

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:  
WEDNESDAY, SEPTEMBER 5, 2007  
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 070506 HAX	1	MELROSE COMMONS SITE B-1	Scheduled to be Heard 9/19/07
2	C 070507 ZSX	2	" "	" "
3	C 080002 ZMX	1	" "	" "
4	N 080022 ZRQ	12	JAMAICA PLAN-FOLLOW-UP TEXT	" "
5	C 070521 ZMQ	6	FOREST HILLS SOUTH REZONING	" "
6	N 070509 ZRY	CW	PARKING LOT DESIGN REGULATIONS ZONING TEXT	" "
7	N 070394 ZRY	CW	THE WATERSHED	Laid Over
8	N 070395 ZAM	2	" "	" "
9	N 070468 ZRM	5	400 5 <sup>TH</sup> AVENUE	" "
10	C 070469 ZSM	5	" "	" "
11	C 070470 ZSM	5	" "	" "
12	C 070513 HAM	11	COLON PLAZA	Favorable Report Adopted
13	N 080030 HKM	11	THOMAS JEFFERSON PLAY CENTER LANDMARK	Forward Report to City Council
14	N 080031-32 HKM	2	486 & 488 GREENWICH STREET LANDMARK	" "
15	N 070498 ZRM	4	WEST CHELSEA DISTRICT TEXT	Favorable Report Adopted
16	C 070337 PCK	18	HRA/ACS WAREHOUSE	" "
17	N 080027-28 HKK	7	SUNSET PLAY CENTER AND BATH HOUSE LANDMARK	Forward Report to City Council

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD:													
		In Favor - Y Oppose - N Abstain - AB Recuse - R													
Calendar Numbers:		7	8	9	10	11	12	13	14	15	16	17	18	19	20
Amanda M. Burden, AICP, Chair	P						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
Angela M. Battaglia	A	L	L	L	L	L									
Irwin Cantor, P.E.	P	A	A	A	A	A	Y	Y	Y	Y	Y	Y	Y	Y	Y
Angela R. Cavaluzzi, R.A.	P	I	I	I	I	I	Y	Y	Y	Y	Y	Y	Y	Y	Y
Alfred C Cerullo, III	P	D	D	D	D	D	Y	Y	Y	Y	Y	Y	Y	Y	Y
Betty Y. Chen	P						Y	Y	Y	Y	Y	Y	Y	Y	Y
Richard W. Eaddy	P	O	O	O	O	O	Y	Y	Y	Y	Y	Y	Y	Y	Y
Lisa Gomez	A	V	V	V	V	V									
Nathan Leventhal	P	E	E	E	E	E	Y	Y	Y	Y	Y	Y	Y	Y	Y
John Merolo	P	R	R	R	R	R	Y	Y	Y	Y	Y	Y	Y	Y	Y
Karen A. Phillips	P						Y	Y	Y	Y	Y	Y	Y	Y	Y
Dolly Williams, Commissioners	P						Y	Y	Y	Y	Y	Y	Y	Y	Y

MEETING ADJOURNED AT: 11:04 A.M.



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

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**CITY PLANNING COMMISSION**

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**WEDNESDAY, SEPTEMBER 5, 2007**

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**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. 17]**

**Prepared by Yvette V. Gruel, Calendar Officer**

To view the Planning Commission Calendar and/or the Zoning Resolution on the Internet,  
visit the Department of City Planning (DCP) home page at:

**[nyc.gov/planning](http://nyc.gov/planning)**

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**CITY PLANNING COMMISSION**

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GENERAL RULES OF PROCEDURE AS PERTAINING TO  
PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

**NOTE** - Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: in Section I, (Scheduling Dates for Future Public Hearings), in Section II, (Reports), and in Section III, (Public Hearings). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

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**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](http://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.**
- ALFRED C. CERULLO, III**
- BETTY Y. CHEN**
- RICHARD W. EADDY**
- LISA A. GOMEZ**
- NATHAN LEVENTHAL**
- 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 10:00a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

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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 September 19, 2007 at Spector Hall 22 Reade Street, New York, at 10:00 a.m.

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**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 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 support of the proposal and those speaking in opposition.

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

**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: \_\_\_\_\_

**SEPTEMBER 5, 2007**

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**APPROVAL OF MINUTES OF the Regular Meeting of August 22, 2007,  
and Special Meeting of September 4, 2007.**

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, SEPTEMBER 19, 2007**

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

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**BOROUGH OF THE BRONX**

**Nos. 1, 2 & 3**

**MELROSE COMMONS SITE B-1**

**No. 1**

**CD 1**

**C 070506 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 3100 3<sup>rd</sup> Avenue (Block 2364, Lot 45), 3120 3<sup>rd</sup> Avenue (Block 2364, p/o the air rights over lot 58), 3106 3<sup>rd</sup> Avenue (Block 2364, Lot 49), and 507 East 158<sup>th</sup> Street (Block 2364, Lot 70) 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 an eight-story mixed-use building, tentatively known as Melrose Commons RFP Site B-1, with approximately 96 residential units, with commercial and community facility uses, to be developed under the Department of Housing Preservation and Development's Cornerstone Program.

**Resolution for adoption scheduling September 19, 2007 for a public hearing.**

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**No. 2**

**CD 1**

**C 070507 ZSX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681(a)(2) of the Zoning Resolution to allow a portion of a railroad or transit right-of-way that has been permanently discontinued or terminated to be included in the lot area for a proposed eight-story mixed building on property located north of East 158<sup>th</sup> Street between Third Avenue and Brook Avenue (Block 2364, Lots 45, 49, 70 and part of Lot 58), in R8\* and R8/C1-4 Districts.

\*Note: A portion of the site is proposed to be rezoned by eliminating a C1-4 District from an existing R8 District, under a related application (C 080002 ZMX) for a change in the zoning map.

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

**Resolution for adoption scheduling September 19, 2007 for a public hearing.**

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**No. 3**

**CD 1**

**C 080002 ZMX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, eliminating from within an existing R8 District a C1-4 District bounded by a line 125 feet northeasterly of East 158<sup>th</sup> Street, Brook Avenue, East 158<sup>th</sup> Street and a line 100 feet southeasterly of Third Avenue, as shown on a diagram (for illustrative purposes only), dated July 9, 2007.

