

CITY PLANNING COMMISSION DISPOSITION SHEET

PUBLIC MEETING:
WEDNESDAY, JULY 28, 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 040521 HAX	1	COURTLANDT AVENUE APARTMENTS	Scheduled to be Heard 8/11/04
2	C 040479 HMX	10	THROGS NECK REZONING AND TEXT AMENDMENTS	“ ”
3	N 040480 ZRX	10	“ ”	“ ”
4	N 040482 ZRX	10	“ ”	“ ”
5	N 040481 ZRY	cw	THROGS NECK AREA TEXT	“ ”
6	C 030272 ZSX	11	WESTCHESTER CREEK CSO FACILITY	“ ”
7	C 030271 PCX	11	“ ”	“ ”
8	C 040515 ZMX	8	CENTRAL RIVERDALE/SPUYTEN DUYVIL REZONING	“ ”
9	C 040516 ZMX	8	VAN COURTLANDT VILLAGE	“ ”
10	C 040438 HAM	11	ODDYSEY HOUSE	“ ”
11	C 040459 MCM	11	RANDALL'S ISLAND AQUA CENTER	“ ”
12	N 040467 ZRM	4,5,7	SIGN TEXT	“ ”
13	C 040309 PPQ	13	LOGAN BUS COMPANY	“ ”
14	C 040310 PPQ	13	QUICK INTERNATIONAL COURIER	“ ”
15	C 040446 ZMQ	13	BROOKVILLE REZONING	“ ”
16	C 040492 ZMQ	8	JAMAICA HILLS REZONING	“ ”
17	C 040456 HAX	3	PARKVIEW COMMONS	Hearing Closed
18	C 040443 ZMM	11	HARLEM PARK HOTEL	“ ”
19	C 040444 ZSM	11	“ ”	“ ”
20	C 040445 ZSM	11	“ ”	“ ”
21	C 040476 HAM	10	CASSIOPEIA APARTMENTS	“ ”
22	C 040189 ZMR	3	GREAT KILLS REZONING	“ ”
23	C 040206 ZMR	3	SOUTHERN GREAT KILLS REZONING	“ ”
24	C 010384 ZMK	1	226 FRANKLIN STREET	“ ”
25	N 040137 ZRK	1	“ ”	“ ”
26	C 040096 PPK	1	1063 FLUSHING AVENUE	“ ”
27	C 030412 MMK	6	RED HOOK IKEA	“ ”
28	C 030413 ZMK	6	“ ”	“ ”
29	C 030414 ZSK	6	“ ”	“ ”
30	C 030415 ZSK	6	“ ”	“ ”

MEETING ADJOURNED AT: 4:28 P.M.

CITY PLANNING COMMISSION DISPOSITION SHEET

PUBLIC MEETING:
WEDNESDAY, JULY 28, 2004
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007

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 New York, New York 10007-1216
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CAL NO.	ULURP NO.	CD NO	PROJECT NAME	C.P.C. ACTION
	N O T I C E	6	RED HOOK IKEA	Hearing Closed
31	N 040147 ZAX	8	4959 HENRY HUDSON PARKWAY	Authorization Approved
32	N 040165 ZAX	8	485 WEST 246 TH STREET	“ ”
33	N 040194 ZAX	10	ROYAL MARINA	“ ”
34	N 040536 HKK	1	HECLA IRON WORKS BUILDING	Forward Rep't to City Council
35	N 040532 HKM	2	127-131 MCDUGAL	“ ”
36	N 040533 HKM	2	“ ”	“ ”
37	N 040534 HKM	2	“ ”	“ ”
38	N 040535 HKM	5	THE WILBRAHAM	“ ”
39	N 030494 ZAM	8	EAST 62 ND STREET FERRY LANDING	Authorization Approved
40	C 040255 HAM	1	200 CHAMBERS STREET	Favorable Report Adopted
41	C 040257 ZSM	1	“ ”	Withdrawn
42	C 040257(A) ZSM	1	“ ”	Favorable Report Adopted
43	N 920048 MEM	1	“ ”	“ ”
44	C 030385 ZSQ	2	ISLAMIC CENTER	“ ”
45	N 040313 ZAR	2	HITCHCOCK AVENUE	Authorization Approved
46	N 000190 ZAR	2	USAK COURT	“ ”

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		31	32	33	34	35	36	37	38	39	40	41	42	43	44
Amanda M. Burden, AICP, Chair	P	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
Angela M. Battaglia	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	W	Y	Y	Y
Irwin Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	I	Y	Y	Y
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	T	Y	Y	Y
Richard W. Eaddy	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	H	Y	Y	Y
Alexander Garvin	A											D			
Jane D. Gol	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	R	Y	Y	Y
Christopher Kui	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y
John Merolo	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	W	Y	Y	Y
Karen A. Phillips	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
Dolly Williams, Commissioners	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y

MEETING ADJOURNED AT: 4:28 P.M.

**COMPREHENSIVE
CITY PLANNING CALENDAR
of**

The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, JULY 28, 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. 14]

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, JULY 28, 2004

Roll Call; approval of minutes	1
I. Scheduling of August 11, 2004	1
II. Public Hearings	66
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**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 August 11, 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: _____

JULY 28, 2004

APPROVAL OF MINUTES OF Regular Meeting of July14, 2004

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, AUGUST 11, 2004
STARTING AT 10:00 A.M.
IN SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF THE BRONX

No. 1

COURTLANDT AVENUE APARTMENTS

CD 1

C 040521 HAX

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 3104, 3106 and 3110 Park Avenue (Block 2418 Lots 2-4), 308, 314 and 320 East 159th Street (Block 2418, Lots 10, 12 and 14), 821 and 817 Courtlandt Avenue (Block 2418, Lots 16 and 18), 301, 303, 305, 307, 309, 313, 317 and 321 East 158th Street (Block 2418, Lots 25, 26, 28, 29, 31-34), Site 22 within the Melrose Commons 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 development of a five-story building, tentatively known as Courtlandt Avenue Apartments, with approximately 167 units of housing for low-income families and

1 unit for a superintendent, to be developed under HPD's Cornerstone Program.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

Nos. 2, 3, 4 and 5

THROGS NECK REZONING AND TEXT AMENDMENTS

No. 2

CD 10

C 040479 ZMX

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. 4b, 4d, 7a, and 7c:**

- 1. changing from an R3-2 District to an R3-1 District property bounded by** a line 100 feet southerly of Spencer Drive, a line 100 feet southerly of Lucerne Street and its easterly prolongation, the U.S. Pierhead Line, Club Road and its easterly centerline prolongation at its intersection with Campbell Drive, and a line 100 feet easterly of Reed Place;

- 2. changing from an R4 District to an R3-1 District property bounded by**Throgs Neck Expressway, Throgs Neck Bridge Approach, the northwesterly centerline prolongation of Locust Point Drive, Chaffee Avenue, Longstreet Avenue, Harding Avenue, a line 100 feet southwesterly of Reynolds Avenue, Mullan Place, a line 500 feet southwesterly of Longstreet Avenue, a line 300 feet southwesterly of Longstreet Avenue and its northwesterly prolongation at its intersection with Shore Drive, the U.S. Pierhead and Bulkhead Line, the northwesterly boundary line of Ft. Schuyler (New York State Merchant Marine Academy), Pennyfield Avenue, Schurz Avenue, Kearney Avenue, Harding Avenue, Meagher Avenue, and Lawton Avenue and its northeasterly centerline prolongation;

- 3. changing from an R4 District to an R3-2 District property bounded by** Sampson Avenue and its westerly centerline prolongation, Swinton Avenue, a line 100 feet southerly of Sampson Avenue, Brinsmade Avenue, a line 175

feet northerly of Miles Avenue, Huntington Avenue, Miles Avenue, a line midway between Swinton Avenue and Brinsmade Avenue, Lawton Avenue, Swinton Avenue, Harding Avenue, Balcom Avenue, a line 100 feet northerly of Harding Avenue, a line midway between Balcom Avenue and Graff Avenue, a line 100 feet southerly of Miles Avenue, Graff Avenue, Harding Avenue, Buttrick Avenue, Schurz Avenue and its westerly centerline prolongation, and the easterly boundary line of Ferry Point Park;

4. changing from an R4 District to an R3A District property bounded by:

- a. Bruckner Expressway, Hollywood Avenue and its northwesterly centerline prolongation, the northeasterly centerline prolongation Otis Avenue, Throgs Neck Expressway, a line 250 feet southeasterly of Lafayette Avenue, a lone 100 feet northeasterly of Hollywood Avenue, a line 100 feet northwesterly of Philip Avenue, a line 75 feet northeasterly of Logan Avenue, Philip Avenue, a line 100 feet southwesterly of Hollywood Avenue, Randall Avenue, Logan Avenue, Schley Avenue, a line midway between Logan Avenue and Edison Avenue, a line perpendicular to the easterly street line of Edison Avenue distant 360 feet (as measure along the street line) from the point of intersection of the easterly street line of Edison Avenue and the northerly street line of Dewey Avenue, Edison Avenue and its southerly centerline prolongation, E. 177th Street, Throgs Neck Expressway Extension, a line 100 feet easterly of Logan Avenue, Miles Avenue, a line midway between Quincy Avenue and Swinton Avenue, Lawton Avenue, a line midway between Swinton Avenue and Brinsmade Avenue, Miles Avenue, Huntington Avenue, a line 175 feet northerly of Miles Avenue, Brinsmade Avenue, a line 100 feet southerly of Sampson Avenue, Swinton Avenue, Dewey Avenue, Revere Avenue, a line 300 feet southerly of Dewey Avenue, Calhoun Avenue, Sampson Avenue, Revere Avenue, a line 150 feet northerly of Sampson Avenue, East Tremont Avenue, a line 100 feet northwesterly of Philip Avenue, Calhoun Avenue, a line 425 feet northwesterly of Philip Avenue, Swinton Avenue, Lafayette Avenue, Brinsmade Avenue, a line 100 feet northwesterly of Lafayette Avenue, a line midway between Brinsmade Avenue and Huntington Avenue, Barkley Avenue, Brinsmade Avenue, Bruckner Boulevard, Calhoun Avenue, a line perpendicular to the northeasterly street line Calhoun Avenue distant 80 feet (as measured along the street line) front the point of intersection of the southeasterly street line of Bruckner Boulevard and the northeasterly street line of Calhoun Avenue, a line midway between

Revere Avenue and Calhoun Avenue, a line 100 feet northwesterly of Barkley Avenue, Revere Avenue, Barkley Avenue, and East Tremont Avenue; and

- b. Lafayette Avenue, Dean Avenue, a line 100 feet northwesterly of Philip Avenue, Clarence Avenue, Schley Avenue, Vincent Avenue, a line 250 feet southeasterly of Schley Avenue, a line midway between Vincent Avenue and Ellsworth Avenue, a line 300 feet southeasterly of Schley Avenue, Ellsworth Avenue, the southwesterly centerline prolongation of Schley Avenue, Throgs Neck Expressway, a line 250 feet northwesterly of Philip Avenue, a line midway between Vincent Avenue and Throgs Neck Expressway, a line 300 feet northwesterly of Philip Avenue, and Vincent Avenue;

5. changing from an R4 District to an R4A District property bounded by:

- a. Middletown Road, Gillespie Avenue, a line 150 feet southerly of Middletown Road, Jarvis Avenue, Middletown Road, Bruckner Expressway, Waterbury Avenue and its westerly centerline prolongation, a line 100 feet southwesterly of Stadium Avenue, Fairmount Avenue, Clarence Avenue, Layton Avenue, Vincent Avenue, a line 200 feet southerly of Fairmount Avenue, a line midway between Wilcox Avenue and Vincent Avenue, a line 100 feet northerly of Fairmount Avenue, a line 70 feet westerly of Vincent Avenue, Fairmount Avenue, Ellsworth Avenue, a line 100 feet southerly of Baisley Avenue and its westerly prolongation, Bruckner Boulevard, East Tremont Avenue, Ericson Place, and Hutchinson River Parkway East;
- b. Shore Drive and its northeasterly centerline prolongation at its intersection with Longstreet Avenue, the U.S. Pierhead Line, a line perpendicular to the U.S. Pierhead Line passing through the point of intersection of the northeasterly street line of Shore Drive and a line a 100 feet northerly of Wissman Avenue, a line 100 feet northerly of Wissman Avenue, Longstreet Avenue and its southerly centerline prolongation, Throgs Neck Bridge Approach, Throgs Neck Expressway, Blair Avenue and its southerly centerline prolongation, a line 100 feet northerly of Throgs Neck Expressway, a line midway between Blair Avenue and Reynolds Avenue, Wissman Avenue and its southwesterly centerline prolongation, Throgs Neck Expressway, Sampson Avenue and its southwesterly centerline prolongation, and Pennyfield

Avenue; and

- c. Harding Avenue, Kearney Avenue, Schurz Avenue, Pennyfield Avenue, the northwesterly boundary line of Ft. Schuyler (New York State Merchant Marine Academy) and its southerly prolongation, the U.S. Pierhead and Bulkhead Line, a line perpendicular to the southerly street line of Marina Drive distant 245 feet (as measured along the street line) from the point of intersection of the southerly street line of Marina Drive and the easterly street line of Calhoun Avenue, Marina Drive, East Tremont Avenue, Msgr. Halpin Place, and Hollywood Avenue;

