On #corner lots# in #lower density growth management areas#, for #zoning lots# with multiple #buildings# or #building segments#, an open area at least 30 feet in depth shall be provided between the #side lot line# and the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety.
- (b) In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph, (b), shall apply to any #zoning lot# not accessed by #private roads# where a #residential building# is located wholly beyond 50 feet of a #street line# and behind another #residential building# fronting upon the same #street line# so that lines drawn perpendicular to the #street line# intersect both such #buildings#. For the purposes of this paragraph, a “front building” shall be any #building# with no #building# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building#, and a “rear building” shall be any other #building# on the #zoning lot#. An open area with a minimum width of 15 feet shall be provided between any such rear building and the #side lot line# of an adjoining #zoning lot#, and an open area with a minimum width of 30 feet shall be provided between any such rear building and the #rear lot line# of an adjoining #zoning lot#. The permitted obstruction provisions of Sections 23-44 for #side yards# shall apply where such open areas adjoin a #side lot line#, and the permitted obstruction provisions of Section 23-44 for #rear yards#

shall apply where such open areas adjoin a #rear lot line#.

* * *

**Chapter 5
Accessory Off-Street Parking and Loading Regulations**

* * *

**25-20
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES**

* * *

**25-22
Requirements Where Individual Parking Facilities Are Provided**

(a) R1 R2 R3 R4 R5 R6 R7-1

In the districts indicated, except in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#, except in the case of two- or three-family #residential buildings# in a #predominantly built-up area#, two #accessory# parking spaces per #building# shall be provided.

(b) R1 R2 R3 R4A R4-1

In the districts indicated, within #lower density growth management areas#, where #group parking facilities are not provided, two #accessory# off-street parking spaces shall be provided for each #single-family residence# and three #accessory# off-street parking spaces shall be provided for each #two-family residence#. For all other #residences#, #accessory# off-street parking space shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#.

**25-23
Requirements Where Group Parking Facilities Are Provided**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all new #residences developed# under single ownership or

control where #group parking facilities# are provided, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #dwelling units# set forth in the following table. Such spaces shall be kept available to the residents of the #building# or #development#, in accordance with the provisions of Section 25-41 (Purpose of Spaces and Rental to Non-Residents).

PARKING SPACES REQUIRED WHERE
GROUP PARKING FACILITIES ARE PROVIDED

Percent of Total #Dwelling Units#	District
100* _	R1 R2 R3 R4A R4-1
100	R4 R4B
85	R5
70	R6
66	R5B
60	R7-1
50** _	R6A R6B R7-2 R7A R7B R7X R8B*** _
40	R8 R9 R10

*
_ In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, two #accessory# off-street parking spaces shall be provided for each #single-family residence# and three #accessory# off-street parking spaces shall be provided for each #two-family residence#. For all other #residences#, #accessory# off-street parking space shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#.

**
_ In R6 or R7 Districts for #residences developed# or #enlarged# pursuant to the Quality Housing Program, #accessory# off-street parking spaces shall be provided for at least 50 percent of the total number of #dwelling units#.

_ In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts.

* * *

**25-60
ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY
OFF-STREET PARKING SPACES**

* * *

**25-621
Location of parking spaces in certain districts**

All #accessory# off-street parking spaces shall be located in accordance with the provisions of this Section, except that in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of Section 25-622 shall apply. In addition, all such parking spaces shall be subject to the curb cut requirements of Section 25-63 (Location of Access to the Street).

* * *

**25-622
Location of parking spaces in lower density growth management areas**

The provisions of this Section 25-622 shall apply in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#.

Required #accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.

For #zoning lots# with less than 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a single driveway no more than 10 feet in width. For #zoning lots# with at least 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a driveway no more than 20 feet in width.

No more than two unenclosed required parking spaces may be located in tandem (one behind the other), except that no tandem parking shall be permitted in any #group parking facility# with more than four spaces.

* * *

**25-631
Location and width of curb cuts in certain districts**

All curb cuts shall comply with the provisions of this Section, except that in #lower density growth management areas#, the provisions of Section 25-632 shall apply.

* * *

25-632

Driveway, curb cut and screening regulations in lower density growth management areas

The provisions of this Section shall apply within all #lower density growth management areas#, except that these provisions shall not apply to any #zoning lot# occupied by only one #single-family detached residence# with at least 60 feet of frontage along one #street# and, for such residences on #corner lots#, with at least 60 feet of frontage along two #streets#.

- (a) For #zoning lots# with less than 33 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of ten feet, shall be permitted.
- (b) For #zoning lots# with at least 33 feet of frontage along a #street#, multiple curb cuts are permitted. The maximum width of a curb cut serving a driveway 12 feet or less in width shall be 10 feet, including splays. Driveways wider than 12 feet at any point within a #front yard# shall be accessed by a single curb cut with a minimum width of 17 feet and a maximum width, including splays, of 18 feet.
- (c) The center line of each curb cut shall be coincident with the centerline of the driveway that it serves;
- (d) All driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on adjoining #zoning lots# provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet,
- (e) All #residential developments# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.
- (f) The requirements of paragraphs (f) and (g) of this Section may be waived where the Commissioner of Buildings certifies that, due to the location of driveways and curb cuts on adjacent #zoning lots#, there is no way to locate the driveways and curb cuts in compliance with this requirement of this Section, and that at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#;
- (g) The maximum grade of a driveway shall not exceed 11 percent.

- (i) For multiple #buildings# on a single #zoning lot#, access to all parking spaces shall be provided entirely on the same #zoning lot#.

25-632 25-633

Prohibition of curb cuts in certain districts

* * *

25-64

Restrictions on Use of ~~Required~~ Open Space for Parking

Restrictions on the use of open space for parking and driveways are set forth in this Section. For #zoning lots# in #lower density growth management areas#, the provisions of paragraph (b) shall apply.

- (a) In accordance with the provisions of Section 23-12 (Permitted Obstructions in Open Space), driveways, private streets, open #accessory# off-street parking spaces, or open #accessory# off-street loading berths may not use more of the required #open space# on any #zoning lot# than the percent set forth in the following table:

Percent	District
50	R1 R2 R3 R6 R7 R8 R9 R10
66	R4 R5

- (b) In #lower density growth management areas#, the following regulations shall apply:
 - (1) Driveways, #private roads# and open #accessory# off-street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #residential buildings# in R1, R2 and R3 Districts, and may occupy no more than 66 percent of the #lot area# not covered by #residential buildings# in R4 and R5 Districts, and
 - (2) The area within 30 feet and perpendicular to the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety shall not be occupied by driveways or off-street parking spaces, except that this provision shall not apply to any #zoning lot# occupied by only one #single# or #two-family detached# or #semi-detached residence#.

* * *

**25-66
Screening**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) In all districts, as indicated, except where such districts are located in #lower density growth management areas#, all open off-street parking areas or groups of individual garages with 10 spaces or more, which are located either at natural grade or on a roof, shall be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by either:

~~(a)~~(1) a strip at least four feet wide, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

~~(b)~~(2) a wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade (or above the roof level, if on a roof). Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the face is open.

In addition, such screening ~~(1)~~ shall be maintained in good condition at all times; ~~(2)~~, may be interrupted by normal entrances or exits; and ~~(3)~~ shall have no #signs# hung or attached thereto other than those permitted in Section 22-323 (Signs for parking areas).

(b) In #lower density growth management areas#, all open parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year round dense screen six feet high within three years. Such screening shall be maintained in good condition at all times.