**Resolution for adoption scheduling September 19, 2007 for a public hearing.**

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**BOROUGH OF QUEENS**

**No. 4**

***JAMAICA PLAN-FOLLOW-UP TEXT***

**CD 12**

**N 080022 ZRQ**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 5 (Special Downtown Jamaica District) concerning Section 115-22 (Modification of Rear Yard Regulations) and Section 115-234 (Maximum Building Height), Community District 12, Borough of Queens.

Matter in Graytone or 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

**115-22**  
**Modification of Rear Yard Regulations**

**#Rear yard# requirements shall not apply to non-#residential uses# along such portion of a #lot line# that coincides with a boundary of a railroad right-of-way, or in any portion of a C6-4 District.**

**115-23**  
**Height and Setback Regulations**

\* \* \*

**115-22-31**  
**Permitted obstructions**

\* \* \*

**115-22-32**  
**Street wall location**

\* \* \*

**115-22-33**  
**Street wall height**

\* \* \*

**115-22-34**  
**Maximum building height**  
**C4 C6**

In C4-4A Districts, no #building or other structure# shall exceed a height of 80 feet.

In C4-5X Districts, no #building or other structure# shall exceed a height of 125 feet.

In ~~all C6-2 and C6-3~~ Districts, no #building or other structure# shall exceed a height of 250 feet. In C6-4 Districts, no #building or other structure# shall exceed a height of 290 feet. However, no maximum building height limitation shall apply on Block 9993, shown on Map 5 (Maximum Building Height) in the Appendix to this Chapter, if such #block# is developed pursuant to the Jamaica Gateway Urban Renewal Plan.

**115-22-35**  
**Transition area**

\* \* \*

**Resolution for adoption scheduling September 19, 2007 for a public hearing.**

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**No. 5**

***FOREST HILLS SOUTH REZONING***

**CD 6**

**C 070521 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. 14b:

1. eliminating from within an existing R3-2 District a C1-2 District bounded by a line 150 feet northerly of Metropolitan Avenue, 70<sup>th</sup> Avenue, Olcott Street, 71<sup>st</sup> Avenue, a line 150 feet northerly of Metropolitan Avenue, Nansen Street, 72<sup>nd</sup> Avenue, Metropolitan Avenue, 71<sup>st</sup> Avenue, a line 150 feet southerly of Metropolitan Avenue, a line 100 feet westerly of 69<sup>th</sup> Avenue, Metropolitan Avenue, and Selfridge Street;
2. eliminating from within an existing R3-2 District a C2-2 District bounded by a line 150 feet northerly of Metropolitan Avenue, 74<sup>th</sup> Avenue, Metropolitan Avenue, 72<sup>nd</sup> Road, a line 150 feet southerly of Metropolitan Avenue, 71<sup>st</sup> Avenue, Metropolitan Avenue, and 72<sup>nd</sup> Avenue;

3. changing from an R3-2 District to an R3-1 District property bounded by Kessel Street, Union Turnpike, 75<sup>th</sup> Road, a line 100 feet northerly of Metropolitan Avenue, a line midway between 75<sup>th</sup> Avenue and 75<sup>th</sup> Road, a line 75 feet southerly of Kessel Street, and 75<sup>th</sup> Road;
4. changing from an R3-2 District to an R3A District property bounded by:
  - a. a line midway between Kessel Street and Loubet Street, 71<sup>st</sup> Avenue, a line midway between Juno Street and Kessel Street, a line 100 feet northwesterly of Ascan Avenue, Manse Street, 72<sup>nd</sup> Road, a line 100 feet northerly of Metropolitan Avenue, 71<sup>st</sup> Avenue, Olcott Street, a line 100 feet northerly of Metropolitan Avenue, and 69<sup>th</sup> Avenue; and
  - b. a line 100 feet southerly of Metropolitan Avenue, 74<sup>th</sup> Avenue, Union Turnpike, 71<sup>st</sup> Avenue, a line 175 feet northerly of Sybilla Street, a line midway between 70<sup>th</sup> Drive and 70<sup>th</sup> Road, a line 235 feet northerly of Sybilla Street, a line midway between 70<sup>th</sup> Road and 70<sup>th</sup> Avenue, Sybilla Street and its westerly centerline prolongation, a southwesterly street line of Sybilla Street, and its northwesterly prolongation, and a line 100 feet westerly of 69<sup>th</sup> Avenue;
5. changing from an R3-2 District to an R3X District property bounded by Kessel Street, 75<sup>th</sup> Road, a line 75 feet southerly of Kessel Street, a line midway between 75<sup>th</sup> Avenue and 75<sup>th</sup> Road, a line 100 feet northerly of Metropolitan Avenue, a line 100 feet westerly of 74<sup>th</sup> Avenue, a line midway between 74<sup>th</sup> Avenue and Ascan Avenue, a line 75 feet southerly of Kessel Street, and Ascan Avenue;
6. establishing within an existing R3-2 District a C1-3 District bounded by a line 100 feet northerly of Metropolitan Avenue, Olcott Street, 71<sup>st</sup> Avenue, a line 100 feet northerly of Metropolitan Avenue, 72<sup>nd</sup> Avenue, Metropolitan Avenue, 71<sup>st</sup> Avenue, a line 100 feet southerly of Metropolitan Avenue, a line 100 feet westerly of 69<sup>th</sup> Avenue, Metropolitan Avenue, and Selfridge Street; and
7. establishing within an existing R3-2 District a C2-3 District bounded by a line 100 feet northerly of Metropolitan Avenue, 74<sup>th</sup> Avenue, Metropolitan Avenue, 72<sup>nd</sup> Road, a line 100 feet southerly of Metropolitan Avenue, 71<sup>st</sup> Avenue, Metropolitan Avenue, and 72<sup>nd</sup> Avenue;

as shown on a diagram (for illustrative purposes only) dated June 18, 2007.