6. changing from an R4 District to an R4-1 District property bounded by:

- a. Westchester Avenue, Hutchinson River Parkway East, Ericson Place, East Tremont Avenue, Waterbury Avenue, Hutchinson River Parkway, Ericson Place, East Tremont Avenue, and the westerly boundary line of Samuel H. Yung Park and its northwesterly prolongation;
- b. the southerly boundary line of St. Raymonds Cemetery and its easterly and westerly prolongations, East Tremont Avenue, Barkley Avenue, Revere Avenue, a line 100 feet northeasterly of Barkley Avenue, a line midway between Revere Avenue and Calhoun Avenue, a line 80 feet southeasterly of Bruckner Boulevard, Calhoun Avenue, Bruckner Boulevard, Brinsmade Avenue, Barkley Avenue, a line 100 feet southwesterly of Huntington Avenue, Bruckner Boulevard, and Bacon Avenue;
- c. a line 100 feet northerly of Fairmount Avenue, a line midway between Wilcox Avenue and Vincent Avenue, a line 200 feet southerly of Fairmount Avenue, Vincent Avenue, Layton Avenue, a line 100 feet easterly of Throg-Morton Avenue, a line 90 feet southerly of Layton Avenue, a line 75 feet easterly of Throgs Neck Expressway, Layton Avenue, and Ellsworth Avenue;
- d. Fairmount Avenue, Stadium Avenue, Shore Drive, Lafayette Avenue, Throgs Neck Expressway, Barkley Avenue, a line midway between Wilcox Avenue and Vincent Avenue, a line 80 feet southerly of Layton Avenue, a line 70 feet westerly of Dean Avenue, Layton Avenue, and Clarence Avenue;

- e. Lafayette Avenue, Swinton Avenue, a line 425 feet northwesterly of Philip Avenue, Calhoun Avenue, a line 100 feet northwesterly of Philip Avenue, East Tremont Avenue, a line 150 feet northwesterly of Sampson Avenue, Revere Avenue, Sampson Avenue, Calhoun Avenue, a line 300 feet southeasterly of Dewey Avenue, Revere Avenue, Dewey Avenue, Calhoun Avenue, and Cross Bronx Expressway; and
- f. Miles Avenue, Throgs Neck Boulevard, Lawton Avenue, a line 110 feet westerly of Kearney Avenue, a line perpendicular to the westerly street line of Kearney Avenue distant 135 feet (as measured along the street line) from the point of intersection of the westerly street line of Kearney Avenue and the northerly street line of Harding Avenue, Kearney Avenue, Harding Avenue, Hollywood Avenue, Lawton Avenue, Revere Avenue, Marina Drive, Schurz Avenue, Buttrick Avenue, Harding Avenue, Graff Avenue, a line 100 feet southerly of Miles Avenue, a line midway between Balcom Avenue and Graff Avenue, a line 100 feet northerly of Harding Avenue, Balcom Avenue, Harding Avenue, Swinton Avenue, Lawton Avenue, and a line midway between Quincy Avenue and Swinton Avenue; and

7. changing from a C3 District to a C3A District property bounded by:

- a. the easterly prolongation of a line 450 feet northerly of Ampere Avenue, the U.S. Pierhead Line, the easterly prolongation of a line 475 feet southerly of Griswold Avenue, Outlook Avenue and its southerly centerline prolongation, a line 200 feet southerly of Griswold Avenue, and Bay Shore Avenue and its southerly centerline prolongation,
- b. the southerly property line of Country Club, the U.S. Pierhead Line, Shore Drive and its northeasterly centerline prolongation at its intersection with Longstreet Avenue, Ellsworth Avenue, a line 100 feet northwesterly of Shore Drive, Vincent Avenue, Schley Avenue, Clarence Avenue, a line 100 feet northwesterly of Philip Avenue, Dean Avenue, Lafayette Avenue, Shore Drive, and Stadium Avenue;
- c. a line 100 feet northerly of Wissman Avenue, a line perpendicular to the U.S. Pierhead Line passing through the point of intersection of the northeasterly street line of Shore Drive and a line a 100 feet northerly of Wissman Avenue, the U.S. Pierhead Line, the U.S. Bulkhead Line, the northerly boundary line of a Park, Pedestrian Street, and Longstre-

et Avenue;

- d. Harding Avenue, Longstreet Avenue, the U.S. Pierhead and Bulkhead Line, a line 300 feet southwesterly of Longstreet Avenue and its northwesterly prolongation at its intersection with Shore Drive, a line 500 feet southwesterly of Longstreet Avenue, Mullan Place, and a line 100 feet southwesterly of Reynolds Avenue; and
- e. Schurz Avenue and its westerly centerline prolongation, Marina Drive, a line perpendicular to the southerly street line of Marina Drive distant 245 feet (as measured along the street line) from the point of intersection of the southerly street line of Marina Drive and the easterly street line of Calhoun Avenue, the U.S. Pierhead and Bulkhead Line, the southerly terminus of Emerson Avenue, and the easterly boundary line of Ferry Point Park;

as shown on a diagram (for illustrative purposes only) dated June 7, 2004.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 3

CD 10

N 040480 ZRX

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 1; Article III, Chapter 4 and Article III, Chapter 5.

Matter underlined is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

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

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

**ARTICLE 1
GENERAL PROVISIONS**

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

* * *

11-12
Establishment of Districts

* * *

Commercial Districts

* * *

C3 Waterfront Recreation District
C3A Waterfront Recreation District

* * *

12-10
Definitions

* * *

NOTE:

The proposed lower density growth management text amendments are the subject of a separate application. This application makes the proposed C3A District applicable to lower density growth management areas.

Lower Density Growth Management Area

A “lower density growth management area” is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any #development# accessed by #private roads# in R1, R2, R3, R4, R5 or C3A Districts within such areas:

The Borough of Staten Island
Community Board 10 in the Borough of The Bronx

* * *

ARTICLE 3
COMMERCIAL DISTRICT REGULATIONS

* * *

Chapter 2
Use Regulations

* * *

32-10
USES PERMITTED AS-OF-RIGHT

32-11
Use Group 1 and 2

C1 C2 C3 C4 C5 C6

Use groups 1 and 2, as set forth in Section 22-11 and 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single#-or #two-family detached# or #zero lot line residences#.

* * *

34-00
APPLICABILITY AND DEFINITIONS

34-01
Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #residential building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

However, In C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations# for R3A Districts of Article II Chapter 3 shall apply to #residential buildings#.

* * *

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-00
APPLICABILITY AND DEFINITIONS

35-01
Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed building#, the regulations set forth in Sections 35-21 to 35-23, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS TO MIXED BUILDINGS), inclusive, and in Section 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS), inclusive, shall apply as if such #buildings# were a single #mixed building#. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

However, in C3A Districts, except for #community facility uses# that have received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall not apply, and the #bulk# regulations for R3A Districts of Article II, Chapter 3 shall apply to any #building# that is used partly for #community facility use# and partly for #residential use#.

* * *

35-23
Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

- (a) In the districts indicated, the #bulk# regulations for #residential# portions of #mixed buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply to such #mixed building#.

* * *

District	Applicable #Residence District#
C3	R3-2
<u>C3A</u>	<u>R3A</u>
C4-1	R5

* * *

* * *

**35-50
MODIFICATION OF YARD REGULATIONS FOR MIXED BUILDINGS**

* * *

**35-52
Modification of Side Yard Requirements**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying along District Boundaries), no #side yard# shall be required for any #mixed building#. ~~However, although~~, if any open area extending along a #side lot line# is provided at any level, it shall have a width of not less than eight feet.

However, in C3A Districts, #side yard(s)# shall be provided for any #mixed building# in

accordance with the regulations for R3A Districts as set forth in Section 23-461 (Side yards for single- or two-family residences).

* * *

**35-60
MODIFICATION OF HEIGHT AND SETBACK REGULATIONS FOR MIXED BUILDINGS**

**35-61
Height and Setback Regulations**

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements), no #front yard# is required for any portion of a #mixed building# in a #Commercial District#. Therefore, in applying the height and setback regulations, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#.

In cases where the provisions of Section 34-243 paragraph (a), apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#.

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for #mixed buildings#.

In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be used for #mixed buildings#.

In C3A Districts, the height and setback regulations applicable to R3A Districts shall apply to #mixed buildings#.

**35-62
Maximum Height of Front Wall in Initial Setback Distance**

C1 C2 C3 C4 C5 C6

In the districts indicated, ~~except in C3A Districts, as otherwise provided in Sections 82-37 (Street Walls along Certain Street Lines) and 85-04 (Modifications of Bulk Regulations);~~ the maximum height of a front wall of a #mixed building# within the #initial setback distance# shall be the maximum height of a front wall permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height.

* * *

Chapter 6
Accessory Off-Street Parking and Loading Regulations

* * *

36-30
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES
WHEN PERMITTED IN COMMERCIAL DISTRICTS

* * *

36-322
In C3 or C4 Districts

C3 C4-1 C4-2 C4-3

In the districts indicated, where group parking facilities are not provided, one accessory off-street parking space, open or enclosed, shall be provided for each #dwelling unit#, except that in C3A Districts, the provisions applicable to R3 Districts in Sections 25-22 (Requirements Where Individual Parking Facilities Are Provided), and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply.

* * *

36-332
In other C1 or C2 Districts, or in C3, C4, C5 or C6 Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the number of required #accessory# off-street parking spaces

is as set forth in the following table:

REQUIRED PARKING SPACES AS A
PERCENT OF TOTAL DWELLING UNITS

District	Percent
C3*	100
C4-1	85
C4-2 C4-2A C4-3 C4-3A	70
C1-6 C2-6 C4-4 C4-5 C6-1	50
C1-7 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	40

* In C3A Districts the provisions applicable to R3 Districts in Sections 25-22 (Requirements Where Individual Parking Facilities Are Provided), and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply.

**Chapter VII
Special Regulations**

* * *

**37-10
Applicability of Article II, Chapter 6, to Developments with Private Roads**

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS) shall apply to any #development# containing #private roads#, except where such #developments# contain #private roads# constructed prior to February 6,

2002. In addition, the open area between #buildings# and sidewalks required pursuant to Section 26-25 need not be planted where such open areas front upon #commercial uses#.

However, in C3A Districts located within #lower density growth management areas#, the provisions of 26-30 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

* * *

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 4

CD 10

N 040482 ZRX

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 2; Article II, Chapter 5; Article II, Chapter 6; Article V, Chapter 3 and Article XI, Chapter 2.

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**

* * *

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 (Lower Density Growth Management Area Text Amendments) 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 (Lower Density Growth Management Area Text Amendments), 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) floorspace 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) floorspace 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
Community Board 10 in the Borough of the Bronx

* * *

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 To- tal 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 two or more #buildings#, where at least one #building# is located wholly beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #residential building# with no #residential building# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #residential building# shall be considered a “front building”, and any #residential building# located wholly beyond the #rear wall line#, or prolongation thereof, of a “front building” shall be considered a “rear building”. The minimum distances set forth in the table above shall apply, except that a minimum distance of 45 feet shall be provided between any such front and rear #buildings#.

* * *

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# with two or more #buildings#, where at least one #building# is located wholly beyond 50 feet of a #street line# and the #private road# provisions do not

apply. For the purposes of this paragraph, any residential building with no residential building located between it and the street line so that lines drawn perpendicular to the street line do not intersect any other residential building shall be considered a “front building”, and any residential building located wholly beyond the rear wall line, or prolongation thereof, of a “front building” shall be considered a “rear building”. 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 R1, R2, R3, R4A and R4-1 Districts within lower density growth management

areas#, 1.5 #accessory# off-street parking spaces shall be provided for each #dwelling unit#. However in such districts in the Borough of Staten Island, two #accessory# off-street parking spaces shall be provided for each #single-family residence#, three #accessory# off-street parking spaces shall be provided for each #two-family residence#, and 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 #Dwell- ing Units#	District
100*	R1 R2 R3 <u>R4A R4-1</u>
<u>100</u>	<u>R4 R4B</u>
85	R5
70	R6
66	R5B
60	R7-1
50**	R6A R6B R7-2 R7A R7B R7X R8B***

* In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, 1.5 #accessory# off-street parking spaces shall be provided for each #dwelling unit#. However, in such districts in the Borough of Staten Island, two #accessory# off-street parking spaces shall be provided for each #single-family residence#, three #accessory# off-street parking spaces shall be provided for each #two-family residence#, and 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.
- (h) 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(+)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 Buildings, Walls and Lot Lines

- (a) Except in the Borough of Staten Island, the minimum distances set forth in Section 23-711 (Standard minimum distance between buildings) shall not apply between two #buildings# where each such #building# faces a #front yard# required pursuant to Section 26-31. In lieu thereof, such #buildings# shall be at least 13 feet apart.
- (b) 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.

26-36
Modification and Waiver Provisions

Except in the Borough of Staten Island, the City Planning Commission may, by authorization, allow modifications to, or waivers of, the requirements of Sections 26-30 through 26-35, inclusive, provided that the depth of a #rear yard# shall not be less than 15 feet and the depth of a #front yard# shall not be less than five feet. In order to authorize such modifications or waivers, the Commission shall find that:

- (a) Such modifications result in a site plan that provides sufficient open areas for the residents of the #development#;
- (b) Any reduction in open areas shall be permitted only where the Commission finds that a good site plan has been provided that includes a superior landscaping plan, and
- (c) Such modifications will not impair the essential character of the surrounding area.