* * *

**Chapter 6
Special Urban Design Guidelines - Streetscape**

**Special Requirements for Developments in R9 and R10 Districts, and
Special Requirements for Developments with Private Roads, and Street Tree Planting**

26-00

Applicability of this Chapter

The regulations of this Chapter shall apply to:

- (a) #developments# in R9 and R10 Districts, as set forth in Section 26-10 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS IN R9 AND R10 DISTRICTS). However, the provisions of Section 26-10 shall not apply within any Special Purpose District or to any #building developed# or #enlarged# pursuant to the Quality Housing Program;
- (b) #developments# in R3, R4 and R5 Districts accessed by #private roads#, as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS), except where such #developments#:
 - (1) consist entirely of #single-family detached residences#; or
 - (2) where such #developments# are accessed by #private roads# that existed on February 6, 2002; or
 - (3) are located within #lower density growth management areas#, in which case the provisions of paragraph (c) of this Section shall apply;
- (c) #developments# in #lower density growth management areas# accessed by #private roads#, as set forth in Section 26-30.(SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS , and
- (d) #developments# in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, as set forth in Section 26-40 (SPECIAL REQUIREMENTS FOR STREET TREE PLANTING)

* * *

26-30

SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS

For all #developments# accessed by #private roads# in #lower density growth management

areas#, the provisions of Section 26-20 through 26-27, inclusive, shall apply. In addition, such regulations are supplemented or superceded in accordance with the provisions of this Section.

26-31
Yards

For the purposes of this Section, a #private road# shall be considered to be a #street#, and a line seven feet from and parallel to the required curb of the #private road# shall be considered to be a #street line#, and the applicable #yard# regulations of Section 23-40, inclusive, and 23-50, inclusive, shall be applied accordingly. However, no #yard# shall be required along that side of a #private road#, or portion thereof, that does not have a building wall facing it. Furthermore, where a #building# on a #through lot# fronts upon a #street# and a #private road#, one #front yard# shall have a depth of at least 30 feet. Where such 30 foot #front yard# adjoins a #street#, such #yard# shall include a landscaped strip at least eight feet wide to screen the #yard# from such #street#, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type expected to form a year round dense screen at least six feet high within three years.

26-32
Minimum Distance Between Walls and Lot Lines

For the purposes of applying the provisions of Section 23-88 (Minimum Distance Between Lot Lines and Building Walls in Lower Density Growth Management Areas), the required curb of the #private road# shall be considered to be a #street line#.

26-33
Entrances, Parking Location and Curb Cuts

The entrances and exits of all #private roads# shall be located not less than 50 feet from the intersection of any two #street lines#.

No required #accessory# off-street parking spaces shall be located between the required curbs of a #private road#, except where such spaces:

- (a) are perpendicular to the road bed, and
- (b) are located on only one side of a #private road# or portion of a #private road#, so that no such spaces are located on opposite sides of the road bed, or within 20 feet of being opposite to one another, and

- (c) are within rows of not more than 10 adjacent spaces. Such rows shall be separated one from another by a planting strip at least 18 feet deep and 8 feet wide, within which a tree of at least three inch caliper is planted.

All #accessory# off-street parking spaces shall comply with the parking location and curb cut regulations set forth in Section 25-632. For the purposes of applying such regulations, the #private road# shall be considered to be a #street#. In addition, the provisions of Section 25-64 (Restrictions on Use of Open Space) and Section 25-66 (Screening) shall apply.

26-34

Lighting, Signage and Crosswalks

All #private roads# shall be #developed# with street lighting, street signage and crosswalks to minimum Department of Transportation standards for public #streets#.

26-35

Screening

All #private roads# shall be screened from adjoining #zoning lots# by a landscaped strip at least eight feet wide, and all open off-street parking areas with five or more spaces shall be screened from adjoining #zoning lots# by a landscaped strip at least four feet wide. Such landscaped strips shall be densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

26-40

STREET TREE PLANTING REQUIREMENTS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS

In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, all #developments# 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 be placed at approximately equal intervals, except where the Commissioner of Buildings determines that such tree planting would be unfeasible. 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.

Article X - Special Purpose Districts

* * *

**Chapter 5
Special Natural Area District**

* * *

**105-70
SPECIAL REGULATIONS FOR RESIDENTIAL DEVELOPMENT**

In order to carry out the purposes of this Chapter, all #developments# used predominantly for #residential use# shall be subject to the provisions of this Section.

* * *

**105-702
Applicability of lower density growth management area regulations**

The regulations for #developments# or #enlargements# within #lower density growth management areas# are modified as follows:

- (a) Parking location regulations
#Accessory# parking spaces shall be permitted within a #front yard#, and
- (b) Private road regulations
The provisions of paragraph (b) of Section 119-214 (Tier II requirements for driveways and private roads) shall apply to all #developments# or #enlargements# accessed by #private roads#.

* * *

Article X - Special Purpose Districts

**Chapter 7
Special South Richmond Development District**

* * *

**107-251
Special provisions for arterials**

* * *

(b) Building setback

Along portions of the #arterials#, as indicated on the District Plan, a 20 foot #building# setback shall be provided for the full length of the #front lot line# abutting such #arterial#. The front #building# setback area shall be unobstructed from its lowest level to the sky except as permitted by this Section. ~~The front #building# setback area may be used for #accessory# off-street parking or loading facilities provided the depth of the setback area is at least 35 feet.~~ Where a front #building# setback area at least 35 feet in depth is provided, such setback area may be used for required #accessory# off-street parking or loading facilities. No portion of such required setback area may be used for open storage.

In the case of the service roads of the West Shore Expressway, a 30 foot #building# setback shall be provided and required off-street parking and loading facilities are permitted within such setback. Within the required front #building# setback, there shall be provided one tree of three-inch caliper or more, pre-existing or newly planted, for each 400 square feet of such front open area. The trees shall be selected in accordance with the table set forth in APPENDIX B.

* * *

**107-30
TOPOGRAPHIC AND TREE REGULATIONS**

* * *

**107-321
Tree preservation**

* * *

Replacement trees to be planted shall be of a caliper no less than ~~six~~ three inches and be of a species listed in Appendix B and the sum of whose calipers shall be at least equivalent to that of the trees removed.

* * *

**107-322
Tree requirements**

* * *

(b) Sidewalk trees

All ~~#developments#~~ and ~~#site alterations#~~ in the Special District shall preserve existing trees or provide and maintain trees of three-inch caliper or more at the time of planting along the entire length of the ~~#street#~~ frontage of the ~~#zoning lot#~~. The trees shall be located between the ~~#front lot line#~~ and the curb line, and ~~20~~ 25 feet on center or one tree per ~~20~~ 25 feet of frontage. ~~On private streets, trees shall be planted between the curb and a line parallel to, and 10 feet from, the curb, and 20 feet on center or one tree per 20 feet of frontage.~~ These trees shall be planted in accordance with the requirements of the ~~Department of Transportation and the~~ Department of Parks and Recreation, except where the Commissioner of Buildings determines that such tree planting would be infeasible.

* * *

**107-33
Preservation of Natural Features**

For any #development# or #enlargement#, the Chairperson of the City Planning Commission may modify the applicable regulations governing the location of required parking spaces, driveways and curb cuts where the Chairperson certifies to the Commissioner of Buildings that such modifications are necessary so as to avoid the destruction of existing topography and trees of six inch caliper or more.

* * *

**107-40
SPECIAL USE, BULK AND PARKING REGULATIONS**

* * *

**~~107-421~~
~~Special provisions for existing detached residences~~**

~~In R3X Districts, a one-#story# or two-#story detached residence#, existing prior to September~~

9, 1999, may be enlarged to no more than three #stories#, provided that:

- (a) — it is located on a #zoning lot# having a minimum #lot area# of 3,800 square feet and a minimum #lot width# of 40 feet;
- (b) — such #enlargement# does not exceed a maximum perimeter wall height of 21 feet and a maximum building height of 35 feet; and
- (c) — such #enlargement# complies with all other applicable district regulations.

107-43
Height and Setback Regulations

107-431
Maximum height of perimeter walls

In R3X Districts, a #detached residence# may have a maximum perimeter wall height of 25 feet, provided that:

- (a) — it is located on a #zoning lot# having a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 60 feet; and
- (b) — the #development# complies with all other applicable district height and setback regulations.