**Resolution for adoption scheduling September 19, 2007 for a public hearing.**

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CITYWIDE

No. 6

*PARKING LOT DESIGN REGULATIONS ZONING TEXT*

CITYWIDE

N 070509 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, modifying regulations pertaining to the design of commercial and community facility parking lots.

Matter in underline is new, to be added;

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

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

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

\* \* \*

**Article II**

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

\* \* \*

**25-60**

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

\* \* \*

**25-62**

**Size and Location of Spaces**

\* \* \*

**25-623**

**Location of parking spaces for community facility uses**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of this Section 25-623 shall apply to all #developments# and #enlargements# that provide an open parking area #accessory# to #community facility uses#. All such #developments# and #enlargements# shall submit a

site plan to the Department of Buildings showing the location of all parking spaces, curb cuts, and compliance with the maneuverability standards set forth in paragraphs (b) and (c) of Section 36-58. For the purposes of this Section, #developments# and enlargements# shall be defined as follows:

- (a) #developments# shall only include those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility use#, and
- (b) #enlargements# shall include only those that increase the existing #community facility# parking on the #zoning lot# by at least 20 percent or increase the #floor area# on the #zoning lot# by at least 20 percent and result in at least 70 percent of the #floor area# on the #zoning lot# occupied by #community facility uses#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Group 9 or 16.

For the purpose of this Section, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

\* \* \*

**25-63  
Location of Access to the Street**

\* \* \*

**25-634  
Curb cut regulations for community facilities**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, any #development# or #enlargement# containing a #community facility use# with an unenclosed parking area shall comply with the provisions of this Section:

Curb cuts serving one travel lane shall have a maximum width of twelve feet excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street frontage#, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed prior to (date of amendment) on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

\* \* \*

**25-65**

**Surfacing**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts as indicated, all open off-street parking spaces shall be surfaced with asphaltic or portland cement concrete, or other hard surfaced dustless material , at least four inches thick, except that where required parking spaces are located in #side lot ribbons#, hard surfaced ribbons may be permitted. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

**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, that 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:
  - (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

- (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.

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)(1) of this Section.

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and 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 at least six feet high within three years. Such screening shall be maintained in good condition at all times.

The provisions of paragraphs (a) and (b) above shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

**25-67**  
**Parking Lot Landscaping**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the provisions of Section 37-90, inclusive, shall apply to all #developments# and #enlargements#, as defined in this Section, that provide an open parking area #accessory# to #community facility uses# that contain 18 or more spaces or are greater than 6,000 square feet in area.

For the purposes of this Section, #developments# and #enlargements# shall be defined as follows:

- (a) #developments# shall only include those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #community facility use#, and
- (b) #enlargements# shall include only those that increase the existing #community facility# parking on the #zoning lot# by at least 20 percent or increase the #floor

area# on the #zoning lot# by at least 20 percent and result in at least 70 percent of the #floor area# on the #zoning lot# occupied by #community facility uses#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Group 9 or 16.

For the purpose of this Section an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

Notwithstanding the provisions of this Section, where parking requirements are waived pursuant to Sections 25-33 on #zoning lots# subdivided after (the applicable date of the amendment), and parking spaces #accessory# to #community facility uses# or curb cuts accessing #community facility uses# are shown on the site plan required pursuant to Section 25-623, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

\* \* \*

**Article III**  
**Chapter 6: Accessory Off-Street Parking and Loading Regulations**

\* \* \*

**36-023**  
**Applicability of regulations in C4-1 Districts**

In C4-1 Districts, for #zoning lots# having a #lot area# in excess of 4 acres, all #group parking facilities# that are #accessory# to new commercial #developments# or #enlargements# shall be subject to authorization by the City Planning Commission to assure that the layout of such parking spaces is arranged and located in relation to the #use# or #uses# to which such spaces are #accessory#, so as to provide adequate ingress, egress and circulation with respect to abutting #streets# or #uses#.

The Commission may also authorize a reduction of the parking requirement of Section 36-21 (General Provisions) by an amount not to exceed 50 percent, provided that the Commission finds that the applicant has demonstrated that the proposed parking is sufficient for the #use# proposed and that the entire parking lot complies with the provisions of Sections 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) and 37-90 (PARKING LOTS), inclusive.

\* \* \*

**36-55**

**Surfacing**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts as indicated, all open #accessory# off-street parking spaces or permitted public parking lots shall be graded, constructed, surfaced and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory group parking facility# shall be surfaced with asphaltic or portland cement concrete, or other hard surfaced dustless material , at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

**36-56  
Screening**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts#, including such #zoning lots# situated across a #street#, by either:
  - (1) a strip at least four feet wide, densely planted with shrubs or trees 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; or
  - (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;

This paragraph (a) shall not apply at the #street line# of #zoning lots# where the requirements of Section 37-921 (Perimeter landscaping) apply.

- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances or exits; and

- (d) shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs) or 32-63 (Permitted Advertising Signs).

\* \* \*

**36-58**  
**Parking Lot Maneuverability and Curb Cut Regulations**

C1 C2 C3 C4 C5 C6 C7 C8

(a) Applicability

In all districts, as indicated, the provisions of this Section 36-58 shall apply to all #developments# and #enlargements# as defined in this Section that provide an open parking area #accessory# to #commercial# or #community facility uses#. All such #developments# and #enlargements# shall submit a site plan to the Department of Buildings showing the location of all parking spaces, curb cuts, and compliance with the maneuverability standards set forth in this Section. For the purposes of this Section, #developments# and #enlargements# shall be defined as follows:

- (1) #developments# shall only include those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#, and
- (2) #enlargements# shall include only those that increase the existing #commercial# or #community facility# parking on the #zoning lot# by at least 20 percent or increase the #floor area# on the #zoning lot# by at least 20 percent and result in at least 70 percent of the #floor area# on the #zoning lot# occupied by #commercial# or #community facility uses#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Group 9 or 16.

In addition, all #public parking lots# shall comply with the curb cut requirements of paragraph (c).