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

**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 V
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

* * *

**Chapter 4
Non-Complying Buildings**

* * *

**54-313
Single or two-family residences with non-complying front yards or side yards**

- (a) In R4 Districts, except R4A, R4-1 and R4B Districts, and in R5 Districts other than R5B Districts, f For an existing #single# or #two-family residence# ~~in R4 Districts, except R4A, R4-1 and R4B Districts, and R5 Districts, except R5B Districts,~~ with a #non-complying front yard#, an #enlargement# involving a vertical extension of existing building walls facing such #non-complying front yard# is permitted, provided the following conditions are met:
 - (1) the portion of the #building# which is being vertically extended complies with the height and setback regulations specified for the district in which it is located; and
 - (2) the #non-complying front yard# where the building wall is being vertically extended is at least 10 feet in depth.

- (b) In all districts, fFor an existing #single# or #two-family residence# with a #non-complying side yard#, an #enlargement# involving a vertical extension of existing building walls facing such #non-complying side yard# is permitted, provide the following conditions are met:

* * *

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 2
Special City Island District**

* * *

**112-101
Special open space; and lot coverage and floor area ratio regulations**

In R3A Districts, and in C1 and C2 Districts mapped within R3A Districts, and in C3 Districts, the provisions of Section 23-141 (In R1, R2, R3, R4 and R5 Districts) shall not apply. In lieu thereof, the maximum #floor area ratio# for a #residential use# shall be 0.5. Such #floor area ratio# may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance. In addition, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after September 30, 2003 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 Sections 23-12 (Permitted Obstructions in Open Space), paragraph (f), 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 C3 Districts, for a #residential use#, the maximum #lot coverage# shall be 65 percent and the minimum required #open space# shall be 35 percent.

* * *

**112-105
Authorization for multiple buildings on a single zoning lot**

On #zoning lots# of 25,000 square feet or more, the City Planning Commission may authorize modifications to the provisions of Section 23-711 (Standard minimum distance

between buildings), provided:

- (a) ~~such modifications reduce the required distance between a building wall containing a #legally required window# and any other building wall to not less than 20 feet;~~
- (b) ~~such modifications reduce the required distance between two building walls, neither of which contains a #legally required window#, to not less than 13 feet; and~~
- (c) ~~at least 50 percent of the #zoning lot# not covered by #buildings# has a minimum dimension of 12 feet and is not used for driveways, #private streets# or parking spaces.~~

~~The Commission shall find that such modifications enhance the quality of the #open spaces# on the #zoning lot# and results in an improved site plan. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

* * *

**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 H, 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 August 11, 2004, for a public hearing.

No. 5

THROGS NECK AREA TEXT

Citywide

N 040481 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 of the Zoning Resolution of the City of New York, relating to Article VI, Chapter 2.

Matter underlined is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

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

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

* * *

**Article VI
Special Regulations Applicable to Certain Areas**

**Chapter 2
Special Regulations Applying in the Waterfront Area**

* * *

**62-11
Definitions**

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

* * *

Waterfront block, waterfront public park or waterfront zoning lot

A "waterfront block", "waterfront public park" or "waterfront zoning lot" is a #block#, #public park# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter;

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

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

* * *

62-711**Waterfront public access and visual corridors**

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services, as applicable, that:

- (a) there is no waterfront public access or #visual corridor# requirement for the #development# due to the following:
 - (1) the #development# is exempt pursuant to Sections 62-41 (Requirements for Waterfront Public Access) or 62-42 (Requirements for Visual Corridors); or
 - (2) the waterfront public access or #visual corridor# requirement has been waived pursuant to Section 62-80 (WATERFRONT ACCESS PLANS); or
- (b) a site plan has been submitted showing compliance with the provisions of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA); or
- (c) a site plan has been submitted showing compliance with the provisions of Section 62-80; or
- (d) for #developments# listed in Section 62-40, paragraph (a)(1), on a #zoning lot# containing a public access area established prior to October 25, 1993 meeting the terms of Section 62-415, paragraph (c) by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for a period not less than the anticipated life of the new #development#, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of the first paragraph of Section 62-415 (Requirements for supplemental public access areas), paragraph (b), have been submitted; or
- (e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-416 (Special regulations for zoning lots that include parks).

A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-14 (Requirements for Recordation).

~~No waterfront public access is required for any #development# on a #zoning lot# that is separated from the #shoreline# by a #street#, #public park# or other tract of land constituting the boundary of a #block#.~~

Within 45 days of receipt of a complete application, the Chairperson shall either certify that the proposed #development# complies with the requirements of this Section or disapprove such application, citing the nature of any failure to comply. Failure to certify or disapprove such application within the 45 day period will release the Department of Buildings or the Department of Business Services from any obligation to withhold the excavation or building permit and authorize such agency to determine compliance with the provisions of this Section.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 6

WESTCHESTER CREEK CSO FACILITY

CD 11

C 030272 ZSX

IN THE MATTER OF an application submitted by the Department of Environmental Protection pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-734 of the Zoning Resolution **to allow a municipal sewage pumping station in connection with the development of the Westchester Creek Combined Sewer Overflow Storage Facility, on a property lot located at 1500 Waters Place** (Block 4226, p/o Lot 30), in an R5 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, N.Y. 10007.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 7

CD 11

C 030271 PCX

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property generally bounded by Waters Place and Eastchester Road (Block 4226, part of Lot 30), Bronx, for use as a combined sewer overflow storage facility.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 8

CENTRAL RIVERDALE/SPUYTEN DUYVIL REZONING

CD 8

C 040515 ZMX

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. 1b and 1d:**

- 1. changing from an R6 District to an R6A District property bounded by** West 232nd Street, Fairfield Avenue and its southwesterly centerline prolongation, a line 150 feet southwesterly of West 227th Street, Arlington Avenue, a line 300 feet southwesterly of West 227th Street, Netherland Avenue, Kappock Street, Johnson Avenue, Edsall Avenue (northerly portion) and its southwesterly centerline prolongation, the northeasterly boundary line of the Penn Central Railroad Right-Of-Way, a line perpendicular to the southeasterly street line of Palisade Avenue and passing through the point of intersection of the southeasterly street line of Palisade Avenue and the northerly boundary line of a Park, Palisade Avenue, Independence Avenue, West 231st Street, and a line perpendicular to the northerly street line of West 231st Street distant 100 feet (as measured along the street line) from the point of

intersection of the northerly street line of West 231st Street and the easterly street line of Independence Avenue;

2. **changing from an R7-1 District to an R6A District property bounded by** West 236th Street, Oxford Avenue, West 235th Street, Johnson Avenue, West 232nd Street, a line 150 feet easterly of Fairfield Avenue, a line 200 feet northerly of West 232nd Street, Arlington Avenue, West 235th Street, the northerly prolongation of a line 100 feet westerly of Netherland Avenue (between West 232nd Street and West 235th Street), a line 100 feet northerly of West 235th Street, and a line 100 feet northwesterly of Netherland Avenue; and
3. **changing from an R7-1 District to an R7A District property bounded by** West 239th Street, Johnson Avenue, West 238th Street, a line 100 feet easterly of Johnson Street, Oxford Avenue, West 236th Street, a line 100 feet northwesterly of Netherland Avenue, a line 100 feet northerly of West 235th Street, the northerly prolongation of a line 100 feet westerly of Netherland Avenue (between West 232nd Street and West 235th Street), West 235th Street, Arlington Avenue, a line 200 feet northerly of West 232nd Street, a line 150 feet easterly of Fairfield Avenue, West 232nd Street, and Independence Avenue;

partially within a Special Natural Area District (NA-2), as shown on a diagram (for illustrative purposes only) dated June 21, 2004.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 9

VAN COURTLANDT VILLAGE

CD 8

C 040516 ZMX

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 No. 1d;**

- (A) changing from an R7-1 District to an R4A District property bounded by:

1. a line from a point on the bisector of an angle formed by extending the southeasterly street line of Orloff Avenue (straight portion) and the northerly street line of Cannon Place (straight portion) distant 175 feet northeasterly from its intersection with the street line, extending northwesterly perpendicular to the southeasterly street line of Orloff Avenue (straight portion);
2. a 200 foot line on the aforementioned bisector running northeasterly from the aforementioned point;
3. a line parallel to West 238th Street passing through the northeasterly terminus of the second-named course;
4. Orloff Avenue;
5. Van Cortlandt Avenue West;
6. a line 100 feet northerly of Sedgwick Avenue;
7. a line perpendicular to a point on the southeasterly street line of Cannon Place distant 450 feet (as measured along the street line) northeasterly from the point of intersection of the southeasterly street line of Cannon Place and the northeasterly street line of West 238th Street;
8. Cannon Place;
9. Orloff Avenue;
10. West 238th Street;
11. a line perpendicular to a point on the easterly street line of West 238th Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the southeasterly street line of Bailey Avenue and the easterly street line of West 238th Street; extending 100 feet southeasterly; and
12. a line perpendicular to the southeasterly terminus of the eleventh-named course;

(B) changing from an R7-1 District to an R6A District property bounded by:

- (1) Van Cortlandt Avenue West;
- (2) Stevenson Place and its easterly and westerly prolongation;
- (3) a line 360 feet southwesterly of Stevenson Place;
- (4) Sedgwick Avenue;
- (5) West 238th Street;
6. Orloff Avenue;
7. Cannon Place;
8. a line perpendicular to a point on the southeasterly street line of Cannon Place distant 450 feet northeasterly (as measured along the street line) from the intersection of the southeasterly street line of Cannon Place and the

- northeasterly street line of West 238th Street; and
- 9. a line 100 feet northerly of Sedgwick Avenue;

(C) changing from an R6 District to an R4A District property bounded by:

1. Fort Independence Street;
2. Cannon Place and its westerly prolongation;
3. Giles Place;
4. a line perpendicular to the easterly street line of Giles Place distant 300 feet (as measured along the street line) from the point of intersection of the easterly prolongation of the center line of Cannon Place and the easterly street line of Giles Place;
5. a line 100 feet easterly of Giles Place;
6. a line 70 feet northwesterly of Sedgwick Avenue;
7. Giles Place;
8. Kingsbridge Terrace;
9. a line 80 feet northwesterly of Sedgwick Avenue and its northwesterly prolongation;
10. a line perpendicular to the northeasterly street line of Perot Street distant 150 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Kingsbridge Terrace and the northeasterly street line of Perot Street;
11. Perot Street;
12. a line 185 feet northwesterly of Sedgwick Avenue;
13. a line 100 feet southwesterly of Perot Street;
14. a line 100 feet northwesterly of Sedgwick Avenue;
15. West 231st Street;
16. Kingsbridge Terrace;
17. Albany Crescent;
18. a line 50 feet southeasterly of Bailey Avenue;
19. a line 100 feet northeasterly of Albany Crescent;
20. a line 85 feet northwesterly of Heath Avenue;
21. Summit Place;
22. Heath Avenue;
23. a line 125 feet westerly of Giles Place (the southerly section) and its southerly prolongation, extending 175 feet northerly from its intersection with Heath Avenue; and
24. a line perpendicular to the northerly terminus of the last-named course;

(D) changing from an R6 District to an R6A District property bounded by:

1. West 238th Street;
2. Sedgwick Avenue;
3. West 231st Street;
4. a line 100 feet northwesterly of Sedgwick Avenue;
5. a line 100 feet southwesterly of Perot Street;
6. a line 185 feet northwesterly of Sedgwick Avenue;
7. Perot Street;
8. a line perpendicular to the northeasterly street line of Perot Street distant 150 feet southeasterly (as measured along the street line) from the intersection of the southeasterly street line of Kingsbridge Terrace and the northeasterly street line of Perot Street;
9. a line 80 feet northwesterly of Sedgwick Avenue and its northwesterly prolongation;
10. Kingsbridge Terrace;
11. Giles Place;
12. a line 70 feet northwesterly of Sedgwick Avenue;
13. a line 100 feet easterly of Giles Place;
14. a line perpendicular to the easterly street line of Giles Place distant 300 feet (as measured along the street line) from the intersection of the easterly center line prolongation of Cannon Place and the easterly street line of Giles Place;
15. Giles Place;
16. Cannon Place;
17. a line 375 feet northerly of the westerly center line prolongation of Cannon place (the east-west section);
18. Fort Independence Street;
19. a line 300 feet southwesterly of West 238th Street; and
20. Cannon Place;

as shown on a diagram (for illustrative purposes only) dated June 21, 2004.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

BOROUGH OF MANHATTAN

No. 10

ODDYSSEY HOUSE

CD 11

C 040438 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 113, 115 and 121-127 East 123rd Street (Site 4C) within the Upper Park Avenue Urban Renewal Area (Block 1772, Lots 9, 10, 110, 11, 12 and 112) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a developer selected by HPD;

to facilitate development of a six-story building tentatively known as Odyssey House, with approximately 50 units for low-income persons with mental illness, to be developed under the New York State Office of Mental Health.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 11

RANDALL'S ISLAND AQUA CENTER

CD 11

C 040459 MCM

IN THE MATTER OF an application submitted by the Department of Parks and Recreation, pursuant to Section 197-c of the New York City Charter, for a major concession for an aquatic entertainment center and related facilities in an approximately 26 acre portion of

Randall's Island Park, generally located east of the Harlem River, south of the Bronx Kill, and north and east of the Triborough Bridge (Block 1819, part of Lot 203).