107-432
Maximum height for buildings or structures

107-43
Maximum Height for Buildings or Structures

Subject to the requirements for maximum height of walls and required setbacks in Sections 23-63, 24-52 or 33-43, and Section 107-431, no #building# shall exceed a height of four #stories# and no structure other than #buildings# shall exceed a height of 50 feet, unless modified by a special permit of the City Planning Commission, pursuant to Section 107-73 (Exceptions to Height Limit).

**107-45
Required Open Space for Residences**

Any required #open space# on a #zoning lot# which includes #designated open space# is subject to the special regulations set forth in Section 107-22 (Designated Open Space).

For #residential developments# which include #designated open space#, not more than 50 percent of the required #open space# not within the #designated open space# may be occupied by driveways, private streets, open #accessory# parking spaces or open #accessory# off-street loading berths, except that a greater percentage may be so occupied if authorized by the City Planning Commission in accordance with the provisions of Section 107-661 (Modification of Permitted Obstructions):

For #residential developments# which include #designated open space#, driveways, private streets, open #accessory# parking spaces or open #accessory# off-street loading berths may occupy not more than the area set forth below:

- (a) In R1, R2, R3-1, R3-2 and R4 Districts, not more than 50 percent of the required #open space# not within the #designated open space#;
- (b) In R3A and R3X Districts, not more than 50 percent of the #lot area# not occupied by #residential buildings# and not within the #designated open space#;
- (c) In R4A and R4-1 Districts, not more than 50 percent of the #lot area# not occupied by #residential buildings# and not within the #designated open space#

However, in all districts, a greater percentage may be so occupied if authorized by the City Planning Commission in accordance with the provisions of Section 107-661 (Modification of Permitted Obstructions).

**107-46
Yard and Court Regulations**

* * *

**107-462
Side yards**

In all districts, except R1 Districts, for all #single-# or #two-family detached# and #semi-detached residences#, the #side yards# shall relate to the height of the #building# as set forth

in the following table, except that in R1, R2, R3, R4A and R4-1 Districts, on a #corner lot#, one #side yard# shall be at least 20 feet in width:

REQUIRED SIDE YARDS

District	Type of #Residence#	Height (in #stories#)	Number of #Side Yards# Required	Required Total Width	Required Minimum Width of any #Side Yard#
R2 R3-1	#detached#	1-2	2	15	5
R3-2	#detached#	3-4	2	20	5
	#semi-detached#	1-2	1	9	9
	#semi-detached#	3-4	1	15	15
R3A R4A	#detached#	1-4	2	15	5
R3X	#detached#	1-2	2	15	5
	#detached#	3	2	20	8
	#detached#	4	2	25	10
R4-1	#detached#	1-4	2	15	5
	#semi-detached#	1-4	1	9	9

In R1 Districts, the #side yard# regulations of Section 23-46 shall apply.

* * *

**107-60
AUTHORIZATIONS**

* * *

**107-62
Yard and Court Regulations**

For any #development#, the City Planning Commission may authorize variations in the #yard# or #court# regulations as set forth in Section 107-46 (Yard and Court Regulations) or in the location of parking, driveway, or curb cut regulations as set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), Section 25-621 (Location of parking spaces in certain districts), Section 25-622 (Location of parking spaces in lower density growth management areas), and Section 25-631 (Location and width of curb cuts in certain districts) for the purpose of allowing proper arrangements of #buildings#, driveways or required parking areas so as to avoid the destruction of existing topography and individual trees of six inch caliper or more. #Rear yard#, #side yard# or #side yard# equivalent variations shall not be authorized on the periphery of a #development# unless acceptable agreements are jointly submitted for #development# of two or more adjacent #zoning lots# by the owners thereof, incorporating the proposed #yard# or #side yard# equivalent variations along their common #lot lines#.

As a condition for granting such authorizations, the Commission shall find that the proposed placement of #buildings# and arrangement of #open spaces# will not have adverse effects upon light, air and privacy on adjacent #zoning lots#.

* * *

**107-465
Rear yards**

~~In all underlying districts, except R1 Districts, for permitted #single# or #two family residences#, the required #rear yard# shall have a depth of at least 20 feet and there shall be a 10 foot rear setback above the first #story#~~

* * *

**107-467
Modifications of special yard regulations for certain zoning districts**

On application, the City Planning Commission may, by certification, modify the underlying #rear yard# regulations and the requirements of Section 107-465 (Rear yards) and 107-466 (Special yard regulations for certain zoning lots) and thereby allow #single# or #two-family residences# to be built on the #side# or #rear lot line#, provided the following conditions are satisfied:

* * *

Article XI - Special Purpose Districts

**Chapter 9
Special Hillside Preservation District**

* * *

119-05
Applicability of Parking Location Regulations

The regulations for #developments# in #lower density growth management areas# are modified to allow required #accessory# parking spaces to be located in a #front yard#.

* * *

119-214
Tier II requirements for driveways and private roads

The provisions set forth in this Section and Section 119-213 (Grading controls) shall apply to driveways and to #private roads# that provide access to #buildings developed# after December 11, 1999. The provisions for #private roads# set forth in ~~Article II, Chapter 6, Section 26-20, inclusive, shall not apply.~~ However, the provisions for #private roads# in #lower density growth management areas# of Sections 26-31 through 26-34 shall apply.

- (a) Driveways
 - (1) the maximum grade of a driveway shall not exceed 10 percent;
 - (2) the paved width of a driveway shall not exceed 18 feet; and
 - (3) the maximum length of a driveway from a #private road# or #street# to an #accessory# parking space shall not exceed 80 feet.
- (b) #Private roads#
 - (1) the maximum grade of a #private road# shall not exceed 10 percent;
 - (2) the width of the graded section beyond the curb back or edge of pavement of a #private road# shall extend no more than three feet beyond the curb back or edge of pavement on both the cut and the fill sides of the roadway. If a sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus no more than one foot beyond the curb back;

- (3) the paved width of a #private road# shall not exceed 30 feet;
- (4) curbs shall be provided along each side of the entire length of a #private road# and #accessory# parking spaces may be located between the required roadbed and curb;
- (5) a curb cut, excluding splays, from a #street# to a #private road# may be as wide as such #private road#;
- (6) curb cuts providing access from #private roads# to parking spaces shall not exceed the width of the driveway served and in no event shall exceed a width of 18 feet, including splays;
- (7) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts;
- (8) along the entire length of a #private road#, trees shall be provided and maintained at the rate of one tree for every 25 feet of #private road# frontage and shall comply with the requirements set forth in Section 119-216 (Tier II tree planting requirements); and
- (9) no building permit shall be issued by the Department of Buildings without approval by the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety. Such approval may include the modification of #private road# width as set forth in paragraph (b)(3) of this Section.
- (10) For the purposes of applying the #yard# regulations of Section 26-31, the curb of the #private road# shall be considered to be the #street line#.

The City Planning Commission may by authorization or special permit, as applicable, pursuant to Section 119-30 (SPECIAL REVIEW PROVISIONS), allow modifications to, or waivers of, the requirements of this Section. The approval of the Fire Department regarding the adequacy of vehicular access to and within the #development# for fire safety shall be a condition precedent for any modification or waiver.

Resolution for adoption scheduling July 14, 2004 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF BROOKLYN**No. 11*****CITY-OWNED-PROPERTY DISPOSITION*****CD 1****C 030352 PPK****PUBLIC HEARING:**

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties pursuant to zoning.

<u>Block</u>	<u>Lot</u>	<u>Location</u>
2539	29	59 Java St.
3097	13	112 Seigel St.

(On June 9, 2004, Cal. No. 1, the Commission scheduled June 23, 2004 for a public hearing which has been duly advertised.).

Close the hearing.

No. 12

OFFICE SPACE

CD 13

N 040487 P XK

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 1209 Surf Avenue (Block 7266, Lot 250). (Community Board 13 Office.)

(On June 10, 2004, the Commission duly advertised June 23, 2004 for a public hearing.).

Close the hearing.

BOROUGH OF QUEENS

No. 13

ISLAMIC CENTER

CD 2

C 030385 Z SQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Islamic Center of Queens, N.Y. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a church (Use Group 4A) on property located at 57-14 37th Avenue, (Block 1212, Lot 9), in an M1-1 District.