For the purpose of this Section, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

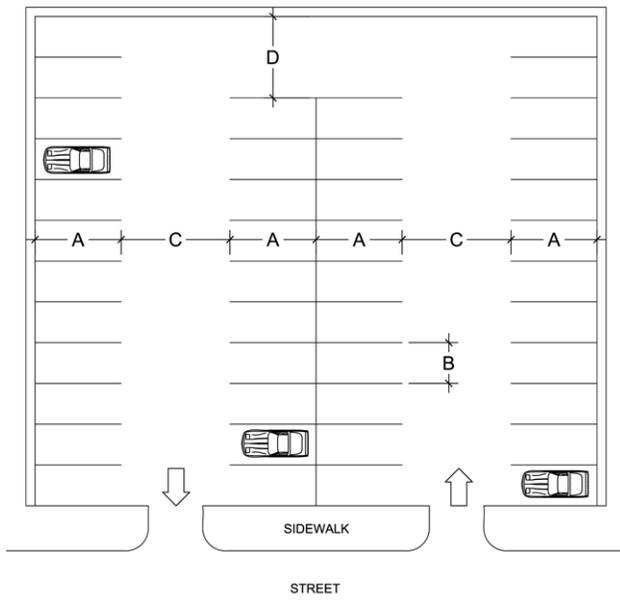
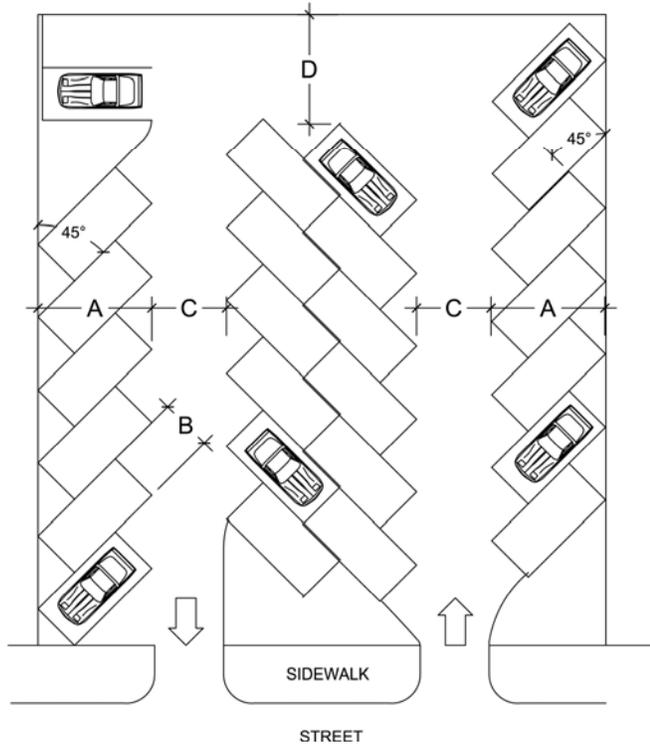
(b) Parking Lot Maneuverability

All open parking areas shall comply with the maneuverability standards set forth in the following table.

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
Angle of Park	Min.Length	Min. Width	Min. Aisle	Min. Turnaround
<b>0*</b>	8'-6"	20'-0"	13'-2"	N/A
<b>0**</b>	8'-6"	20'-0"	23'-3"	N/A
<b>45</b>	17'-1"	8'-6"	12'-10"	18'-0"
<b>50</b>	17'-8"	8'-6"	13'-2"	17'-6"
<b>55</b>	18'-1"	8'-6"	13'-7"	17'-3"
<b>60</b>	18'-5"	8'-6"	14'-6"	17'-0"
<b>65</b>	18'-7"	8'-6"	15'-4"	17'-3"
<b>70</b>	18'-8"	8'-6"	16'-5"	17'-6"
<b>75</b>	18'-7"	8'-6"	17'-10"	18'-0"
<b>90</b>	18'-0"	8'-6"	22'-0"	22'-0"

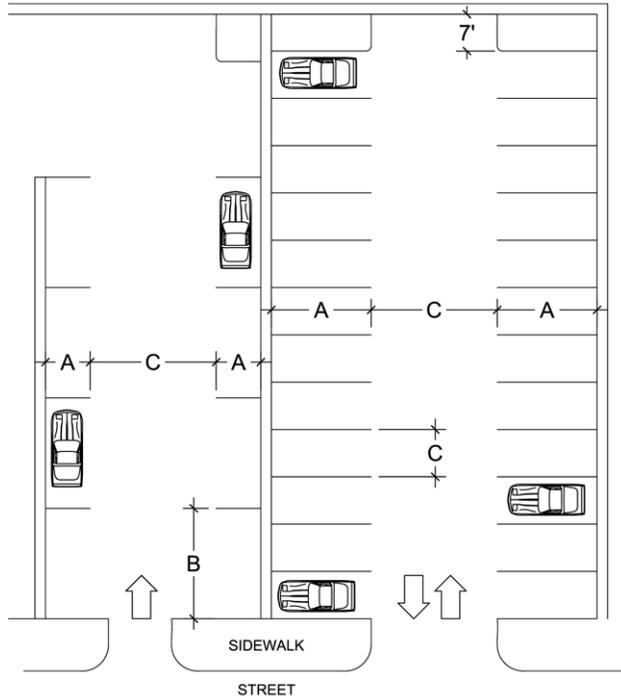
\* Figures given are for one-way traffic

\*\* Figures given are for two-way traffic



Illustrative Diagram:  
45 Degree Parking Layout

Illustrative Diagram:  
90 Degree Parking Layout



Illustrative Diagram:  
Parallel Parking/Dead-End Layout

(c) Curb Cuts

Curb cuts serving one travel lane shall have a maximum width of twelve feet excluding splays, and curb cuts serving two travel lanes shall have a maximum width of 24 feet excluding splays. For parking lots with more than 100 parking spaces, curb cuts of up to 30 feet excluding splays, shall be permitted.

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

For #zoning lots# with 100 feet or less of #street frontage#, only two curb cuts shall be permitted. For every additional 50 feet of #street# frontage one additional curb cut shall be permitted.

A minimum distance of 18 feet from any other curb cut on the same or adjacent #zoning lots# shall be maintained, except where the Commissioner of Buildings determines that, due to the location of curb cuts constructed prior to (date of amendment) on adjacent #zoning lots#, there is no way to locate the curb cut 18 feet from such adjacent existing curb cuts.