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 12

CD 4, 5 AND 7

N 040467 ZRM

IN THE MATTER OF an application submitted by the West 37th Group LLC pursuant to Section 201 of the New York City Charter, **for an amendment to Section 42-451** of the Zoning Resolution of the City of New York **to allow signs to project up to four feet six inches across a street line for zoning lots in M1, M2, or M3 districts containing more than two theaters within ½ mile of the Theater subdistrict of the Special Midtown District**, as follows:

Matter in **gray tone** is new, to be added;

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

* * * indicate where unchanged text appears in Zoning Resolution

42-541

Permitted projection

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-542 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except **as provided below**:

(a) **In** M1-5A, M1-5B, M1-5M and M1-6M Districts and in #Manufacturing Districts# mapped within the #Special Tribeca Mixed Use District#, for each establishment located on the ground floor, #non-illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and

further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.

(b) For #zoning lots# occupied by more than two theaters and located within one-half mile of the Theater Subdistrict of the #Special Midtown District#, permitted #signs# may project across a #street line# no more than four feet six inches, provided the height of any such #signs# shall not exceed 55 feet above #curb level#.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

BOROUGH OF QUEENS

No. 13

LOGAN BUS COMPANY

CD 13

C 040309 PPQ

IN THE MATTER OF an application submitted by the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for disposition of one (1) city-owned property located adjacent to John F. Kennedy International Airport (Block 14260 part of Lot 1), bounded by Rockaway Boulevard, Eastern Road and North Boundary Road, pursuant to zoning.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 14

QUICK INTERNATIONAL COURIER

CD 13

C040310 PPQ

IN THE MATTER OF an application submitted by the Department of Small Business Services, pursuant to Section 197-c of the New York City Charter, for disposition of one (1) city-owned property located adjacent to John F. Kennedy International Airport

(Block 14260 part of Lot 1), bounded by Rockaway Boulevard, Eastern Road and North Boundary Road, pursuant to zoning.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 15

BROOKVILLE REZONING

CD 13

C 040446 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 No. 19b:**

- 1. eliminating within an existing R3-2 District a C2-2 District** bounded by South Conduit Avenue, 224th Street, 144th Avenue, 223rd Street, a line 150 feet southerly of South Conduit Avenue and its easterly prolongation, and Springfield Boulevard;
- 2. changing from an R3-2 District to an R3-1 District property bounded by** South Conduit Avenue, Lansing Avenue, 230th Place, the northerly street line of 143rd Road and its westerly and easterly prolongations, the westerly boundary line of Brookville Park, and its southerly prolongation, 149th Avenue, a line midway between Springfield Boulevard and Springfield Lane, 147th Avenue, a line 100 feet southwestly of Springfield Lane, and Springfield Boulevard, **and excluding the property bounded by** 145th Road, 228th Street, 146th Avenue, 227th Street, a line 75 feet northerly of 146th Avenue, and 226th Street;
- 3. changing from an R3-2 District to an R4B District property bounded by** South Conduit Avenue, the westerly boundary line of Brookville Park, the northerly street line of 143rd Road and its easterly and westerly prolongations, 230th Place, and Lansing Avenue;
- 4. establishing within the proposed R3-1 District a C1-3 District bounded by:**
 - a.** South Conduit Avenue, 224th Street, 144th Avenue, 223rd Street, a line 150 feet southerly of 144th Avenue, a line 150 feet southerly of South Conduit Avenue, and Springfield Boulevard;

- b. a line 400 feet northerly of 146th Avenue, a line midway between 228th Street and 229th Street, a line 200 feet northerly of 146th Avenue, and 228th Street; and
 - c. the easterly prolongation of the southerly street line of 146th Avenue, a line midway between 228th Street and 229th Street, 147th Avenue, and 228th Street; and
5. **establishing within the proposed R4B District a C1-3 District bounded by** South Conduit Avenue, a line 100 feet westerly of 230th Place, and Lansing Avenue;

as shown on a diagram (for illustrative purposes only) dated May 10, 2004.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

No. 16

JAMAICA HILLS REZONING

CD 8

C 040492 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. 14c and 14d:**

1. **changing from an R3-2 District to an R3X District property bounded by** 82nd Avenue, 175th Street, the northerly service road of the Grand Central Parkway and its easterly centerline prolongation, Utopia Parkway, Homelawn Street, Gothic Drive, 169th Street and its northerly centerline prolongation, the northerly service road of the Grand Central Parkway, and 172nd
2. **changing from an R4 District to an R3X District property bounded by:**
 - a. 82nd Avenue and its westerly centerline prolongation, 172nd Street, the northerly service road of the Grand Central Parkway, a line 300 feet westerly

of 172nd Street, a line 100 feet northerly of the northerly service road of the Grand Central Parkway, and a line 100 feet westerly of 172nd Street; and

- b. the southerly service road of the Grand Central Parkway, 169th Street, a line 200 feet southerly of 84th Avenue/Abigail Adams Avenue, a line midway between 168th Place and 169th Street, a line 280 feet southerly of 84th Avenue/Abigail Adams Avenue, and 168th Street;
3. **changing from an R3-2 District to an R4A District property bounded by Gothic Drive, Homelawn Street, Highland Avenue, and 169th Street;**
 4. **changing from an R4 District to an R4A District property bounded by a line 150 feet northerly of Gothic Drive, 168th Place, Gothic Drive, and 168th Street; and**
 5. **changing from an R5 District to an R4A District property bounded by Gothic Drive, 169th Street, Highland Avenue, Homelawn Street, a line 150 feet southerly of Highland Avenue 169th Street, a line 150 feet northerly of Hillside Avenue, a line bisecting the angle formed by the southerly prolongations of the westerly street line of 167th Street and the easterly street line of 166th Street, Highland Avenue, and a line 125 feet westerly of 167th Street;**

as shown on a diagram (for illustrative purposes only) dated June 7, 2004.

Resolution for adoption scheduling August 11, 2004, for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF THE BRONX

No. 17

PARKVIEW COMMONS

CD 3

C 040456 HAX

PUBLIC HEARING:

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 436 East 161st Street; 867, 869, 871 and 875 Elton Avenue; 421, 425, 429 and 433 East 160th Street and a portion of the demapped street bed of East 160th Street between Elton and Melrose avenues, part of Site 43 within the Melrose Commons Urban Renewal Area (Block 2382, Lots 16, 20, 22-25, 27-28 and 30), as an Urban Development Action Area; and
 - b) An Urban Development Action Area Project for such area; and
- 2.) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a nine-story building tentatively known as Parkview Commons, with approximately 109 units of low-income housing and one unit for a superintendent, to be developed under the New York State Housing Trust Fund Program.

(On July 14, 2004, Cal. No. 1, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

Nos. 18, 19 and 20

HARLEM PARK HOTEL

No. 18

CD 11

C 040443 ZMM

PUBLIC HEARING:

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.

(On July 14, 2004, Cal. No. 10, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

No. 19

CD 11

C 040444 ZSM

PUBLIC HEARING:

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.

(On July 14, 2004, Cal. No. 11, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

No. 20

CD 11

C 040445 ZSM

PUBLIC HEARING:

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.

(On July 14, 2004, Cal. No. 12, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

No. 21

CASSIOPEIA APARTMENTS

CD 10

C 040476 HAM

PUBLIC HEARING:

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 246 West 116th Street (Block 1831, Lots 56) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2.) pursuant to Section 197-c of the New York City Charter for the disposition of

such property to a developer selected by HPD;

to facilitate development of a seven-story building tentatively known as Cassiopeia Apartments, with approximately 32 units for low-income persons and one unit for a superintendent, to be developed under the New York State Housing Trust Fund Program.

(On July 14, 2004, Cal. No. 13, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF STATEN ISLAND

No. 22

GREAT KILLS REZONING

CD 3

C 040189 ZMR

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Gifford's Civic Association and Councilman Andrew J. Lanza pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section Nos. 26d and 33c:**

- 1. changing from an R3-1 District to an R2 District property bounded by:**
 - a. Arthur Kill Road, Miles Avenue, Daleham Street, and Giffords Lane;
 - b. Arthur Kill Road, Corbin Avenue, a line 100 feet southeasterly of Daleham Street, and Greaves Avenue;
 - c. Barlow Avenue, Greaves Avenue, Jumel Street, a line 100 feet northeasterly of Miles Avenue, Kennington Street, Miles Avenue, Leverett Avenue, Greaves Avenue, the southerly boundary line of the New York City Railroad Right-of-Way (leased by Staten Island Rapid Transit (SIRT)), Giffords Lane, Woodland Avenue, a line midway between Brookfield Avenue and Colon Avenue, Leverett Avenue, Colon Avenue, a line 165

feet northerly of Woodland Avenue, Stieg Avenue, the westerly centerline prolongation of Howton Avenue, and Giffords Lane; and

- d. the southwesterly centerline prolongation of Hereford Street, Giffords Lane, Barlow Avenue, Elverton Avenue, Arkansas Avenue, and Pemberton Avenue;
2. **changing from an R3-1 District to an R3X District property bounded by** Nahant Street, Corbin Avenue, a line 200 feet southeasterly of Dewey Avenue, and Greaves Avenue;
 3. **changing from an R3-1 District to an R3A District property bounded by** Woodland Avenue, Giffords Lane, a line 100 feet southerly of Margaret Street and its westerly prolongation, a line midway between Brookfield Avenue and Colon Avenue, and Genesee Avenue;
 4. **changing from an R3-2 District to an R2 District property bounded by** Arthur Kill Road, a line 135 feet northeasterly of Corbin Avenue, the northeasterly centerline prolongation of Fairfield Street, and Corbin Avenue;
 5. **changing from an R3-2 District to an R3A District property bounded by:**
 - a. the northeasterly centerline prolongation of Fairfield Street, a southwesterly boundary line of United Hebrew Cemetery, a southwesterly boundary line of Ocean View Cemetery, Country Woods Lane and its northeasterly centerline prolongation, and Corbin Avenue; and
 - b. a line 100 feet southerly of Margaret Street and its westerly prolongation, Giffords Lane, Baltimore Street, Lamoka Avenue, and a line midway between Brookfield Avenue and Colon Avenue;

within the Special South Richmond Development District, as shown on a diagram (for illustrative purposes only) dated June 7, 2004.

(On July 14, 2004, Cal. No. 14, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

No. 23

SOUTHERN GREAT KILLS REZONING

CD 3

C 040206 ZMR

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Councilman Andrew J. Lanza pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 33c:**

- 1. changing from an R3A District to an R1-2 District property bounded by** Clinton Road and its southwesterly centerline prolongation, Ramble Road, Dent Road, Highland Road, Ocean Road, Great Kills Road, Cottage Avenue, Hillside Terrace, Durant Avenue, a line 160 feet southwesterly of Hillside Terrace, Grandview Terrace, a line 250 feet southwesterly of Hillside Terrace, Rustic Place, and Cleveland Avenue;
- 2. changing from an R3A District to an R3X District property bounded by:**
 - a. Amboy Road, Fieldway Avenue, Ocean Road and its southwesterly center line prolongation, Highland Road, Dent Road, Ramble Road, Clinton Road and its southwesterly centerline prolongation, Cleveland Avenue, a line 125 feet northwesterly of Rustic Place, Nelson Avenue, Locust Place, and Hillside Terrace; and
 - b. Rustic Place, a line 250 feet southwesterly of Hillside Terrace, Grandview Terrace, Cleveland Avenue, Monticello Terrace, Nelson Avenue, a line 150 feet southeasterly of Rustic Place, and Cleveland Avenue; and
- 3. changing from an R3-1 District to an R3X District property bounded by** Amboy Road, Hillside Terrace, Locust Place, and Brown Avenue;

within the Special South Richmond Development District, as shown on a diagram (for illustrative purposes only) dated June 7, 2004.

(On July 14, 2004, Cal. No. 15, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF BROOKLYN

Nos. 24 and 25

226 FRANKLIN STREET

No. 24

CD 1

C 010384 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the American Package Company Inc. pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 12c:**

1. **changing from an M1-1 District to an M1-2/R6A District property bounded by** Freeman Street, a line 320 feet easterly of Franklin Street, Green Street, and Franklin Street; and
2. **establishing a Special Mixed Use District (MX-8) bounded by** Freeman Street, a line 320 feet easterly of Franklin Street, Green Street, and Franklin Street;

as shown on a diagram (for illustrative purposes only) dated April 12, 2004.

(On July 14, 2004, Cal. No. 2, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

No. 25

CD 1

N 040137 ZRK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the American Package Company, Inc. pursuant to Section 201 of the New York City Charter, for an **amendment of the Zoning Resolution** of the City of New York, relating to Article XII, Chapter 3 (Special Mixed Use District) specifying a Special Mixed Use District (MX-8) in Greenpoint, Community District 1, Brooklyn.

Matter in underline is new, to be added;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

* * *

Article XII - Special Purpose Districts

**Chapter 3
Special Mixed Use District**

* * *

**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

The #Special Mixed Use District# is mapped in the following areas:

* * *

#Special Mixed-Use District# - 8:
Greenpoint, Brooklyn

The #Special Mixed-Use District# - 8 is established in Greenpoint in Brooklyn
as indicated on the #zoning maps#.