(On June 9, 2004, Cal. No. 2, the Commission scheduled June 23, 2004 for a public hearing which has been duly advertised.).

Close the hearing.

III. REPORTS

BOROUGH OF THE BRONX

No. 14

RESIDENCIA ESTRELLA VARGAS

CD 6

N 040352 HAX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for:

7. The designation of property located at 2339 Prospect Avenue (Block 3102, Lot 47), as an Urban Development Action Area; and
8. An Urban Development Action Area Project for such area;

to facilitate development of a six-story building tentatively known as Residencia Estrella-Vargas, with approximately 32 units of permanent housing for low income families and one unit for a superintendent, to be developed under the HPD Supportive Housing Program.

(On May 12, 2004, Cal. No. 1, the Commission scheduled May 26, 2004, for a public hearing. On May 26, 2004, Cal. No. 16, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 15

BERLENBACH HOUSE

CD 1

N 040463 HKK

IN THE MATTER OF a communication dated May 13, 2004, from the Executive Director of the Landmarks Preservation Commission regarding **the landmark designation of the F. J. Berlenbach House**, 174 Meserole Street, (Block 3053, Lot 13), by the Landmarks

Preservation Commission on May 11, 2004 (List 352/LP-2152).

For consideration.

No. 16

BROOKLYN PUBLIC LIBRARY-DEKALB BRANCH

CD 4

N 040474 HKK

IN THE MATTER OF a communication dated May 20, 2004, from the Executive Director of the Landmarks Preservation Commission regarding **the landmark designation of the Brooklyn Public Library, DeKalb Branch**, 790 Bushwick Avenue (aka 1176 DeKalb Avenue), (Block 3241, Lot 18), by the Landmarks Preservation Commission on May 18, 2004 (List 353/LP-2054), Borough of Brooklyn, Community District 4.

For consideration.

BOROUGH OF MANHATTAN

No. 17

GRANT'S TOMB

CD 9

C 030331 MEM

IN THE MATTER OF an application, submitted by the New York City Department of Parks and Recreation and the United States National Park Service pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the delineation of two permanent easements within Riverside Park located between Henry Hudson Parkway and Riverside Drive East, north of West 122nd Street; and
- any acquisition or disposition of real property related thereto,

Community District 9, Borough of Manhattan, in accordance with Map No. 30213 dated January 27, 2004 and signed by the Borough President.

(On May 10, 2004, Cal. No. 20, the Commission Scheduled May 26, 2004 for a public hearing. On May 26, 2004, Cal. No. 18, the hearing was closed.)

For consideration.

No. 18

PATHMARK GARAGE

CD 3

C 030387 ZSM

IN THE MATTER OF an application submitted by Central Parking System of New York, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Sections 13-562 and 74-52 of the Zoning Resolution **to allow an unattended public parking garage with a maximum capacity of 90 spaces in the cellar of an existing commercial building located at 227 Cherry Street** (Block 248, Lot 1), in a C6-4 District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY 10007.

(On April 28, 2004, Cal. No. 4, the Commission scheduled May 12, 2004 for a public hearing. On May 12, 2004, Cal. No. 16, the hearing was continued. On May 26, 2004, Cal. No. 19, the hearing was closed.)

For consideration.

Nos. 19, 20, 21 and 22

LADIES' MILE

No. 19

CD 5

C 040331 ZMM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8d and 12c, changing from an M1-6M District to a C6-4A District

property bounded by West 22nd Street, a line 100 feet westerly of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet easterly of Avenue of the Americas, as shown on a diagram (for illustrative purposes only) dated March 22, 2004, and subject to the conditions of CEQR Declaration E-131.

(On May 12, 2004, Cal. No. 2, the Commission scheduled May 26, 2004, for a public hearing. On May 26, 2004, Cal. No. 20, the hearing was closed.)

For consideration.

No. 20

CD 5

N 040332 ZRM

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 an increase in street wall height within the Ladies' Mile Rezoning Area, the grandfathering of an existing special permit, and a clarification of the zoning text.

Matter in **graytone** 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

Section 11-44

Special Permits Granted Prior to (effective date of amendment)

Within the area bounded by West 22 Street, a line 100 feet west of Fifth Avenue, a line midway between West 16 Street and West 17 Street, and a line 100 feet east of Sixth Avenue, any special permit granted by the City Planning Commission may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the #bulk# regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

Article 2

Residence District Regulations

* * *

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-60

HEIGHT AND SETBACK REGULATIONS

* * *

23-633

Street wall location and height and setback regulations in certain districts

R6A R7A R8A R9A R10A R6B R7B R8B R7X R8X R9X R10X

* * *

(b) Setback regulations

In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, setbacks are required for all portions of #buildings# that exceed the maximum base height specified in ~~Table A of~~ **the table in** this Section. Such setbacks shall be provided in accordance with the following regulations:

* * *

R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A R10X

(d) Additional regulations

* * *

(4) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:

(i) The minimum base height of a #street wall# may vary between

the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.

(ii) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet, and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.

(iii) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

~~TABLE A~~
MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT

* * *

23-663
Required rear setbacks for tall buildings in other districts

* * *

R6A R6B R7A R7B R7X R8A R8B R8X R9A R9X R10A R10X

(b) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, no portion of a#building# that exceeds the applicable maximum base height specified in permitted by ~~Table A~~ of Section 23-633 shall be nearer to a #rear yard line# than 30 feet.

* * *

**Article 3
Commercial District Regulations**

* * *

**Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts**

* * *

**35-24
Special Street Wall Location and Height and Setback Regulations in Certain Districts**

* * *

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5X C4-6A C4-7A C5-1A C6-2A C6-3A C6-3X C6-4A C6-4X

(e) Additional regulations

* * *

(4) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:

(i) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.

(ii) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section provided that such height not exceed 150 feet, and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.

- (ii)(iii) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(On May 12, 2004, Cal. No. 3, the Commission scheduled May 26, 2004, for a public hearing. On May 26, 2004, Cal. No. 21, the hearing was closed.)

For consideration.

No. 21

CD 5

C 040333 ZSM

IN THE MATTER OF an application submitted by Richard Chapman & Associates pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 363 spaces on a portion of the first floor, cellar and sub-cellar of a proposed mixed building at 7-13 West 21st Street a.k.a. 6-14 West 22nd Street (Block 823, Lot 31), in a C6-4A* District, within the Ladies' Mile Historic District.

*Note The development site is proposed to be rezoned from an M1-6M District to a C6-4A District under a related application (C 040331 ZMM) for and amendment of the zoning map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On May 12, 2004, Cal. No. 4, the Commission scheduled May 26, 2004, for a public hearing. On May 26, 2004, Cal. No. 22, the hearing was closed.)

For consideration.

No. 22

CD 5

C 040334 ZSM

IN THE MATTER OF an application submitted by Richard Chapman & Associates pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 105 spaces on a portion of the first floor, cellar and sub-cellar of a proposed mixed building at 4 West 21st Street (Block 822, Lot 45), in a C6-4A* District, within the Ladies' Mile Historic District.

*Note The development site is proposed to be rezoned from an M1-6M District to a C6-4A District under a related application (C 040331 ZMM) for and amendment of the zoning map.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

(On May 12, 2004, Cal. No. 5, the Commission scheduled May 26, 2004, for a public hearing. On May 26, 2004, Cal. No. 23, the hearing was closed.)

For consideration.

No. 23

KEHILA KEDOSHA JANINA SYNOGOGUE

CD 3

N 040464 HKM

IN THE MATTER OF a communication dated May 13, 2004, from the Executive Director of the Landmarks Preservation Commission regarding **the landmark designation of the Kehila Kedosha Janina Synagogue**, 280 Broome Street, (Block 414, Lot 27), by the Landmarks Preservation Commission on May 11, 2004 (List 352/LP-2143), Borough of Manhattan, Community District 3.

For consideration.