\* \* \*

**Article III**  
**Chapter 7: Special Regulations**

\* \* \*

**37-90**  
**PARKING LOTS**

**37-91**  
**Applicability**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the provisions of this Section 37-90, inclusive, shall apply to all #developments# and #enlargements#, as defined in this Section, that provide an open parking area #accessory# to #commercial# or #community facility uses# that contain 18 or more spaces or are greater than 6,000 square feet in area.

For the purposes of this Section, #developments# and enlargements# shall be defined as follows:

- (a) #developments# shall only include those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#, and
- (b) #enlargements# shall include only those that increase the existing #commercial# or #community facility# parking on the #zoning lot# by at least 20 percent or increase the #floor area# on the #zoning lot# by at least 20 percent and result in at least 70 percent of the #floor area# on the #zoning lot# occupied by #commercial# or #community facility uses#.

All #public parking lots# shall comply with the provisions of Section 37-921 (Perimeter landscaping).

The provisions of Section 37-90, inclusive, shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured

parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Group 9 or 16.

For the purpose of Section 37-90, inclusive, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

Notwithstanding the provisions of this Section 37-91 (Applicability), where parking requirements are waived pursuant to Sections 25-33, 36-23 or 44-23, as applicable, on #zoning lots# subdivided after (the applicable date of the amendment), and parking spaces #accessory# to #commercial# or #community facility uses# or curb cuts accessing #commercial# or #community facility uses# are shown on the site plan required pursuant to Sections 36-58, the provisions of Section 37-921 (Perimeter landscaping) shall apply.

A detailed plan or plans prepared by a registered landscape architect demonstrating compliance with the provisions of Section 37-90, inclusive, shall be submitted to the Department of Buildings. Such plans shall include grading plans, drainage plans and planting plans, and sections and elevations as necessary to demonstrate compliance with the provisions of this Section.

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 (the applicable date of the amendment), 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.

### **37-92**

#### **Landscaping**

### **37-921**

#### **Perimeter landscaping**

All open parking areas with 18 spaces or more or 6,000 square feet or more in area that front upon a #street# shall be screened at the #street line# by a perimeter landscaped area at least seven feet in width measured perpendicular to the #street line#. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the open parking area may also interrupt a perimeter landscaped area.

The perimeter landscaped area shall comply with the following requirements:

(a) Grading and Soil

The open parking area shall be graded to allow stormwater runoff to drain into all required perimeter landscaped areas and planting islands required pursuant to Section 37-922. The perimeter landscaped area shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. Beneath such soil, filter fabric and six inches of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. The perimeter landscaped area shall have an inverted slope to allow a minimum of six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. A raised curb shall edge the perimeter landscaped area, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area. However, the drainage provisions of this paragraph would not be required in whole or in part, where the Commissioner of Buildings determines that due to natural sloping topography the drainage provisions would be unfeasible.

(b) Plantings

(1) Parking lot frontage

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an abutting parking space. All required groundcover shall be selected from the list in Section 37-983. Perennials are allowed within this area, and if provided shall be selected from the list in Section 37-983.

(2) Sidewalk frontage

The remainder of the perimeter landscaped area shall be densely planted with shrubs at a distance of 24 inches on center and maintained at a maximum height of three feet above the surface of the adjoining public sidewalk. All required shrubs shall be selected from the list in Section 37-983.

(3) Trees

One three-inch caliper tree shall be provided for every 25 feet of open parking area #street# frontage. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such perimeter trees shall be staggered wherever possible with #street# trees, but in no event shall perimeter trees be planted closer than 15 feet on center or within three feet to a perimeter screening area curb. Furthermore, a radius distance of at least 20 feet shall be maintained between trunks of perimeter trees and #street# trees. If such distances cannot be maintained, the perimeter tree shall be waived in that location. However, if a #street# tree cannot be planted in the public sidewalk adjacent to the perimeter screening area because the Department of Parks and Recreation has determined that it is unfeasible to plant a tree in such location, such tree shall be planted instead within the perimeter screening area adjacent to such portion of the public sidewalk and credited towards the amount of perimeter trees required pursuant to this paragraph. However, any perimeter tree within 15 feet of an elevated rail line or elevated highway shall be waived. All required perimeter trees shall be selected from the list in Section 37-981.

(c) Obstructions

Utilities and #signs# permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-52 (Permitted Signs) may be located in the perimeter screening area. Ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open is permitted in the perimeter screening area, provided such fencing does not exceed four feet in height and is located at least five feet from the #street line#.

**37-922**

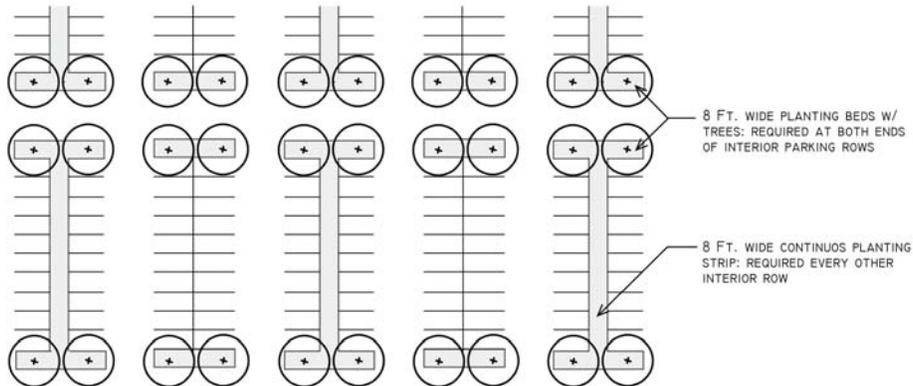
**Interior landscaping**

All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one tree for every eight parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one tree. Such trees shall be in addition to the trees required in the perimeter screening area. Each such tree shall have a minimum caliper of three inches and be located in a planting island with a minimum area of 150 square feet of pervious surface.