* * *

(On July 14, 2004, Cal. No. 3, the Commission scheduled July 28, 2004 for a public hearing
which has been duly advertised.)

Close the hearing.

No. 26

1063 FLUSHING AVENUE

CD 1

C 040096 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 one (1) city-owned property located at 1063 Flushing Avenue** (Block 3013, Lot 30), pursuant to zoning.

(On July 14, 2004, Cal. No. 4, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 27, 28, 29 and 30

RED HOOK IKEA

No. 27

CD 6

C 030412 MMK

PUBLIC HEARING:

IN THE MATTER OF an application, submitted by Ikea Properties, Inc., 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 elimination, discontinuance and closing of Otsego Street between Beard Street and the United States Bulkhead Line;
- the elimination, discontinuance and closing of Halleck Street between segments of Columbia Street;
- the widening of Beard Street between Otsego Street and Richards Street;
- the establishment of Ikea Plaza/Beard Street between Otsego Street and Richards Street.
- adjustment of grades necessitated thereby; and
- acquisition or disposition of real property related thereto,

in accordance with Map Nos. Y-2661 and X-2662 dated April 14, 2004 and signed by the Borough President.

(On July 14, 2004, Cal. No.5, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

No. 28

CD 6

C 030413 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by IKEA Properties, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 16a and 16b, changing from an M3-1 District to an M1-1 District property bounded by** Beard Street, Halleck Street, a line 300 feet westerly of Columbia Street, a line 550 feet southerly of Halleck Street and its easterly prolongation, Columbia Street, a line 1190 feet southerly of Halleck Street and its easterly and westerly prolongation, and the southwesterly prolongation of a line 200 feet northwesterly of Dwight Street, as shown on a diagram (for illustrative purposes only) dated April 26, 2004.

(On July 14, 2004, Cal. No. 6, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

No. 29

CD 6

C 030414 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by IKEA Properties, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-922 of the Zoning Resolution **to allow the development of large retail establishments (Use Group 6 and 10A) with no limitation on floor area on a zoning lot located at 1 Beard Street, a.k.a. 21 Erie Basin** (Block 612, Lot 130), in M1-1** and M3-1 Districts.

** Note: A portion of the site is proposed to be rezoned from an M3-1 District to an M1-1 District under a related application (C 030413 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. 10007.

(On July 14, 2004, Cal. No. 7, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

No. 30

CD 6

C 030415 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by IKEA Properties, Inc. pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit pursuant to Section 62-736 of the Zoning Resolution to modify the maximum building height requirements of Section 62-341(b)(3) to facilitate the development of a 3-story commercial building development on a zoning lot located at 1 Beard Street, a.k.a. 21 Erie Basin** (Block 612, Lot 130), in M1-1** and M3-1 Districts.

** Note: A portion of the site is proposed to be rezoned from an M3-1 District to an M1-1 District under a related application (C 030413 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. 10007.

(On July 14, 2004, Cal. No. 8, the Commission scheduled July 28, 2004 for a public hearing which has been duly advertised.)

Close the hearing.

NOTICE

On Wednesday, July 28, 2001, at 10:00 a.m., in Spector Hall at the Department of City Planning, 22 Reade Street in Manhattan, a public hearing is being held by the City Planning Commission in conjunction with the above ULURP hearings to receive comments related to a Draft Environmental Impact Statement (DEIS) concerning an amendment to the zoning map to change a M3-1 zoning district to a M1-1 zoning district on property located on Beard and Hallack streets, between Columbia and Dwight streets (Block 612, Lot 130) in the Red Hook section of Brooklyn Community Districts 6, as well as demapping portions of Beard and Otsego streets, widening a portion of Beard Street, special permits to allow a large retail establishment in a M1-1 zone and to modify bulk on a waterfront site, and an authorization and certification to modify waterfront public access and visual corridors.

This hearing is being held pursuant to the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), CEQR No. 03DCP041K.

III. REPORTS

BOROUGH OF THE BRONX

No. 31

4959 HENRY HUDSON PARKWAY

CD 8

N 040147 ZAX

IN THE MATTER OF an application submitted by Jay Nadler pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, for **the grant of authorizations** involving modification of topography, alteration of botanic environment and the removal of 5 trees **to construct a single-family residence on property located on the north west corner of the Henry Hudson Parkway West and West 249th Street** (Block 5944, Lot 103) within the Special Natural Area District (NA-2).

Plans for the proposal are on file with the City Planning Commission and may be seen at One Fordham Plaza, Room 502,

For consideration.

No. 32

485 WEST 246TH STREET

CD 8

N 040165 ZAX

IN THE MATTER OF an application submitted by Jack Jackubowitz pursuant to Sections 105-421, 105-422 and 105-423 of the Zoning Resolution, for **the grant of authorizations** involving modification of topography, relocation of an erratic boulder, alteration of botanic environment and the removal of 25 trees **to construct a single-family residence on property located on the north east corner of the Henry Hudson Parkway East and West 246th Street** (Block 5824, Lot 2049) within the Special Natural Area District (NA-2).

Plans for the proposal are on file with the City Planning Commission and may be seen at One Fordham Plaza, Room 502, Bronx, NY 10458.

For consideration.

No. 33

ROYAL MARINA

CD 10

N 040194 ZAX

IN THE MATTER OF an application submitted by Beechwood City Island Avenue LLC for the grant of an authorization pursuant to Section 112-105 of the Zoning Resolution to modify the requirements of Section 23-711 (Standard minimum distance between buildings) to facilitate the development of 22 two-family residential buildings and 1 mixed residential/commercial building on a zoning lot with a lot area of 120,042 square-feet located at 521 City Island Avenue (Block 5635, Lot 128), in an R3A/C2-2 District, within the Special City Island District.

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

For consideration.

BOROUGH OF BROOKLYN

No. 34

HECLA IRON WORKS BUILDING

CD 1

N 040536 HKK

IN THE MATTER OF a communication dated June 11, 2004, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Hecla Iron Works Building, 100-118 N. 11th Street, (Block 2296, Lot 14), by

the Landmarks Preservation Commission on June 8, 2004 (List 354/LP-2146), Borough of Brooklyn, Community District 1.

For consideration.

BOROUGH OF MANHATTAN

No. 35, 36 and 37

127-131 MCDUGAL

No. 35

CD 2

N 040532 HKM

IN THE MATTER OF a communication dated June 11, 2004, from the Executive Director of the Landmarks Preservation Commission regarding **the landmark designation of the 127 MacDougal Street House**, 127 MacDougal Street, (Block 543, Lot 59), by the Landmarks Preservation Commission on June 8, 2004 (List 354/LP-2149), Borough of Manhattan, Community District 2.

For consideration.

No. 36

CD 2

N 040533 HKM

IN THE MATTER OF a communication dated June 11, 2004, from the Executive Director of the Landmarks Preservation Commission regarding **the landmark designation of the 129 MacDougal Street House**, 129 MacDougal Street, (Block 543, Lot 58), by the Landmarks Preservation Commission on June 8, 2004 (List 354/LP-2150), Borough of Manhattan, Community District 2.

For consideration.

No. 37

CD 2

N 040534 HKM

IN THE MATTER OF a communication dated June 11, 2004, from the Executive Director of the Landmarks Preservation Commission regarding **the landmark designation of the 131 MacDougal Street House**, 131 MacDougal Street, (Block 543, Lot 57), by the Landmarks Preservation Commission on June 8, 2004 (List 354/LP-2151), Borough of Manhattan, Community District 2.

For consideration.

No. 38

THE WILBRAHAM

CD 5

N 040535 HKM

IN THE MATTER OF a communication dated June 11, 2004, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of The Wilbraham (1 West 30th Street) (Block 832, Lot 39), by the Landmarks Preservation Commission on June 8, 2004 (List No. 354/ LP-2153), Borough of Manhattan, Community District 5.

For consideration.

No. 39

EAST 62ND STREET FERRY LANDING

CD 8

N 030494 ZAM

IN THE MATTER OF an application submitted by the NYC Economic Development Corporation requesting an authorization by the City Planning Commission pursuant to Section 62-721(c) of the Zoning Resolution **to modify the requirements of Section 62-562 (Passenger drop-off and pick-up areas for docking facilities) to facilitate the development of a docking facility serving ferries on a zoning lot located on the east side of the Franklin D. Roosevelt Drive between East 62nd Street and East 63rd Street (Block 1474, Lot 60), in an M3-2 District.**

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

For consideration.

Nos. 40, 41, 42 and 43

200 CHAMBERS STREET

No. 40

CD 1

C 040255 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 200 Chambers Street (Block 142, Lots 1(part) and 9), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to the Economic Development Corporation.

(On May 26, 2004, Cal. No. 2, the Commission scheduled June 9, 2004 for a public hearing. On June 9, 2004, Cal. No. 6, the hearing was closed.)

For consideration.

No. 41

CD 1

C 040257 ZSM

IN THE MATTER OF an application submitted by the Economic Development Corporation and West-Chambers Street Associates, 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 Sections 23-60, 33-40 and 35-23 of the Zoning Resolution to facilitate the development of a 35-story mixed use building on a zoning lot located at 200 Chambers Street** (Block 142, Lot 9 and part of 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, N.Y. 10007.

(On May 26, 2004, Cal. No. 3, the Commission scheduled June 9, 2004 for a public hearing. On June 9, 2004, Cal. No. 7, the hearing was closed.)

For consideration.

No. 42

CD 1

C 040257(A) ZSM

IN THE MATTER OF an application submitted by the Economic Development Corporation and West-Chambers Street Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure 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 Sections 23-60, 33-40 and 35-23 of the Zoning Resolution to facilitate the development of a 29-story mixed use building on a zoning lot located at 200 Chambers Street** (Block 142, Lot 9 and part of 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, N.Y. 10007.

(On May 26, 2004, Supplemental Calendar No. 1 the Commission scheduled June 9, 2004 for a public hearing. On June 9, 2004, Cal. No. 8, the hearing was closed.)

For consideration.

No. 43

CD 1

N 920048 MEM

IN THE MATTER OF an application submitted by the Economic Development Corporation (EDC) and the Department of Housing Preservation and Development (HPD) for an amendment to the City Map involving the extinguishment of three pedestrian easements, all within an area bounded by Murray, West, Chambers and Greenwich streets. Community District 1, Borough of Manhattan, in accordance with Map No. N920048 MEM dated August 13, 1991, revised on April 25, 2001 and signed by the Director of City Planning.

For consideration.

BOROUGH OF QUEENS

No. 44

ISLAMIC CENTER

CD 2

C 030385 ZSQ

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. On June 23, 2004, Cal. No. 13, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 45

HITCHCOCK AVENUE

CD2

N 040313 ZAR

IN THE MATTER OF an application submitted by Hitchcock Development Corporation **for the grant of authorizations** pursuant to Sections 105-421, 105-423 and 105-424 of the Zoning Resolution involving the modification of existing topography, the alteration of botanic environment including removal of trees and alteration of other natural features (steep slopes) **to allow the construction of five two story detached one family residences, with driveways and garages located at 104 Hitchcock Avenue, 3325, 3327, 3329 Richmond Road and 94 Mace Street (Block 2258, Lots 1, 7) (Tentative Lots 1, 4, 6, 8 and 58) 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.

No. 46

USAK COURT

CD 2

N 000190 ZAR

IN THE MATTER OF an application submitted by Edward Lauria **for the grant of authorizations** pursuant to Sections 105-421, 105-423, and 105-424 of the Zoning Resolution to modify topography, alter botanic environments or remove trees, and modify other natural features (steep slopes) **to allow for the construction of 4 one-family, detached homes and a private road located at Edinboro Road and Meisner Avenue (Block 2267, Lot 50; Block 2268, Lots 168 and 197) within the Special Natural Area District (NA-1)**

Plans for this proposal are on file with the City Planning Commission and may be seen at the

Staten Island Office of the Department of City Planning, 130 Stuyvesant Place, 6th floor,
Staten Island, New York, 10301.

For consideration.

No. 47

SWAN STREET

CD 1

N 030320 ZAR

IN THE MATTER OF an application submitted by Ron Guterman **for the grant of an authorization** pursuant to Section 119-311 of the Zoning Resolution involving development and site alteration on a zoning lot having a steep slope of 25% or more and **for certification** pursuant to Section 119-04 of the Zoning Resolution for future subdivision **to allow for the construction of 4 two-family, semi-detached homes located on Swan Street at Pavillion Hill Terrace (Block 569, Lot 331) 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. 48

351 VETERANS ROAD WEST

CD 3

N 010146 RAR

IN THE MATTER OF an application submitted by Express Group, Inc. **for grant of authorizations** pursuant to Section 107-68 and 107-64 and **grant of certification** pursuant to Section 107-251 of the Zoning Resolution **for modification of the size of an accessory group parking facility, modification of existing topography and special provisions for arterials (curb cut) to facilitate the development of an office building on one zoning lot at 351 Veterans Road West (Block 7071, Lots 12, 14) within the Special South Richmond Development District, Borough of Staten Island, Community District 3.**

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.