BOROUGH OF QUEENS**Nos. 24 and 25*****HUNTERS POINT*****No. 24****CD 2****C 040273 ZMQ**

IN THE MATTER OF an application submitted by The Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 8d and 9b:**

1. **eliminating from an existing R6A District a C1-5 District bounded by:**
 - a. 51st Avenue, Vernon Boulevard, Borden Avenue, and a line 100 feet westerly of Vernon Boulevard; and
 - b. 46th Road, 21st Street, 47th Avenue, and a line 90 feet westerly of 21st Street
2. **eliminating from an existing R7A District a C1-5 District bounded by** 44th Drive, a line 45 feet westerly of 23rd Street, a line midway between 44th Drive and 45th Avenue, and a line 100 feet westerly of 11th Street;
3. **eliminating from an existing R7A District a C2-5 District bounded by** Jackson Avenue, 21st Street, and 47th Road;
4. **eliminating a Special Long Island City Mixed Use District (LIC) bounded by** 51st Avenue, Jackson Avenue, and Vernon Boulevard;
5. **changing from an M1-4 District to an R6B District property bounded by** 44th Drive, 23rd Street, 45th Avenue, a line 90 feet westerly of 23rd Street, a line midway between 45th Avenue and 45th Road, a line 90 feet easterly of 21st Street, a line midway between 44th Drive and 45th Avenue, and a line 45 feet westerly of 23rd Street;
6. **changing from an R6A District to an R7X District property bounded by** 46th Road, 21st Street, 47th Avenue, and a line 90 feet westerly of 21st Street;
7. **changing from an R7A District to an R7X District property bounded**

by:

- a. a line 100 feet northerly of 46th Avenue and its easterly prolongation, 23rd Street, Jackson Avenue, 21st Street, 46th Road, a line 90 feet easterly of 21st Street, 46th Avenue, and a line 215 feet westerly of 23rd Street; and
- b. 47th Avenue, Jackson Avenue, the northerly boundary line of the Long Island Railroad right-of-way, 11th Street, 50th Avenue, a line 100 feet southeasterly of Jackson Avenue, 51st Avenue, Vernon Boulevard, 50th Avenue, a line 250 feet easterly of Vernon Boulevard, a line 100 feet northwesterly of Jackson Avenue, 49th Avenue, a line 120 feet westerly of 11th Street, 48th Avenue, 11th Street, 47th Road, a line 235 feet easterly of 11th Street, and a line 100 feet northwesterly of Jackson Avenue;

8. changing from an M1-4 District to an M1-4/R6A District property bounded by:

- a. the southerly boundary of a Canal, a line 100 feet easterly of 5th Street and its northerly prolongation, a line midway between 47th Road and 48th Avenue, and 5th Street and its northerly centerline prolongation;
- b. 48th Avenue, a line 100 feet easterly of 5th Street, Borden Avenue, and 5th Street; and
- c. the northerly boundary line of John F. Murray Playground, a line 90 feet westerly of 21st Street, 46th Road, and a line 60 feet easterly of 11th Street;

9. changing from an M1-4 District to an M1-4/R6B District property bounded by:

- a. 45th Avenue, 23rd Street, a line 100 feet northerly of 46th Avenue, a line 215 feet westerly of 23rd Street, 46th Avenue, a line 90 feet westerly of 21st Street, a line midway between 45th Avenue and 45th Road, and a line 90 feet westerly of 23rd Street;
- b. 46th Road, a line 90 feet westerly of 21st Street, 47th

Avenue, a line 100 feet northwesterly of Jackson Avenue, a line 235 feet easterly of 11th Street, 47th Road, and a line 60 feet easterly of 11th Street;

- c. 49th Avenue, a line 90 feet westerly of 21st Street, 50th Avenue, 21st Street, the Queens Midtown Expressway, the Queens Midtown Tunnel Plaza, 11th Street, 51st Avenue, a line 100 feet southeasterly of Jackson Avenue, 50th Avenue, and 11th Place;
 - d. 46th Road, a line 100 feet westerly of 11th Street, 48th Avenue, a line 120 feet westerly of 11th Street, 49th Avenue, a line 100 feet northwesterly of Jackson Avenue, a line 250 feet easterly of Vernon Boulevard, 50th Avenue, and a line 100 feet easterly of Vernon Boulevard;
 - e. 47th Avenue, a line 100 feet westerly of Vernon Boulevard, a line midway between 47th Road and 48th Avenue, and a line 100 feet easterly of 5th Street;
 - f. 48th Avenue, a line 100 feet westerly of Vernon Boulevard, a line midway between 51st Avenue and Borden Avenue, and a line 100 feet easterly of 5th Street; and
 - g. 51st Avenue, 5th Street, a line 50 feet southerly of the northerly street line of Borden Avenue, and 2nd Street;
10. **changing from an R7A District to an M1-4/R7A District property bounded by** 44th Drive, a line 45 feet westerly of 23rd Street, a line midway between 44th Drive and 45th Avenue, and a line 100 feet westerly of 11th Street;
11. **changing from an M1-4 District to an M1-4/R7A District property bounded by:**
- a. a line 100 feet northerly of 44th Drive, 23rd Street, 44th Drive, and a line 100 feet westerly of 11th Street;
 - b. a line midway between 44th Drive and 45th Avenue, a line 90 feet westerly of 21st Street, the northerly boundary line of John F. Murray Playground, a line 60 feet easterly of 11th Street, 47th Road, 11th Street, 48th

Avenue, and a line 100 feet westerly of 11th Street;

- c. a line midway between 47th Road and 48th Avenue, a line 100 feet westerly of Vernon Boulevard, 48th Avenue, and 5th Street; and
 - d. 49th Avenue, 5th Street, 51st Avenue, and a line 100 feet westerly of 5th Street;
12. **changing from an R6A District to an M1-5/R7X District property bounded by** 51st Avenue, Vernon Boulevard, Borden Avenue, and a line 100 feet westerly of Vernon Boulevard;
13. **changing from an R7A District to an M1-5/R7X District property bounded by** 21st Street, 47th Road, and Jackson Avenue;
14. **changing from an M1-4 District to an M1-5/R7X District property bounded by:**
- a. the northerly boundary line of the Long Island Railroad right-of-way, 11th Place and its northerly center-line prolongation, 50th Avenue, and 11th Street; and
 - b. a line midway between 51st Avenue and Borden Avenue, a line 100 feet westerly of Vernon Boulevard, Borden Avenue, and a line 100 feet easterly of 5th Street;
15. **changing from an M1-6 District to an M1-5/R7X District property bounded by** 47th Road, 21st Street, the northerly boundary line of the Long Island Railroad right-of-way, and Jackson Avenue;
16. **changing from an M3-1 District to an M1-5/R7X District property bounded by** Jackson Avenue, Crane Street, a line 250 feet southeasterly of Jackson Avenue, and 21st Street;
17. **changing from an M1-4 District to an M1-5/R8A District property bounded by** 49th Avenue, a line 100 feet westerly of 5th Street, 51st Avenue, 2nd Street, 50th Avenue, and a line 400 feet westerly of 5th Street;

- 18. establishing within a proposed R7X District a C2-5 District** bounded by 46th Road, 21st Street, 47th Avenue, and a line 90 feet westerly of 21st Street; and
- 19. establishing a Special Long Island City Mixed Use District (LIC) bounded:**
- a.** a line 100 feet northerly of 44th Drive, a line 90 feet westerly of 21st Street, 44th Drive, and a line 100 feet westerly of 11th Street;
 - b.** a line 100 feet northerly of 44th Drive, a line 115 feet westerly of 23rd Street, 44th Drive, and 21st Street;
 - c.** a line midway between 44th Drive and 45th Avenue, 11th Street, 45th Avenue, and a line 100 feet westerly of 11th Street;
 - d.** 46th Avenue, 11th Street, 46th Road, and a line 100 feet westerly of 11th Street;
 - e.** Jackson Avenue, Crane Street, a line 250 feet southeasterly of Jackson Avenue, 21st Street, the northerly boundary line of the Long Island Railroad right-of-way, the northerly centerline prolongation of 11th Place, 49th Avenue, 11th Street, Jackson Avenue, 47th Road, and 21st Street;
 - f.** the service road of the Queens Midtown Tunnel Plaza, 21st Street, Queens Midtown Expressway, the Queens Midtown Tunnel Plaza, and 11th Street;
 - g.** the southerly boundary of a Canal, a line 100 feet easterly of 5th Street and its northerly prolongation, 47th Avenue, and 5th Street and its northerly centerline prolongation; and
 - h.** 49th Avenue, 5th Street, a line 50 feet southerly of the northerly street line of Borden Avenue, 2nd Street, 50th Avenue and a line 400 feet westerly of 5th Street;

within the Special Long Island City Mixed Use District, as shown on a diagram (for illustrative purposes only) dated February 9, 2004, and subject to the conditions of CEQR

Declaration E-129.