(a) Distribution

The following distribution rules shall apply:

- (1) Each end space in a row of five or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of such end space;
- (2) No more than 15 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area; and
- (3) For open parking areas at least 150,000 square feet in area, in addition to the requirements set forth in subparagraphs (1) and (2), every other row of parking spaces in which each space does not fully abut a perimeter landscaped area shall abut a planting island. Such planting island shall have a minimum width of eight feet and extend along the entire length of such row of parking spaces.
- (4) Compliance with subparagraphs (1) and (2) may be waived where the Commissioner of Buildings determines that tree planting in such locations would conflict with loading operations. Such trees shall be planted elsewhere in the open parking area.



Illustrative Diagram

(b) Grading, Drainage and Soil

The open parking area shall be graded to allow stormwater runoff to drain into all planting islands required pursuant to this Section 37-922 and perimeter landscaped areas required pursuant to Section 37-921. Planting islands shall have an inverted slope to allow a minimum six inches and a maximum of one foot of stormwater ponding, and surface ponding must drain in at least 24 hours. To allow for adequate drainage, elevated catchbasins shall be placed in the planting island above the ponding level. Planting islands shall be comprised of soil with a depth of at least three feet measured from the surface of the adjoining open parking area. Beneath such soil, filter fabric and six inches of gravel shall be provided. Proper drainage rates shall be attained through underdrains that are

connected to detention storage that meets the drainage and flow requirements of the Department of Environmental Protection or through infiltration through the surrounding soil volume. If underdrains are not provided, soil boring tests shall be conducted by a licensed engineer to ensure that ponded surface water is drained in at least 24 hours. A raised curb shall edge the planting island, shall be at least six inches in height and shall contain inlets at appropriate intervals to allow stormwater infiltration from the open parking area.

However, where the Commissioner of Buildings determines that due to the natural sloping topography of the #development# site the drainage provisions of this paragraph would be unfeasible, the planting island shall be comprised of soil with a depth of at least three feet measured from the adjoining open parking area. A raised curb shall edge the perimeter landscaped area and be at least six inches in height.

(c) Plantings

The first two feet of the planting island fronting the open parking area shall be comprised of mulch and densely planted with groundcover above jute mesh to stabilize the inverted slope. This area may be used as an automobile bumper overhang area and may be included in calculating the required depth of an abutting parking space. Perennials are allowed within this area, and if provided shall be selected from Section 37-983. The remaining area of the planting island shall be densely planted with shrubs, maintained at a maximum height of three feet, at a distance of 24 inches on center. Each required tree shall be centered in a planted area measuring at least eight feet by eight feet. Multiple trees are allowed in a single planting island provided they are spaced no closer than 25 feet on center and there is at least 150 square feet of pervious area for each tree. Any area with a dimension of less than two feet shall not contribute to such 150 square foot minimum area. Required trees shall be located first in planting islands at the ends of parking rows required pursuant to subparagraph (a)(1), and then in planting islands that break up parking rows with more than 15 spaces required pursuant to subparagraph (a)(2). Any remaining required trees may be located in the continuous planting island required pursuant to subparagraph (a)(3) or located in other planting islands within the open parking area. All required trees, shrubs and groundcovers shall be selected from the list in Sections 37-982 and 37-983.

**37-93**

**Maintenance**

All on site landscaping shall be maintained in good conditions at all times. Landscaped areas must be kept free of litter, and drainage components maintained in working order. In the event of the loss of any on site landscaping, the owner of the #zoning lot# shall replace such landscaping by the next appropriate planting season. All landscaped areas must contain a built in irrigation system or supply hose bibs within 100 feet.

**37-94****Refuse Storage**

All site plans must show an area designated for refuse storage. Any container used for refuse storage must be enclosed and screened either within a #building# or #accessory structure#. If refuse storage is located in a container or #accessory structure# it must be located at least 50 feet from any #street line# and screened on all sides by a six foot high masonry wall, with one side consisting of an opaque, lockable gate.

**37-95****Street Tree Planting**

All #developments# or #enlargements# shall provide and maintain along the entire #street# length of the #zoning lot# one #street# tree for every 25 feet of #street# frontage of the #zoning lot#. Such trees shall be of at least three-inch caliper at the time of planting and be placed at approximately equal intervals, except where the Department of Parks and Recreation 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 and Recreation.

**37-96****Bicycle Parking**

One bicycle parking space shall be provided for every ten vehicle parking spaces, up to 200 vehicle parking spaces. Thereafter, one bicycle parking spaces shall be provided for every 100 vehicle parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be considered to be one bicycle space. Bicycle parking must be provided in inverted "U" shaped parking racks. Each rack must be located within a two foot by six foot area on the #zoning lot#. Thirty inches of maneuverable space must be provided between parallel bicycle racks and a 96 inch wide aisle must be provided between bicycle rack areas. Each rack shall count towards two required spaces.

Bicycle racks must be provided within 50 feet of a #building's# main entrance and a minimum of 24 inches from any wall. However, if more than 40 bicycle parking spaces are required, 50 percent of such spaces may be provided at a distance of up to 100 feet from a #building's# main entrance. Department of Transportation bicycle racks provided on a fronting sidewalk may be counted toward this requirement.

**37-97****Landscape Waiver**

Any landscaping required pursuant to Section 37-90, inclusive, may be waived in whole or in part if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (a) unique geological conditions such as excessive subsurface rock conditions or high water table; or
- (b) underground municipal infrastructure; or
- (c) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

### **37-98**

#### **Landscaping Selection Lists**

### **37-981**

#### **Selection list for perimeter trees**

BOTANICAL NAME	COMMON NAME
Magnolia virginiana	Sweetbay Magnolia
Cornus mas	Cornelian Cherry
Betula nigra 'Heritage'	Heritage River Birch
Cercis canadensis	Redbud
Amelanchier canadensis	Serviceberry

### **37-982**

#### **Selection list for interior trees**

BOTANICAL NAME	COMMON NAME
Acer rubrum	Red Maple
Gleditsia triacanthos inermis	Honeylocust
Larix laricina	American Larch
Liquidambar styraciflua	Sweetgum
Metasequoia glyptostroboides	Dawn Redwood
Nyssa sylvatica	Tupelo
Platanus occidentalis	American Sycamore
Platanus x acerifolia	London Planetree