CITYWIDE

No. 49

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~~ 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 perpen

of dicular to the #street line# intersect both such #buildings#. For the purposes
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 #Dwell- ing Units#	District
100*	R1 R2 R3 <u>R4A R4-1</u>
<u>100</u>	<u>R4 R4B</u>
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
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.
- (h) 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(+)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	#de-	1-2	2	15	5
R3-2	tached#	3-4	2	20	5
	#de-	1-2	1	9	9
	tached#	3-4	1	15	15
	#semi-				
	detached#				
	#semi-				
	detached#				
R3A	#de-	1-4	2	15	5
R4A	tached#				
R3X	#de-	1-2	2	15	5
	tached#	3	2	20	8
	#de-	4	2	25	10
	tached#				
	#detached				
	#				
R4-1	#de-	1-4	2	15	5
	tached#	1-4	1	9	9
	#semi-de-				
	tached#				

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 H, 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.

(On June 23, 2004, Cal. No. 10, the Commission scheduled July 14, 2004 for a public hearing. On July 14, 2004, Cal. No. 18, the hearing was closed.)

For consideration.

No. 50

COMMUNITY FACILITY TEXT

Citywide

N 040202 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning and the City Council Land Use Committee pursuant to Section 201 of the New York City Charter, for **an amendment to the Zoning Resolution** of the City of New York relating to community facilities, as follows:

Matter underlined is new, to be added;

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

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

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

**12-10
DEFINITIONS**

Adult physical culture establishments

An "adult physical culture establishment," is any establishment,... except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:

- (3) hospitals, nursing homes, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4 ~~medical clinics or medical offices;~~

Residence, or residential

A "residence" is a #building# or part of a #building# containing #dwelling units# or #rooming units#, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or #apartment hotels#. However, #residences# do not include:

- (a) such transient accommodations as #transient hotels#, #motels# or #tourist cabins#, or #trailer camps#;
- (b) #non-profit hospital staff dwellings#;
- (c) student dormitories, fraternity or sorority student houses, monasteries or convents, sanitariums, nursing homes, or other living or sleeping accommodations in #community facility buildings# or portions of #buildings# used for #community facility uses#; or

1/10/74

22-13

Use Group 3

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

A. Community facilities

*College or universities, including professional schools but excluding business colleges or trade schools

*College or school student dormitories ~~or~~ and fraternity or sorority student houses

~~**Domiciliary care facilities for adults under the jurisdiction of the New York State Board of Social Welfare which have secured certification by such agency.~~

~~***~~

9/13/84

22-14
Use Group 4

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

~~***~~

A. Community facilities

~~*** Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health, and mental health care facilities in which patients are diagnosed or treated by health care professionals licensed by the New York State Department of Education or successor agency for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, physical culture or health establishments, or ophthalmic dispensing.~~

~~In buildings containing residences, such facilities shall be limited to locations below the level of the first story ceiling, except that such facilities may be located on a second story provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.~~

~~Churches, rectories, or parish houses~~

~~***~~

~~Government operated health centers or independent out-of-hospital health facilities incorporated pursuant to Article 7 of the New York State Social Services Law.~~

~~Medical offices or group medical centers, including the practice of dentistry or osteopathy, limited to a location below the level of the first story ceiling, except that in multiple dwellings such uses may be located on the second floor, if:~~

~~_____ (a) separate access to the outside is provided; or~~

~~_____ (b) such use existed on January 1, 1948~~

~~In R1 or R2 Districts, such #use# is further limited to not more than 1,500 square feet of #floor area# or #cellar# space.~~

Houses of Worship, rectories, or parish houses

Monasteries, convents or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating ~~church~~ house of worship activities, #schools#, or other ~~church~~ house of worship facilities which existed on December 15, 1961 or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# which is contiguous thereto or directly across the #street# on which such #buildings# face.

Philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4, provided that the number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet, whichever is greater; except that in R1, R2, R3, R4, R5, R6 or R7 Districts the amount of #floor area# used for central office purposes shall in no event exceed 25 percent of the total #floor area#

C. #Accessory uses#

*** Not permitted in R1 or R2 Districts, and, in R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, limited to a maximum of 1,500 square feet of #floor area#.

12/15/61

**22-20
USES PERMITTED BY SPECIAL PERMIT**

9/13/84

**22-21
By the Board of Standards and Appeals**

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

R3A, R3X, R3-1, R4A, R4B, R4-1

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited to a maximum of 10,000 square feet of #floor area#.

R1 R2

College or school student dormitories ~~or~~ and fraternity or sorority student houses

~~R1 R2~~

~~Medical offices or group medical centers limited in each case to a maximum of 6,000 square feet of #floor area# or #cellar# space~~

6/12/96

24-33

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#:

(b) In any #rear yard# or #rear yard equivalent#:

Any #building# or portion of a #building# used for #community facility uses#, ~~except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, nor in any event 23 feet above #curb level#. However, such #building# shall not be a permitted obstruction in R1 or R2 Districts; the following shall not be permitted obstructions:~~

- (1) in all #residence districts#, any portion of a #building# containing rooms used for living or sleeping purposes, other than a room in a hospital used for the care or treatment of patients;
- (2) in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, any portion of a #building# used for any #community facility use#;
- (3) in all #residence districts# not listed in paragraph (b)(2) of this Section, beyond one hundred feet of a #wide street#, any portion of a #building# used for a #community facility use# other than a #school#, house of worship, college or university, or hospital and related facilities;

Parking spaces, off-street, #accessory# to a #community facility building# or a #building# used partly for #community facility uses#, provided that the height of an #accessory building# used for such purposes shall not exceed 14 feet above #curb level#. However, such #accessory building# shall not be a permitted obstruction in R1, or R2, R3A, R3X, R3-1, R4A, R4B, or R4-1 Districts;

7/26/01

24-51 Permitted Obstructions

In all #Residence Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# set forth in Sections 24-52 (Maximum Height of Walls and Required Setbacks), 24-53 (Alternate Front Setbacks) or 24-591 (Limited Height Districts):

- (a) Balconies, unenclosed, subject to the provisions of Section 24-165;
- (b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;
- ~~(c) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;~~
- ~~(d)~~(c) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- ~~(e)~~ (d) Flagpoles or aerials;
- ~~(e)~~ House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (f) Parapet walls, not more than four feet high;
- (g) Spires or belfries;
- (h) Wire, chain link or other transparent fences.

Building columns having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building# are a permitted obstruction, to a depth

not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 24-52, 24-53, or 24-54 (Tower Regulations).

12/15/61

**25-30
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES**

10/25/93

**25-31
General Provisions**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Type of #use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - District

FOR COMMUNITY FACILITY USES:

Medical offices or group medical centers
Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Square feet of #floor area# and #cellar# space, except #cellar# space #used# for storage:

- None required - R7-2 R7A R7X R8 R9 R10
- 1 per 400 - R1 R2 R3
- 1 per 500 - R4 R5
- 1 per 800 - R6 R7-1 R7B

Churches

Houses of Worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room

- None required - ~~R6 R7~~ R7-2 ~~R7A R7X~~ R8 R9 R10
- 1 per 10 ~~fixed seats~~ persons rated capacity - R1 R2 R3

1 per 15 ~~fixed seats~~ persons rated capacity - R4 R5
~~1 per 20 fixed seats - R6 R7-1 R7B~~

Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; ~~health centers~~; non-commercial recreation centers; or welfare centers, provided that in R5, R6 and R7-1 Districts, no #accessory# off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities.

Rated Capacity:
None required - R7-2 R7A R7X R8 R9 R10
1 per 10 persons - R1 R2 R3 R4 R5
1 per 20 persons - R6 R7-1 R7B

College student dormitories, fraternity or sorority student houses

None required - R7-2 R7A R7X R8 R9 R10
1 per 6 beds - R1 R2 R3 R4 R5
1 per 12 beds - R6 R7-1 R7B

12/15/61

**25-40
RESTRICTIONS ON OPERATION OF ACCESSORY OFF-STREET PARKING SPACES**

12/15/61

**25-42
Use of Spaces Accessory to Permitted Non-Residential Uses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, which are #accessory# to permitted non-#residential uses# shall be used only by occupants, visitors, customers or employees of such #uses# and shall not be rented except as may be provided for houses of worship pursuant to Section 25-542 (Shared facilities for houses of worship).

12/15/61

**25-50
RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES**

12/15/61

**25-51
General Provisions**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences#, to permitted #community facility uses#, to #commercial uses# permitted as #accessory uses# in #large-scale residential developments#, or to #uses# permitted by special permit, shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

- Section 25-52 (Off-Site Spaces for Residences)
- Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses)
- Section 25-54 (Joint And Shared Facilities)
- Section 25-55 (Additional Regulations for Required Spaces When Provided Off Site)
- Section 73-45 (Modification of Off-Site Parking Provisions)

12/15/61

**25-53
Off-Site Spaces for Permitted Non-Residential Uses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, off-site parking spaces may be provided in accordance with the provisions set forth in this Section.

**25-531
For houses of worship**

R1 R2 R3 R4

In the districts indicated, all required off-street parking spaces #accessory# to permitted houses of worship may be provided on a #zoning lot# other than the same #zoning lot# as such house of worship but within the same district or an adjoining district provided that in such instances all such spaces shall be not further than 600 feet from the nearest boundary of the #zoning lot# containing such #uses#.

25-532

For permitted non-residential uses

R5 R6 R7 R8 R9 R10

In the districts indicated, all permitted or required off-street parking spaces #accessory# to permitted non-#residential uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses#, but within the same district or an adjoining district other than an R1, R2, R3 or R4 District provided that in such instances all such spaces located in a #Residence District# shall be not further than 200 feet from the nearest boundary of the #zoning lot# containing such #uses#, and all such spaces located in a #Commercial# or #Manufacturing District# shall be not further than 600 feet from the nearest boundary of such #zoning lot#, and provided further that the Commissioner of Buildings determines that:

- (a) there is no way to arrange such spaces on the same #zoning lot# as such #uses#; and
- (b) such spaces are so located as to draw a minimum of vehicular traffic to and through #streets# having predominantly #residential# frontages.

Such parking spaces shall conform to all additional regulations promulgated by the Commissioner of Buildings to minimize adverse effects on the character of surrounding areas.

12/15/61

25-54

Joint And Shared Facilities

25-541

Joint facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, all required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the

combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 25-21 (General Provisions)

Section 25-31 (General Provisions)

Section 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Section 25-52 (Off-Site Spaces for Residences), Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), or Section 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

25-542

Shared parking facilities for houses of worship

R1 R2 R3 R4 R5

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times.
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

25-55

Additional Regulations for Required Spaces When Provided Off Site

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Section 25-52 (Off-Site Spaces

for Residences), Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), or Section 25-54 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.
- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

12/15/61

25-66

Screening

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, 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) 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) 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.

For community facilities located in R1, R2, R3, R4 or R5 Districts, except for any parking that is located on a roof, all such parking shall be screened pursuant to paragraph (a) herein.

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).

10/31/01

**32-01
Special Provisions for Adult Establishments**

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.
- (b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a church house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a church house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

6/29/94

**33-121
In districts with bulk governed by Residence District bulk regulations**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the maximum #floor area ratio# for a #commercial# or #community facility building# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

MAXIMUM FLOOR AREA RATIO

District	For #Commercial Buildings#	For #Community Facility Buildings#	For #Buildings# Used for Both #Commercial# and #Community Facility Uses#
R1 R2	1.00	0.50	1.00
R3 <u>R3-1</u> <u>R3A R3X</u>	1.00	1.00	1.00
<u>R3-2</u> R4 R5	1.00	2.00	2.00
R6B	2.00	2.00	2.00
R6A R7B	2.00	3.00	3.00
R7A R8B	2.00	4.00*	4.00
R6 R7-1	2.00	4.80	4.80
R7X	2.00	5.00	5.00
R7-2 R8	2.00	6.50	6.50
R8X	2.00	6.00	6.00
R9	2.00	10.00	10.00
R9A	2.00	7.50	7.50
R9X	2.00	9.00	9.00
R10	2.00	10.00	10.00

* In R8B Districts, within the boundaries of Community Board 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall not exceed 5.10.

33-16
Floor Area Bonus for Front Yards

8/27/98

33-161

In districts with bulk governed by Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, when mapped within an R1, R2, R3, R4 or R5 District, on any #zoning lot# on which there are provided #yards# as set forth in this Section, the maximum #floor area ratio# set forth in Section 33-12 (Maximum Floor Area Ratio) for a #community facility building# or a #building# used partly for #commercial use# and partly for #community facility use#, may be increased to the #floor area ratio# set forth in the following table provided that:

- (a) on #interior lots#, a #front yard# not less than 30 feet in depth is provided;
- (b) on #corner lots#, two #front yards#, each not less than 20 feet in depth, are provided; or
- (c) on #through lots#, a #front yard# not less than 30 feet in depth is provided along each #front lot line#.