(On May 12, 2004, Cal. No. 7, the Commission scheduled May 26, 2004, for a public hearing. On May 26, 2004, Cal. No.25, the hearing was closed.)

For consideration.

No. 25

CD 2

N 040272 ZRQ

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 to the Zoning Resolution of the City of New York, concerning Article XI, Chapter 7, (Special Long Island City Mixed Use District), relating to the revision of mixed use zoning regulations within the Hunters Point Subdistrict and expansion of the Hunters Point Subdistrict boundaries, in Community District 2, Borough of Queens.

Matter that is **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

CHAPTER 7

SPECIAL LONG ISLAND CITY MIXED USE DISTRICT

* * *

~~7/26/01~~

117-04

Subdistricts

In order to carry out the purposes and provisions of this Chapter, three subdistricts are established within the #Special Long Island City Mixed Use District#. In each of these subdistricts certain regulations apply that do not apply within the remainder of the #Special Long Island City Mixed Use District#. The Special District and Subdistricts are shown in Appendix A of this Chapter.

Special regulations set forth in Sections 117-05 -~~10~~ through 117-30, inclusive, shall apply to the Hunters Point Subdistrict and shall supplement or supersede the provisions of Sections 117-00 through 117-03, inclusive.

* * *

~~7/26/01~~

~~117-05~~ **10**

~~Hunters Point Subdistrict~~ **HUNTERS POINT SUBDISTRICT**

In the #Special Long Island City Mixed Use District#, the special regulations of Sections 117-10 through 117-30, inclusive, shall apply within the Hunters Point Subdistrict and, where noted in Sections 117-40 through 117-45, inclusive, shall also apply within the Court Square Subdistrict.

(Note: the proposed amendment would delete the contents of Sections 117-10 through 117-24 pertaining to the Hunters Point Subdistrict and new regulations would be inserted in some of those section numbers.)

~~7/26/01~~

~~117-10~~

~~SPECIAL USE REGULATIONS FOR M1-4 DISTRICTS~~

~~10/25/95~~

~~117-11~~

~~Residential Use Regulations~~

#Uses# listed in Use Groups 1 and 2 are allowed subject to the conditions set forth in Sections 117-111 through 117-114, inclusive, and subject to the #bulk# regulations set forth in Section 117-20 (SPECIAL BULK REGULATIONS FOR M1-4 DISTRICTS):

~~10/25/95~~

~~117-111~~

~~Residential enlargements~~

A #residential building# may be #enlarged# provided that the #enlargement# does not result in a new #dwelling unit#.

~~10/25/95~~

~~117-112~~

Residential developments

~~#Residential developments# are permitted, provided that:~~

- ~~(a) — the #side lot lines# of the #zoning lot#, on which such #development# will be located, abut #zoning lots# occupied by #residential#, #community facility# or #commercial uses# other than #uses# listed in Use Groups 13 or 16;~~
- ~~(b) — the frontage along the #street line# of such #zoning lot# does not exceed 60 feet and the total area of such #zoning lot# does not exceed 7,800 square feet; and~~
- ~~(c) — no #use# listed in Use Groups 16, 17 or 18 is located on such #zoning lot#, or on the #zoning lot# or lots abutting the rear #lot line# of such #zoning lot#.~~

10/25/95

117-113**Changes in use**

~~A #residential use# may be changed to a #community facility use#.~~

10/25/95

117-114**Authorizations for residential uses**

~~The City Planning Commission may authorize a #residential enlargement# resulting in additional #dwelling units# or a #residential development# on a #zoning lot# that does not comply with the requirements of Section 117-112 (Residential developments) provided it finds that the #residential use# will not be exposed to excessive noise, traffic, smoke, dust, noxious odor, or other impacts from #commercial# or #manufacturing uses# on the same or abutting #zoning lot#.~~

~~In addition, for #residential developments#, the Commission shall find that:~~

- ~~(a) — the #zoning lot# on which such #development# would be located has been vacant or #land with minor improvements#, continuously, for the five years immediately prior to the date of application for such authorization; and~~
- ~~(b) — the #development# will not preempt any #zoning lot# which is essential to the normal functioning or growth of #manufacturing uses# within the District.~~

10/25/95

117-12
Community Facility Use Regulations

#Uses# in Use Groups 3 and 4 may be #developed# or #enlarged# subject to the #bulk# regulations set forth in Section 117-20.

10/25/95

117-121
Changes of use

A #community facility use# may be converted to a #residential use# provided a #use# listed in Use Group 16, 17 or 18 is not located within the #building#.

The City Planning Commission may authorize the change of a #community facility use# in a #building# also occupied by a #residential use# to a #commercial use# or a #manufacturing use#, pursuant to Section 117-122 (Authorizations for community facility uses).

The Commission may authorize the change of a #community facility use# in a #building# also occupied by a #use# listed in Use Group 16, 17 or 18 to a #residential use# pursuant to Section 117-122.

10/25/95

117-122
Authorizations for community facility uses

The City Planning Commission may authorize the following changes of #use# provided it finds that the #residential use# will not be exposed to excessive noise, traffic, smoke, dust, noxious odor, or other impacts from new or existing #commercial# or #manufacturing uses#:

- (a) — from a #community facility use# to a #use# listed in Use Group 5, 6, 7, 8, 9, 10, 12, 14, 16 or 17 in a #building#, or portion thereof, occupied by a #residential# and #community facility use#; or
- (b) — from a #community facility use# to a #residential use# in a #building# also occupied by a #use# listed in Use Group 16, 17 or 18.

10/25/95

117-13
Commercial and Manufacturing Use Regulations

~~#Commercial# and #manufacturing uses# are permitted subject to the provisions set forth in Sections 117-131 through 117-134, inclusive, and subject to the #bulk# regulations set forth in Section 117-20 (SPECIAL BULK REGULATIONS FOR M1-4 DISTRICTS), except that #uses# listed in Use Groups 13, 15 and 18 are not permitted.~~

~~10/25/95~~

~~**117-131**~~

~~**Developments, enlargements and extensions**~~

~~#Developments# containing #uses# listed in Use Group 5, 6, 7, 8, 9, 10, 11, 12 or 14 are permitted, provided that the #zoning lot# on which such #development# will be located has a #street line# abutting Fifth Street.~~

~~#Developments# containing #uses# listed in Use Group 16 or 17 are permitted, provided that the #zoning lot# on which such #development# will be located is not occupied by a #residential building#.~~

~~These restrictions shall not apply to the #enlargement# or #extension# of such #uses#.~~

~~10/25/95~~

~~**117-132**~~

~~**Changes of use**~~

~~Any #commercial# or #manufacturing use# may be changed to a #community facility use#.~~

~~On #zoning lots# not exceeding 2,500 square feet, any #commercial# or #manufacturing use# may be converted to a #residential use#. On #zoning lots# exceeding 2,500 square feet, a #commercial# or #manufacturing use# may be converted to a #residential use# only pursuant to the provisions of Section 117-134 (Special permit for changes in use).~~

~~10/25/95~~

~~**117-133**~~

~~**Authorizations for commercial or manufacturing uses**~~

~~The City Planning Commission may authorize a #development# containing #uses# listed in Use Group 5, 6, 7, 8, 9, 10, 11, 12 or 14 to locate on a #zoning lot# with no #street line# abutting Fifth Street, provided it finds that the #use# will be #developed# on a #zoning lot# that has been vacant or #land with minor improvements#, continuously, for the five years immediately prior to the date of application for such authorization.~~

~~In addition, the Commission may authorize a #development# containing #uses# listed in Use Groups 16, 17 or 18 to locate on a #zoning lot# that is also occupied by a #residential building# provided it finds that the #development# will not cause excessive noise, traffic;~~

smoke, dust, noxious odor, or other impacts on #residential uses# located on the same #zoning lot# or on abutting #zoning lots#.