<i>Pyrus calleryana</i>	Callery Pear
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Taxodium distichum</i>	Baldcypress
<i>Ulmus americana</i>	American Elm

**37-983****Selection list for ground covers, shrubs and perennials**

## Ground Covers

BOTANICAL NAME	COMMON NAME
<i>Cotoneaster</i> spp.	Cotoneaster
<i>Epimedium grandiflorum</i>	Epimedium
<i>Epimedium rubrum</i>	Epimedium
<i>Euonymus coloratus</i>	Euonymus
<i>Vinca minor</i>	Vinca
<i>Cortaderia selloana</i> 'Pumilla'	Dwarf Pampas Grass
<i>Festuca glauca</i>	Blue Fescue
<i>Miscanthus sinensis</i> 'Stricta' or 'Zebrinus'	Maiden Grass
<i>Panicum virgatum</i>	Switchgrass
<i>Pennisetum alopecuroides</i>	Fountain Grass
<i>Phalaris arundinacea</i>	Ribbon Grass

## Shrubs

<i>Aronia arbutifolia</i> 'Brilliantissima'	Aronia
<i>Chamaecyparis</i> spp.	Chamaecyparis
<i>Clethra alnifolia</i>	Summersweet
<i>Cornus sericea</i>	Redtwig Dogwood
<i>Cornus sericea</i> 'Flaviramea'	Yellowtwig Dogwood
<i>Cotoneaster</i> spp.	Cotoneaster
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea

Ilex glabra	Inkberry
Itea virginica 'Henry's Garnet' or 'Little Henry'	Virginia Sweetspire
Rhus aromatica 'Gro-Lo'	Gro-Lo Sumac
Spirea x bumaldi 'Anthony Waterer' or 'Goldflame'	Spirea

Perennials

Lobelia cardinalis	Cardinal Flower
Iris pallida	Sweet Iris
Iris sibirica	Siberian Iris
Iris versicolor	Blue Flag Iris
Lysimachia terrestris	Swamp Candles
Hibiscus moscheutos	Swamp Rose Mallow
Asclepias tuberosum	Butterfly Weed

\* \* \*

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 4: Accessory Off-Street Parking and Loading Regulations**

\* \* \*

**44-44  
Surfacing**

M1 M2 M3

In all districts, as indicated, all open #accessory# off-street parking spaces or permitted public parking lots shall be graded, constructed, surfaced and maintained so as to provide adequate drainage and to prevent the release of dust, in accordance with rules and regulations promulgated by the Commissioner of Buildings.

Any area intended to be used permanently for an open #accessory# group parking facility shall be surfaced with asphaltic or portland cement concrete, or other hard-surfaced dustless material, at least four inches thick. However, permeable paving materials may be used in open parking areas where the Commissioner of Buildings determines that such materials are appropriate.

**44-45  
Screening**

M1 M2 M3

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

- (a) shall be screened from all adjoining #zoning lots# in #Residence Districts# (including such #zoning lots# situated across a #street#) by either:
  - (1) a strip at least four feet wide, densely planted with shrubs or trees 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; or
  - (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;

This paragraph (a) shall not apply at the #street line# of #zoning lots# where the planting requirements of Section 37-921 (Perimeter landscaping) apply.

- (b) shall be maintained in good condition at all times;
- (c) may be interrupted by normal entrances or exits; and
- (d) shall have no #signs# hung or attached thereto other than those permitted in Section 42-52 (Permitted Signs).

\* \* \*

**44-47**  
**Parking Lot Maneuverability and Curb Cut Regulations**

M1 M2 M3

In all districts, as indicated, the provisions of this Section shall apply to all #developments# and #enlargements# that provide an open parking area #accessory# to #commercial# or #community facility uses#. All such #developments# and #enlargements# shall submit a site plan to the Department of Buildings showing the location of all parking spaces, curb cuts, and compliance with the maneuverability standards shown in paragraphs (b) and (c) of Section 36-58. For the purposes of this Section, #developments# and #enlargements# shall be defined as follows:

- (a) #developments# shall only include those in which 70 percent or more of the #floor area# on the #zoning lot# is occupied by a #commercial# or #community facility use#, and
- (b) #enlargements# shall include only those that increase the existing #commercial# or #community facility# parking on the #zoning lot# by at least 20 percent or increase the #floor area# on the #zoning lot# by at least 20 percent and result in at least 70 percent of the #floor area# on the #zoning lot# occupied by #commercial# or #community facility uses#.

The provisions of this Section shall not apply to surface parking located on the roof of a #building#, indoor parking garages, #public parking garages#, structured parking facilities, or #developments# in which at least 70 percent of the #floor area# or #lot area# on a #zoning lot# is used for automotive #uses# listed in Use Group 9 or 16.

For the purpose of this Section, an “open parking area” shall mean that portion of a #zoning lot# used for the parking or maneuvering of vehicles, including service vehicles, which is not covered by a #building#. Open parking areas shall also include all required landscaped areas within and adjacent to the open parking area.

**44-48**  
**Parking Lot Landscaping**

M1 M2 M3

In all districts, as indicated, all #developments# and #enlargements# containing #commercial# or #community facility uses# shall comply with the provisions of Section 37-90, inclusive.

\* \* \*

**Article X**  
**Chapter 7: Special South Richmond Development District**

\* \* \*

**107-483  
Planting and screening for open parking areas**

Tree planting requirements

One tree of three-inch caliper or more preexisting or newly planted, shall be provided for each four parking spaces. Such trees may be located on the perimeter of the parking area and not more than five feet therefrom or in planting islands within the parking area.

However, where 30 or more parking spaces are provided, at least 50 percent of the required trees shall be located within planting islands within the parking area. Such planting islands shall have a minimum area of 150 square feet of pervious surface and comply with the requirements of paragraphs (a), (b) and (c) of Section 37-922 (Interior landscaping).