MAXIMUM FLOOR AREA RATIO

Districts	Maximum #Floor Area Ratio#
When mapped within R1, R2, or R3 <u>R3-1, R3A or R3X</u> Districts	1.60
When mapped within R4 or R5 Districts	2.40

6/12/96

33-42

Permitted Obstructions

In all #Commercial Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or #front# or #rear sky exposure planes# as set forth in Sections 33-43 (Maximum Height of Walls and Required Setbacks), 33-44 (Alternate Front Setbacks) or 33-491 (Limited Height Districts):

- (a) Balconies, unenclosed, subject to the provisions of Section 24-165.
- (b) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;

- ~~(c) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;~~
- ~~(c)~~ (c) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- ~~(e)~~ (d) Flagpoles or aerials;
- ~~(e)~~ (e) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (f) Parapet walls, not more than four feet high;

12/15/61

**36-20
 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR
 COMMUNITY FACILITY USES**

2/9/94

**36-21
 General Provisions**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all new #development# after December 15, 1961, for the #commercial# or #community facility uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed#, under single ownership or control, shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons that may be accommodated by such #uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

The requirements of this Section shall be waived in the following situations:

- (a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number); or
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 36-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 36-53 (Location of Access to the Street).

REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL
OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required in Relation
to Specified Unit of Measurement-Districts

FOR COMMUNITY FACILITY USES

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8
C4-4A C4-5 C4-6 C4-7 C5 C6 C8-4

1 per 150* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-1 C2-1 C3 C4-1

1 per 300* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-2 C2-2 C4-2 C8-1

1 per 400* sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area#

and #cellar# space, except #cellar# space used for storage - C1-4 C2-4 C4-4 C8-3

except 1 per 400 square feet of #floor area# when located above the first #story# ceiling in C1-1, C1-2, C2-1 or C2-2 Districts mapped within R3-2 Districts

Churches

Houses of Worship, applicable only to the facility's largest room of assembly; however rooms separated by movable partitions shall be considered a single room

None required - C1 and C2 districts mapped within R6, R7, R8, R9 or R10 districts ~~C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-2A C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-2 C8-3 C8-4~~

1 per 10 ~~fixed seats~~ persons rated capacity - C1 and C2 districts mapped within R1, R2 or R3 districts, ~~C1-1 C2-1 C3 C4-1~~

1 per 15 ~~fixed seats~~ persons rated capacity - C1-2 C2-2 C1 and C2 districts mapped within R4 and R5 districts ~~C4-2 C8-1~~

~~1 per 20 fixed seats - C1-3 C2-3 C4-2A C4-3 C8-2~~

Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; health centers; non-commercial recreation centers; or welfare centers

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-3 C8-4

1 per 10 persons rated capacity - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1

1 per 20 persons rated capacity - C1-3 C2-3 C4-2A C4-3 C7 C8-2

* The parking requirements for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in parking requirement category B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Parking Spaces for Uses in Parking Requirement Category B1)

** In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees

*** For predominantly open storage of miscellaneous #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements

**** Requirements are in addition to area utilized for ambulance parking

***** Requirements apply only to the #floor area# not used for storage.

College student dormitories ~~or~~ and fraternity or sorority student houses

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6

1 per 6 beds - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2

1 per 12 beds - C1-3 C2-3 C4-2A C4-3

12/15/61

**36-22
Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#:

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

7/6/72

36-37

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in the following Sections, the parking requirements for each type of #use# shall apply to the extent of that #use#.

Section 36-21 (General Provisions)

Section 36-31 (General Provisions)

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly) when in the same #building# or on the same #zoning lot# as any other #use# may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

12/15/61

**36-40
RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET
PARKING SPACES**

6/23/66

**36-41
General Provisions**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to #residences# or to #commercial# or #community facility uses# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

Section 36-42 (Off-Site Spaces for Residences)

Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses)

Section 36-44 (Joint and Shared Facilities)

Section 36-45 (Additional Regulations for Required Spaces When Provided Off-Site)

Section 73-45 (Modification of Off-Site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 36-57 (Accessory Off-Street Parking Spaces in Public Parking Garages).

12/15/61

**36-43
Off-Site Spaces for Commercial or Community Facility Uses**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to #commercial# or #community facility uses# may be provided on a #zoning lot# other than the same #zoning lot# as such #uses# but within the same district or an adjoining #Commercial District# or #Manufacturing District#. However, all required spaces shall not be further than 600 feet from the nearest boundary of the #zoning lot# on which such #uses# are located.

12/15/61

**36-44
Joint And Shared Facilities**

**36-441
Joint Facilities**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined number of #dwelling units# or the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 36-21 (General Provisions)

Section 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

Section 36-31 (General Provisions);

- (b) all such spaces are located in a district where they are permitted under the applicable provisions of Section 36-42 (Off-Site Spaces for Residences), Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), or Section 73-45 (Modification of Off-Site Parking Provisions); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

36-442
Shared parking facilities for houses of worship

C1 or C2 districts mapped within R1, R2, R3, R4 or R5 districts C3 C4-1 C4-2 C8-1

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times.
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

36-45
Additional Regulations for Required Spaces When Provided Off Site

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Section 36-42 (Off-Site Spaces for Residences), Section 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), or Section 36-44 (JointAnd Shared Facilities), the following additional regulations shall apply:

- (a) such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to

maintain the required number of spaces available throughout the life of such #use#; and

- (b) such spaces shall conform to all applicable regulations of the district in which they are located.

10/25/95

42-00
GENERAL PROVISIONS

In order to carry out the purposes and provisions of this Resolution, the #uses# of #buildings or other structures# and of tracts of land have been classified and combined into Use Groups. A brief statement is inserted at the start of each Use Group to describe and clarify the basic characteristics of that Use Group.

Use Groups 4B, 4C, 5, 6A, 6B, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, 17 or 18, including each #use# listed separately therein, and certain #uses# listed in Use Groups 3A, 4A, 6C, 9A, 10A or 12B are permitted in #Manufacturing Districts# as indicated in Section 42-11 to 42-15, inclusive, except that any such #use# which is also an #adult establishment# shall, in addition, be subject to the provisions of Section 42-01 (Special Provisions for Adult Establishments).

10/31/01

42-01
Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (b) In all other #Manufacturing Districts#, no #adult establishment# shall be established;

- A. less than 500 feet from the following: a church house of worship established prior to (the effective date of this amendment), a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, new #joint living-work quarters for artists# or new #loft dwellings# are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, new #joint living-work quarters for artists# or

new #loft dwellings# on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision:or

(ii) less than 100 feet from the following: a house of worship established on or after (the effective date of this amendment).

However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph, (b), shall not be rendered #non-conforming# if a ~~church~~ house of worship or a #school# is established: (i) on or after April 10, 1995, and prior to (the effective date of this amendment), less than within 500 feet of such #adult establishment#; or, (ii) on or after (the effective date of this amendment), less than 100 feet of such #adult establishment#.

1/28/71

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

8/16/79

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

M1

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

All health facilities listed in Use Group 4A and requiring approval under Article 28 of the Public Health Law of the State of New York, which prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, and houses of worship, are allowed as-of-right and are not subject to the special permit provision of Sections 42-32 and 74-921.

2/26/98

**42-14
Use Group 17**

M1 M2 M3

Use Group 17 consists primarily of #manufacturing uses# which: ...

B. Manufacturing establishments

Adhesives, excluding manufacture of basic components

Statuary, mannequins, figurines, or religious ~~or church~~ art goods, excluding foundry operations

12/11/01

42-32

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

M1 M2 M3

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

M1

#Uses# listed in Use Group 4A Community Facilities, except houses of worship.

M1

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

2/26/67

43-42

Permitted Obstructions

In all #Manufacturing Districts#, the following shall not be considered obstructions and may thus penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks) or 43-49 (Limited Height Districts).

- (a) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any given level;

- ~~(b) Church towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;~~
- (b) Elevator or stair bulkheads, roof water tanks or cooling towers (including enclosures), each having an #aggregate width of street walls# equal to not more than 30 feet. However, the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to four times the width, in feet, of the #street wall# of the #building# facing such frontage;
- (c) Flagpoles or aerials;
- (d) House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such height limit or #sky exposure plane#;
- (e) Parapet walls, not more than four feet high;

12/15/61

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

10/25/93

**44-21
General Provisions**

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all new #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

The requirements of this Section shall be waived in the following situations:

- (a) When, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number).
- (b) When the Commissioner of Buildings has certified, in accordance with the provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street).

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING
COMMERCIAL OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required, in Relation
to Specified Unit of Measurement Districts

FOR COMMUNITY FACILITY USES

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

None required - M1-4 M1-5 M1-6

1 per 300*** sq. ft. of #floor area#
and #cellar# space, except #cellar#
space used for storage - M1-1 M1-2 M1-3

Churches

Houses of Worship, applicable only to the facility's largest room of assembly; however, rooms separated by movable partitions shall be considered a single room

None required - M1-4 M1-5 M1-6

1 per 15 ~~fixed seats~~ persons rated capacity - M1-1 M1-2 M1-3

Clubs, community centers, or settlement houses; philanthropic or non-profit institutions without sleeping accommodations except ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; ~~health centers~~; non-commercial recreation centers; or welfare centers

Rated capacity:

None required - M1-4 M1-5 M1-6

1 per 10 persons - M1-1 M1-2 M1-3

*** The parking requirements for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and #uses# in parking requirement category B1 may be reduced by permit of the Board of Standards and Appeals in accordance with the provisions of Section 73-44 (Reduction of Spaces for ambulatory diagnostic or treatment health care facilities listed in Use Group 4 and Uses in Parking Requirement Category B1)

12/15/61

44-22

Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements

M1 M2 M3

In all districts, as indicated, where any #building# or #zoning lot# contains two or more #uses# having different parking requirements as set forth in Section 44-21 (General Provisions), the parking requirements for each type of #use# shall apply to the extent of that #use#.

However, the number of spaces required for ~~churches~~ houses of worship or for #uses# in parking requirement category D (Places of Assembly), when in the same #building# or on the same #zoning lot# as any other #use#, may be reduced by the Board of Standards and Appeals in accordance with the provisions of Section 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly).

12/15/61

44-30

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

6/23/66

**44-31
General Provisions**

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces, open or enclosed, #accessory# to any permitted #use# shall be provided on the same #zoning lot# as the #building# or #use# to which such spaces are #accessory#, except as provided in the following Sections:

- Section 44-32 (Off-Site Spaces for All Permitted Uses)
- Section 44-33 (Joint and Shared Facilities)
- Section 44-34 (Additional Regulations for Required Spaces When Provided Off-Site)
- Section 73-45 (Modification of Off-Site Parking Provisions)

Such exceptions to the requirement that the spaces be provided on the same #zoning lot# as the #building# or #use# to which they are #accessory# shall not apply in the case of spaces provided in a permitted #public parking garage# in accordance with the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages).

12/15/61

**44-32
Off-Site Spaces for All Permitted Uses**

M1 M2 M3

In all districts, as indicated, all permitted or required off-street parking spaces #accessory# to any permitted #use# may be provided on a #zoning lot# other than the same #zoning lot# as such #use# but within the same district or an adjoining C8 or #Manufacturing District#. However, all required spaces shall be not more than 600 feet from the nearest boundary of the #zoning lot# on which such #use# is located.

12/15/61

**44-33
Joint and Shared Facilities**

**44-331
Joint facilities**

M1 M2 M3

In all districts, as indicated, required #accessory# off-street parking spaces may be provided in facilities designed to serve jointly two or more #buildings# or #zoning lots#, provided that:

- (a) the number of spaces in such joint facilities shall be not less than that required in the following Sections for the combined #floor area#, #lot area#, rated capacity, or other such unit of measurement in such #buildings# or #zoning lots#:

Section 44-21 (General Provisions)

Section 44-22 (Special Provisions for a Single Zoning Lot with
Uses Subject to Different Parking Requirements)

- (b) all such spaces conform to the provisions of Section 44-32 (Off-Site Spaces for All Permitted Uses); and
- (c) the design and layout of such joint facilities meet standards of adequacy set forth in regulations promulgated by the Commissioner of Buildings.

44-332
Shared facilities for houses of worship

M1-1 M1-2 M1-3

In the districts indicated, required #accessory# off-street parking spaces may be provided for houses of worship in facilities designed to be shared with other permitted non-#residential uses#, in any district, provided that:

- (a) no more than 25 percent of the spaces in such facilities may be used to satisfy the parking requirement for both the house of worship and other permitted non-#residential uses#, except that such percentage may be increased by the Commissioner of Buildings if it can be demonstrated that such additional parking spaces would not be used by the house of worship and other permitted non-#residential uses# at the same times.
- (b) all such spaces are no further than 600 feet from the nearest boundary of the #zoning lot# containing the house of worship.
- (c) all such spaces conform to all applicable regulations of the district in which they are located.

8/18/77

44-34
Additional Regulations for Required Spaces When Provided Off-Site

M1 M2 M3

In all districts, as indicated, when required #accessory# off-street parking spaces are provided off the site in accordance with the provisions of Sections 44-32 (Off-Site Spaces for All Permitted Uses) or 44-33 (Joint and Shared Facilities), the following additional regulations shall apply:

- (a) Such spaces shall be in the same ownership (single fee ownership or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the #use# to which they are #accessory#, and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs and assigns to maintain the required number of spaces available throughout the life of such #use#.
- (b) Such spaces shall conform to all applicable regulations of the district in which they are located.

10/25/93

62-212

WE uses (Waterfront-Enhancing)

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

From Use Group 4:

~~Churches~~

Community centers

Houses of worship

*Ice skating rinks, outdoor

Recreation centers, non-commercial

*Philanthropic or non-profit institutions ; without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Golf courses

7/22/71

**73-10
SPECIAL PERMIT USES**

12/15/61

73-12

Community Facility Uses in R1, or R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts

In R1, or R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, the Board of Standards and Appeals may permit specified #community facility uses# in accordance with the provisions of this Section.