10/25/95

117-134

Special permit for changes in use

On a #zoning lot# exceeding 2,500 square feet, the City Planning Commission may permit the conversion of a #building#, or portion thereof, in #manufacturing# or #commercial use# to #residential use#, provided it finds that:

- (a) — such #building#, or portion thereof, has been vacant, continuously, for a period of one year immediately prior to the date of such application;
- (b) — such #residential use# will not preempt any #building#, or portion thereof, that is essential to the normal functioning or growth of #manufacturing uses# within the District; and
- (c) — such #residential use# will not be exposed to excessive noise, traffic, smoke, dust, noxious odor, or other impacts from #commercial# or #manufacturing uses# located either on the same #zoning lot# or on abutting #zoning lots#.

10/25/95

117-14

Authorizations for Mixed Use Buildings

The regulations set forth in Sections 117-141 and 117-142, inclusive, apply to #mixed use buildings#, as defined in Section 117-01 (Definitions).

10/25/95

117-141

Developments and enlargements

The City Planning Commission may, subject to the #use# regulations of Section 117-13 (Commercial and Manufacturing Use Regulations) and the #bulk# regulations of Section 117-20 (SPECIAL BULK REGULATIONS FOR M1-4 DISTRICTS), authorize a mixed-#use development# or an #enlargement# of an existing #mixed use building#, provided it finds that:

- (a) — the #street wall# of the #development# or #enlargement# shall align with the #street wall# of an adjacent existing #building#;
- (b) — the #commercial# or #manufacturing use# in the #development# or #enlargement#

will not cause excessive noise, traffic, smoke, dust, noxious odor, or other impacts on #residential uses# located either on the same #zoning lot# or on abutting #zoning lots#; and

- (c) ~~in the case of an #enlargement# of the portion of an existing #mixed use building# that is in #residential use#, such #use# will not be exposed to excessive noise, traffic, smoke, dust, noxious odor, or other impacts from #commercial# or #manufacturing uses# located on the same #zoning lot# or on abutting #zoning lots#.~~

10/25/95

117-142

Changes of use

The City Planning Commission may authorize a change of #use# in the portion of a #mixed use building# in #commercial use# to a #use# listed in Use Groups 16 or 17, provided it finds that the new #use# will not cause excessive noise, traffic, smoke, dust, noxious odor, or other impacts on #residential uses# located on the same #zoning lot# or on abutting #zoning lots#.

10/25/95

117-20

SPECIAL BULK REGULATIONS FOR M1-4 DISTRICTS

10/25/95

117-21

Residential Uses

The #bulk# regulations for #residential uses# in R6B Districts shall apply.

10/25/95

117-22

Community Facility Uses

The #bulk# regulations for #community facility uses# in R6B Districts shall apply.

7/26/01

117-23

Commercial and Manufacturing Uses

The #bulk# regulations of an M1-4 District shall apply to #commercial# or #manufacturing uses#.

~~10/25/95~~

~~117-24~~

~~**Mixed use Buildings**~~

~~The maximum #floor area ratio# for a #mixed use building# shall be 2.0:~~

~~**117-11**~~

~~**General provisions**~~

~~In special areas of the Hunters Point Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#. For the purposes of this Chapter, such #Residence# and M1 Districts are referred to as the “designated districts.” The designated districts within the Hunters Point Subdistrict are indicated on the #zoning map# and are as follows:~~

~~M1-4/R6A~~

~~M1-4/R6B~~

~~M1-4/R7A~~

~~M1-5/R7X~~

~~M1-5/R8A~~

~~**117-20**~~

~~**SPECIAL PROVISIONS IN THE DESIGNATED DISTRICTS**~~

~~**117-21**~~

~~**Special Provisions for Use, Bulk and Parking**~~

~~M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A~~

~~The special #use#, #bulk# and parking provisions of Article XII, Chapter 3, of the #Special Mixed Use District# shall apply to the designated districts within the Hunters Point Subdistrict, except where modified by the provisions of this Section, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.~~

~~**117-22**~~

~~**Modification of Use Group 6A**~~

~~M1-4/R6A M1-4/R6B M1-4/R7A M1-5/R7X M1-5/R8A~~

~~The provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, &D, 7E, 8, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12 E, 13, 14, and 16) pertaining to Use Group 6A shall be modified as follows:~~

Food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited as to #floor area# per establishment.

~~10/25/95~~

**117-30
SPECIAL PROVISIONS FOR C1 AND C2 DISTRICTS**

10/25/95

**117-31
Special Use Regulations**

For #residential developments# or #enlargements#, #uses# on the ground floor shall be limited to non-#residential uses# and lobby space. Not more than 8,000 square feet of the ground floor shall be devoted to #uses# listed in Use Group 6B.

10/25/95

**117-32
Special Bulk Regulations**

For #developments# or #enlargements#, any #street wall# shall be built coincident with the #street line#.

10/25/95

**117-40
COURT SQUARE SUBDISTRICT**

7/26/01

**117-401
General provisions**

* * *

7/26/01

**117-41
Court Square Subdistrict Plan**

The Subdistrict Plan for the Court Square Subdistrict identifies the improvements to be provided in the District under the provisions of this Chapter. The elements of the Subdistrict Plan are set forth in Appendix B of this Chapter, which consists of the Subdistrict Plan Map

and the Description of Improvements, and is incorporated into the provisions of this Chapter.

~~7/26/01~~

117-42

Special Bulk and Use Regulations in the Court Square Subdistrict

#Developments# or #enlargements# containing at least 70,000 square feet of #floor area# on #zoning lots# of at least 10,000 square feet are subject to the provisions of the underlying C5-3 District, as modified by Sections 117-40 through 117-45, inclusive.

Other #developments# or #enlargements# are subject to the #use# provisions of the underlying C5-3 District and the #bulk# provisions of an ~~M1-4 District~~ M1-4/R6B designated district pursuant to the regulations of Article XII, Chapter 3 (#Special Mixed Use District#), as modified by Sections 117-00 through ~~117-24~~ 117-22, inclusive.

~~7/26/01~~

117-421

Special bulk regulations

- (a) #Developments# or #enlargements# that meet the minimum #floor area# and #zoning lot# standards of Section 117-44 (Mandatory subway improvements) and provide mandatory subway improvements as required by Section 117-44, may #develop# to a #floor area ratio# of 15.0. #Developments# or #enlargements# that do not meet the minimum standards of Section 117-44 shall not exceed the maximum #floor area ratios# ~~set forth in Sections 117-20 through 117-23, inclusive,~~ of the designated district for the applicable #use#.
- (b) The following provisions shall not apply within the Court Square Subdistrict:
 - Section 33-14 (Floor Area Bonus for an Urban Plaza)
 - Section 33-15 (Floor Area Bonus for Arcades)
 - Section 33-26 (Minimum Required Rear Yards)
 - Section 34-223 (Floor area bonus for a residential plaza)
 - Section 34-224 (Floor area bonus for an urban plaza)
 - Section 34-225 (Floor area bonus for an arcade)

Section 34-23 (Density Bonus for a Residential Plaza, Urban Plaza or Arcade).

- (c) The height and setback regulations of the underlying C5-3 District shall apply, except that no #building or other structure# shall exceed a height of 85 feet above the #base plane# within the area bounded by 23rd Street, 44th Road, a line 60 feet east of and parallel to 23rd Street, and a line 75 feet north of and parallel to 45th Road.