73-122

College or school student dormitories or and fraternity or sorority student houses

The Board of Standards and Appeals may permit college or school student dormitories or and fraternity or sorority student houses in R1 or R2 Districts, provided that the following findings are made: ...

5/22/63

73-125

**Medical offices or group medical centers
Ambulatory diagnostic or treatment health care facilities**

In ~~R1 or R2~~ R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, medical offices or group medical centers, including the practice of dentistry or osteopathy, limited in each case to a maximum of ~~6,000~~ 10,000 square feet of #floor area# and to a location ~~below the level of the first #story# ceiling,~~ provided that the Board finds following findings are made:

- (a) that the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood;
- (b) that, notwithstanding the provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number), at least one #accessory# off-street parking space is provided for each 400 square feet of #floor area#, and

- (c) ~~that all open #accessory# off-street parking spaces will be screened from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, by a strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.~~

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

12/15/61

73-43

Reduction of Parking Spaces for ~~Churches~~ Houses of Worship or Places of Assembly

The Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for Houses of Worship or Places of Assembly, in accordance with the applicable provisions of the following Sections.

73-431

Reduction of parking spaces for houses of worship

In all districts, the Board of Standards and Appeals may permit a reduction in the number of required #accessory# off-street parking spaces for houses of worship, provided:

- (a) the house of worship will be operated or utilized in such a manner as to reduce demand for on-site parking;
- (b) such reduction is commensurate with the reduced demand for on-site parking.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-432

Reduction of parking spaces for places of assembly

In all #Commercial# and #Manufacturing Districts#, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) for ~~churches~~ ~~or~~ #uses# in parking requirement category D (Places of Assembly) whenever such #uses# are located in the same #building# or on the same #zoning lot# as other #uses#, proportionate to the extent that the Board finds:

- (a) that the spaces #accessory# to such other #uses# will remain available for #use# by persons visiting the ~~church~~ ~~or~~ place of assembly during the entire period that such ~~church~~ ~~or~~ place of assembly remains in #use#; and

- (b) that, in accordance with submitted schedules of the times of operation for all #uses# within the #building# or on the #zoning lot#, there will be no conflict in the #use# of such #accessory# off-street parking spaces, and that the provision of the full quota of required off-street parking spaces for ~~churches~~ and places of assembly is therefore not needed. The permit to reduce such spaces shall be automatically revoked whenever there is a change in the nature of the conditions upon which such reduced requirements were based, including changes in #use#, availability of spaces or hours of operation.

12/15/61

73-44

Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1

In the districts indicated, the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required by the provisions of Section 36-21 or 44-21 (General Provisions) for ambulatory diagnostic or treatment facilities listed in Use Group 4 and #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 14, or 16 to the applicable number of spaces specified in the table set forth at the end of this Section, provided that the Board finds that occupancy by ambulatory diagnostic or treatment facilities listed in Use Group 4 or #uses# in parking category B1 is contemplated in good faith on the basis of evidence submitted by the applicant. In such a case the Board shall require that the certificate of occupancy issued for the #building# within which such #use# is located shall state that no certificate shall thereafter be issued if the #use# is changed to a #use# listed in parking category B unless additional #accessory# off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius.

REDUCED ACCESSORY OFF-STREET PARKING SPACES REQUIRED FOR AMBULATORY DIAGNOSTIC OR TREATMENT FACILITIES LISTED IN USE GROUP 4 AND COMMERCIAL USES IN PARKING REQUIREMENT CATEGORY B1

Parking Spaces Required per Number
of Square Feet of #Floor Area# *

	Districts
1 per 400	C1-1 C2-1 C3 C4-1
1 per 600	C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1
1 per 800	C1-3 C2-3 C4-3 C7 C8-2

* For ambulatory diagnostic or treatment facilities listed in Use Group 4, parking spaces required per number of square feet of #floor area# or #cellar# space, except #cellar# space #used# for storage

73-45
Modification of Off-Site Parking Provisions

73-454
For houses of worship

The Board of Standards and Appeals may modify, as applicable, the provision of Section 25-53 (Off-Site Spaces for Permitted Non-Residential Uses), 25-542 (Shared parking facilities for houses of worship), 36-43 (Off-Site Spaces for Commercial or Community Facility Uses), 36-442 (Shared parking facilities for houses of worship), 44-32 (Off-Site Spaces for All Permitted Uses), or 44-332 (Shared facilities for houses of worship) relating to the maximum permitted distance of the location of #accessory# off-street parking spaces for houses of worship, provided that in such instances all such spaces shall be not further than 1,000 feet from the nearest boundary of the #zoning lot# containing such house of worship, upon finding that:

- (a) such spaces conform to all applicable regulations of the district in which they are located;
- (b) the location of such spaces will not result in undue traffic congestion in the area.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

7/22/71

73-60
MODIFICATIONS OF BULK REGULATIONS

6/27/63

73-64
Modifications for Community Facility Uses

On a #zoning lot# occupied by any of the #community facility uses# specified herein, and in all districts where such #uses# are permitted as-of-right or by special permit, the Board of Standards and Appeals may permit #developments# or #enlargements# for such #uses#, which do not comply with certain applicable district #bulk# regulations, in accordance with the provisions of this Section.

Such specified #community facility uses# are:

~~Churches, rectories, parish houses, or seminaries~~

College or school student dormitories or fraternity ~~or~~ and sorority student houses

Colleges or universities, including professional schools, but excluding business colleges or trade schools
Community centers

Houses of worship, rectories, parish houses, or seminaries

Libraries, museums, or non-commercial art galleries

Philanthropic or non-profit institutions with or without sleeping accommodations, excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4

6/12/96

74-844

Preservation of community facility uses within certain developments containing public open areas

For any #development# on a #zoning lot# a portion of which,...

- (a) that the provision of the new #community facility building# will result in the reinforcement or preservation of an existing ~~church, or other~~ house of worship, community ...

74-92

Use Group 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts

74-921

Use Group 4A community facilities

In M1 Districts, except for houses of worship, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities.

As a condition of granting a special permit for such community facilities, the Commission shall find that:

7/12/84

**79-42
Special Permit for Non-profit Hospital Staff Dwelling Buildings**

For #non-profit hospital staff dwellings# in #large-scale community facility developments# in Manhattan Community Board 8, the City Planning Commission, may by special permit, allow:

(b) ~~Medical offices~~ Ambulatory diagnostic or treatment health care facilities listed in Use Group 4 on the third floor of such #buildings# in C1 Districts, provided the following findings are made:

- (1) that such ~~offices~~ facilities are used exclusively for staff of, or staff affiliated with, the non-profit or voluntary hospital;

2/8/90

**81-722
Use Group T**

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (*) are allowed only on #narrow street# frontages.

#Use#

*Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Antique stores

* Catering establishments

* ~~Churches~~

Cigar stores

Hardware stores

* ~~Health centers~~

Historical exhibits

* Household appliance repair shops - not permitted in C5 Districts

* Houses of worship

Ice cream stores

Luggage stores

* ~~Medical offices or group medical centers~~

* Meeting halls

10/9/69

Article VIII - Special Purpose Districts

Chapter 3

Special Limited Commercial District

2/8/90

83-03

Use Group "LC"

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

A. Amusements

Theaters, limited to a capacity of not more than 300 seats

B. Community Facilities

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

~~Churches, rectories, or parish houses~~

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#

Colleges or universities, including professional schools

College or school student dormitories ~~or~~ and fraternity or sorority student houses

Community centers or settlement houses

~~Government operated health centers or independent out-of-hospital health facilities incorporated pursuant to Section 35 of the New York State Social Services Law~~

Houses of worship, rectories, or parish houses

Libraries, museums, or non-commercial art galleries

~~Medical offices or group medical centers, including the practice of dentistry or osteopathy, limited to a location below the level of the first #story# ceiling, except that in multiple dwellings such #uses# may be located on the second floor, if separate access to the outside is provided or such #use# existed on January 1, 1948~~

Monasteries, convents, or novitiates used only for living purposes, provided that such #use# is to be part of a group of #buildings# accommodating ~~church~~ house of worship activities, #schools# or other ~~church~~ house of worship facilities which existed on December 15, 1961, or any applicable subsequent amendment thereto, and that such #use# is to be located on the same #zoning lot# with one or more #buildings# in such group of #buildings# or on a #zoning lot# which is contiguous thereto or directly across the #street# on which such #buildings# face

3/18/76

**97-10
SPECIAL PROVISIONS FOR R(M) SPECIAL NORTHSIDE MIXED USE DISTRICT**

3/18/76

**97-111
Use Group M**

A. Apparel and Textile Manufacturing Establishments

Statuary, mannequins, figurines, or religious ~~or church~~ art, excluding foundry operations

Steel, structural products, including bars, girders, rails, wire rope or similar products

1/9/75

Article X - Special Purpose Districts

**Chapter 6
Special Coney Island Mixed Use District**

1/9/75

**106-311
Use Group M**

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Statuary, mannequins, figurines, or religious ~~or church~~ art, excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods, yarn, thread or cordage, but not dyeing

9/11/75

Article X - Special Purpose Districts

**Chapter 8
Special Franklin Street Mixed Use District**

9/11/75

**108-111
Use Group M**

A. #Manufacturing uses#

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Statuary, mannequins, figurines or religious ~~or church~~ art, excluding foundry operations

Textiles, spinning, weaving, manufacturing, printing, knit goods, yarn, thread or cordage, but not dyeing

1/20/77

Article XI - Special Purpose Districts

**Chapter 2
Special City Island District**

3/6/86

**112-121
Accessory parking and floor area requirements for eating or drinking establishments**

For eating or drinking establishments, the provisions of Sections 36-23 or 44-23 (Waiver of Requirements for Spaces below Minimum Number) or Sections 52-41 (General Provisions) with respect only to #enlargements# or #extensions# to provide off-street parking spaces, 73-43 (Reduction of Parking Spaces for ~~Churches~~ Houses of Worship

or Places of Assembly) and 73-45 (Modification of Off-Site Parking Provisions) are hereby made inapplicable.

3/26/92

**122-10
SPECIAL USE REGULATIONS**

In order to preserve the residential character of the Special District, the applicable #use# regulations of the underlying districts are modified as follows:

However, if a #building# on a Commercial Infill Site contains an entrance from the Grand Concourse as well as from the cross-street running underneath the Concourse, such entrance floors at both #street# levels may be occupied by retail #uses# listed in Use Group 6 if they were in existence prior to July 1, 1981 as a lawful #use#. In those cases, the #use# of the remaining #stories# of such #building# shall be limited to business, professional, ~~medical~~ or governmental offices or to ambulatory diagnostic or treatment health care facilities as set forth in Use Group 4A and/or Use Group 6B, regardless of the locational restrictions in Use Group 4.

12/10/97

Article XII - Special Purpose Districts

**Chapter 3
Special Mixed Use District**

12/10/97

**123-21
Modification of Use Groups 2, 3 and 4**

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school student dormitories ~~or~~ and fraternity or sorority student houses, domiciliary care facilities for adults, nursing homes and health-related facilities, philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing#

or #commercial use#, upon certification by a licensed architect or engineer to the Department of Buildings that such #manufacturing# or #commercial use#: ...

12/10/97

123-222

Uses permitted with restrictions

The following #uses# from Use Groups 16 and 17 are permitted in #Special Mixed Use Districts# subject to the certification requirements and locational restrictions of this Section:

From Use Group 17B (Manufacturing Establishments):

Adhesives, excluding manufacture of basic components

Statuary, mannequins, figurines, or religious ~~or church~~ art goods, excluding foundry operations

Steel products, miscellaneous fabrication or assembly, including steel cabinets, doors, fencing, metal furniture, or similar products

(On May 26, 2004, Cal. No. 15, the Commission scheduled June 9, 2004 for a public hearing. On June 9, 2004, Cal. 18, the hearing was closed. On July 14, 2004, Cal No. 39, the item was laid over.)

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	5	6	7	8	9	10	
	11	12	13	14	15	16	17	
	18	19	20	21	22	23	24	
	25	26	27	28	29	30	31	
AUGUST	1	2	3	4	5	6	7	
	8	9	10	11	12	13	14	
	15	16	17	18	19	20	21	
	22	23	24	25	26	27	28	
	29	30	31					
SEPTEMBER				1	2	3	4	
	5	6	7	8	9	10	11	*Review Sessions will be held on Tuesday, September 29
	12	13	14	15	16	17	18	
	19	20	21	22	23	24	25	
26	27	28	29	30				
OCTOBER						1	2	
	3	4	5	6	7	8	9	
	10	11	12	13	14	15	16	
	17	18	19	20	21	22	23	
	24	25	26	27	28	29	30	
31								
NOVEMBER		1	2	3	4	5	6	
	7	8	9	10	11	12	13	
	14	15	16	17	18	19	20	
	21	22	23	24	25	26	27	
	28	29	30					
DECEMBER				1	2	3	4	
	5	6	7	8	9	10	11	
	12	13	14	15	16	17	18	
	19	20	21	22	23	24	25	
26	27	28	29	30	31			

*Review Sessions are held in Spector Hall at 22 Reade Street starting at 6:00 P.M.
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.*