* * *

~~7/26/01~~

**117-50
QUEENS PLAZA SUBDISTRICT**

* * *

~~7/26/01~~

117-525

Density regulations for residential and mixed use buildings in Areas A-1, A-2, B and C

~~In Areas A-1, A-2, B and C of the Queens Plaza Subdistrict, the density requirements of Section 23-20 (DENSITY REGULATIONS) shall not apply. In lieu thereof, the #lot area per dwelling unit# requirements of this Section shall apply as set forth for the applicable designated #Residence District#, as specified in the following table:~~

**MINIMUM LOT AREA PER DWELLING UNIT REQUIREMENTS
IN THE DESIGNATED RESIDENCE DISTRICTS**

Designated Residence District	Minimum Lot Area per Dwelling Unit (square feet)
R7-3	135
R9	98
R10	79

~~In addition, each #dwelling unit# shall have at least 400 square feet of #floor area#.~~

~~7/26/01~~

117- 526 525

Special yard regulations

* * *

(On May 12, 2004, Cal. No. 8, the Commission scheduled May 26, 2004, for a public hearing. On May 26, Cal. No. 26, the hearing was closed.)

For consideration.

No. 26

BELLEROSE REZONING

CD 13

C 040344 ZMQ

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 11d and 15c:

1. changing from an R3-2 District to an R2 District property bounded by Union Turnpike, the southwest-erly service road of the Cross Island Parkway, a line parallel to Union Turnpike passing through a point on the southwesterly line of the southwesterly service road of the Cross Island Parkway at a point distant 43 feet southerly from the intersection of Union Turnpike, a line 90 feet westerly of the westerly street line of 242nd Street and its northerly prolongation, a line at right angles to the previous course distant 630 feet southerly of Union Turnpike, a line 170 feet westerly of 242nd Street, 82nd Avenue and its westerly prolongation, a line 150 feet westerly of 242nd Street, a line 220 feet northerly of 83rd Avenue, the westerly street line of 240th Street and its southerly and northerly prolonga-tion, Hillside Avenue, and Commonwealth Boulevard; and
2. changing from an R3-2 District to an R3A District property bounded by Hillside Avenue, a line 100 feet

westerly of 239th Street, 87th Avenue, and the easterly service road of the Cross Island Parkway;

as shown on a diagram (for illustrative purposes only) dated March 22, 2004.

(On May 26, 2004, Cal. No. 6, the Commission scheduled June 9, 2004 for a public hearing. On June 9, 2004, Cal. No. 9, the hearing was closed.)

For consideration.

No. 27

ROYAL RANCH REZONING

CD 13

C 040115 ZMQ

IN THE MATTER OF an application submitted by Queens Community Board 13 pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 11d**, changing from an R3-2 District to an R2 District, property bounded by:

- a) Bridgewater Avenue, a line 100 feet northerly of 267th Street, 73rd Avenue, and 267th Street; and
- b) 267th Street, a line 100 feet easterly of 73rd Avenue, the easterly prolongation of the southerly street line of 260th Place, and 73rd Avenue,

as shown on a diagram (for illustrative purposes only) dated March 22, 2004.

(On May 26, 2004, Cal. No. 7, the Commission scheduled June 9, 2004 for a public hearing. On June 9, 2004, Cal. No. 10, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 28

MERSEREAU AVENUE

CD 1

C 030191 MMR

IN THE MATTER OF an application submitted by Forest Avenue Associates, LLC., pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the elimination of Mersereau Avenue between Forest Avenue and Wemple Street,
- the adjustment of grades necessitated thereby, and any acquisition or disposition of real property related thereto.

Borough of Staten Island, in accordance with map No. 4174, dated September 12, 2003, and signed by the Borough President.

(On May 12, 2004, Cal. No. 10, the Commission scheduled May 26, 2004, for a public hearing. May 26, 2004, Cal. No. 17, the hearing was closed.)

For consideration.

No. 29

20 CUNARD AVENUE

CD 1

N 040193ZAR

IN THE MATTER OF an application submitted by North Shore Home Company **for the grant of authorizations** pursuant to Sections 119-311, 119-314 and 119-316 of the Zoning Resolution involving the development and site alteration on a zoning lot having a steep slope of 25% or more, modification of lot coverage controls, and modification of grading controls **to allow for the construction of a two family detached house at 20 Cunard Avenue (Block 623, Lot 4) within the Special Hillside Preservation District.**

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. 30

41 BENEDICT ROAD

CD 2

N 040419 ZAR

IN THE MATTER OF an application submitted by Lucille Chazanoff for the grant of authorizations pursuant to Sections 105-421 and 105-423 of the Zoning Resolution to modify topography and alter botanic environment or remove trees, respectively, **to allow construction of an in-ground pool and pool house at 41 Benedict Road (Block 867, Lots 25 and 45) in an R1-1 district within the Special Natural Area District (NA-1).**

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

For consideration.

**IV. CITY PLANNING COMMISSION 2004 SCHEDULE OF MEETINGS
July 1 to December 31**

	SUN	MON	TUE	WED	THU	FRI	SAT	Notes
JULY					1	2	3	
	4 <small>INDEPENDENCE DAY</small>	5 <small>INDEPENDENCE DAY OBSERVED</small>	6	7	8	9	10	
	11 <small>REVIEW SESSION</small>	12	13	14 <small>CPC PUBLIC MEETING</small>	15	16	17	
	18	19	20	21	22	23	24	
	25 <small>REVIEW SESSION</small>	26	27	28 <small>CPC PUBLIC MEETING</small>	29	30	31	
AUGUST	1	2	3	4	5	6	7	
	8	9 <small>REVIEW SESSION</small>	10	11 <small>CPC PUBLIC MEETING</small>	12	13	14	
	15	16	17	18	19	20	21	
	22 <small>REVIEW SESSION</small>	23	24	25 <small>CPC PUBLIC MEETING</small>	26	27	28	
	29	30	31					
SEPTEMBER				1	2	3	4	
	5	6 <small>LABOR DAY</small>	*7 <small>REVIEW SESSION</small>	8 <small>CPC PUBLIC MEETING</small>	9	10	11	*Review Session will be held on Tuesday, September 7th
	12	13	14	15	16 <small>ROSH HASHANAH</small>	17	18	
	19 <small>REVIEW SESSION</small>	20	21	22 <small>CPC PUBLIC MEETING</small>	23	24	25 <small>YOM KIPPUR</small>	
	26	27	28	29	30			
OCTOBER						1	2	
	3 <small>REVIEW SESSION</small>	4	5	6 <small>CPC PUBLIC MEETING</small>	7	8	9	
	10 <small>COLUMBUS DAY OBSERVED</small>	11	12	13	14	15	16	
	17 <small>REVIEW SESSION</small>	18	19	20 <small>CPC PUBLIC MEETING</small>	21	22	23	
	31	24	25	26	27	28	29	30
NOVEMBER		1 <small>REVIEW SESSION</small>	2 <small>ELECTION DAY</small>	3 <small>CPC PUBLIC MEETING</small>	4	5	6	
	7	8	9	10	11 <small>VETERANS DAY</small>	12	13	
	14 <small>REVIEW SESSION</small>	15	16	17 <small>CPC PUBLIC MEETING</small>	18	19	20	
	21	22	23	24	25 <small>THANKSGIVING</small>	26	27	
	28	29	30					
DECEMBER				1	2	3	4	
	5 <small>REVIEW SESSION</small>	6	7	8 <small>CPC PUBLIC MEETING PURIM</small>	9	10	11	
	12	13	14	15	16	17	18	
	19 <small>REVIEW SESSION</small>	20	21	22 <small>CPC PUBLIC MEETING</small>	23	24	25	
	26 <small>1ST DAY KWANZAA</small>	27	28	29	30 <small>NEW YEAR'S DAY OBSERVED</small>	31 <small>CHRISTMAS</small>		

*Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.*