~~Planting islands shall have at least a 25 square feet of porous material per tree in their planting areas. Tree selection shall be in accordance with APPENDIX B (Tree Selection Tables).~~

~~Around the perimeter of a planting island there shall be metal stanchions, metal walls or other protective devices, at least 18 inches high, adequate to avoid damage to the planting island or trees therein.~~

Screening requirements

~~The parking area shall be screened from all adjoining #zoning lots# or #streets# by a strip of densely planted shrubs 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, or by trees of three inch caliper, selected from APPENDIX B and spaced 10 feet on center. perimeter landscaped area at least seven feet in width. Such perimeter landscaped area may be interrupted only by vehicular entrances and exits. Sidewalks that provide a direct connection between the public sidewalk and a pedestrian circulation route within the parking area may also interrupt a perimeter landscaped area.~~

All screening areas shall comply with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping), except that the number of trees shall be as set forth in this Section.

In addition, such screening:

- (a) shall be maintained in good condition at all times; and

- (b) may be interrupted by normal entrances and exits.

Planting Waiver

Tree planting and screening requirements may be waived if the Commissioner of Buildings certifies that planting is unfeasible due to:

- (a) unique geological conditions, such as excessive subsurface rock conditions or high water table; or
- (b) underground municipal infrastructure; or
- (c) a City, State or Federal mandated brownfield remediation that requires the site to be capped.

Such waiver shall be based on a report prepared by a licensed engineer that such conditions exist.

For #developments# in #Residential Districts#, trees provided in accordance with the provisions of this Section may be counted for the purposes of meeting the requirements of Section 107-322, paragraph (a). Furthermore, for #developments# in #Commercial# or #Manufacturing Districts# which provide trees in accordance with the provisions of this Section, the requirements of Section 107-322, paragraph (a), shall not apply.

\* \* \*

**Article XI**  
**Chapter 2: Special City Island District**

\* \* \*

**112-124**  
**Screening and tree planting requirements for all parking lots with 10 or more spaces**

All new or #enlarged# parking lots with 10 or more spaces shall comply with the provisions of this Section.

- (a) Screening requirements
  - #Accessory# parking spaces that adjoin #zoning lots# with #residential uses# shall be screened by an opaque wall or fence extending not less than six feet but not higher than eight feet above finished grade, or alternatively, by a planting strip at least five feet wide and densely planted with evergreen shrubs at least

four feet high at time of planting, and of a variety expected to reach a height of six feet within three years, or by both. No chain link fences shall be permitted.

#Accessory# parking spaces that adjoin #zoning lots# with non-#residential uses# shall be screened by an opaque wall or fence extending at least four feet high but not higher than six feet above finished grade, or alternatively by a planting strip at least five feet wide and densely planted with evergreen shrubs at least two and one-half feet high at time of planting. Open chain link fences shall be permitted only within such planting strip, and such fences shall extend at least four feet but not more than six feet above finished grade.

#Accessory# parking spaces that front upon a #street# shall be screened in accordance with the provisions of paragraphs (a), (b) and (c) of Section 37-921 (Perimeter landscaping). ~~by a strip at least five feet wide and densely planted with evergreen shrubs to be maintained at all times at a height not less than two and one-half feet and not more than four feet. In addition, fences not higher than four feet, with a surface area at least 50 percent open, shall be permitted, except that chain link fences shall not be allowed. All permitted fences shall be located behind landscaped areas when viewed from the street.~~

~~(b) Tree planting requirements~~

~~One tree with a minimum caliper of three inches at time of planting shall be provided for every 10 parking spaces. Fractions equal to or greater than three-quarters of a tree shall be counted as an additional tree. All such trees shall be planted at approximately equal intervals and located in planting beds at least six feet square, either adjacent to planting strips required pursuant to paragraph (a) of this Section or in planting islands within the parking lot. A raised curb at least six inches in height shall separate all planting beds from the paved surface of the parking lot. All trees shall be planted in accordance with the standards of the Department of Parks and Recreation, and replaced when necessary.~~

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-52 (Permitted Signs).

\* \* \*

**Article XI – Special Purpose Districts**

**Chapter 6  
Special Stapleton Waterfront District**

\* \* \*

**116-30**

**SPECIAL ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS**

\* \* \*

**116-35**

**Screening and Tree Planting Requirements for Parking Facilities**

The provisions of this Section shall apply to any new or #enlarged# open off-street parking facility with ten spaces or more, except where the provisions of Section 37-90 (PARKING LOTS), inclusive, apply.

\* \* \*

**Resolution for adoption scheduling September 19, 2007 for a public hearing.**

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**II. REPORTS**

**CITYWIDE**

**Nos. 7 & 8**

***THE WATERSHED***

**No. 7**

**CITYWIDE**

**N 070394 ZRY**

**IN THE MATTER OF** an application submitted by 150 Charles Street Holdings, LLC 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 5 (Residential Conversion of Existing Non-Residential Buildings), creating Section 15-41 (Enlargements of Converted Buildings).

Matter in underline is new, to be added;

Matter in ~~strike-out~~ is old, to be deleted;

Matter within # # is defined in Section 12-10 (DEFINITIONS)

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

Chapter 5

Residential Conversion of Existing Non-Residential Buildings

15-00

GENERAL PURPOSES

\* \* \*

15-01

Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings# or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this Chapter. In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, the conversion to #dwelling units# of non-#residential buildings#, or portion thereof, erected prior to January 1, 1977 shall be subject to the provisions of this Chapter. Existing floor space used for mechanical equipment and not counted as #floor area# in non-#residential buildings# built prior to January 1, 1977 may be converted to #dwelling units# under the provisions of this Chapter.

However, the conversion to #dwelling units# of non-#residential buildings# that meet all the requirements for new #residential development# of Article II (Residence District Regulations) and are located in R4, R5, R6, R7, R8, R9, R10, C1, C2, C3, C4, C5 or C6 Districts is exempt from the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the applicable zoning districts remain in effect.

New #developments# or #enlargements# shall be in accordance with the applicable requirements of Article II and ArticleII, except as provided by authorization pursuant to Section 15-41 (Enlargements of Converted Buildings).

\* \* \*

15-02  
General Provisions

15-021  
Special use regulations

\* \* \*

(c) In M1-5 and M1-6 Districts...

\* \* \*

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by a #use# listed in Section ~~15-50~~ 15-60(REFERENCED COMMERCIAL AND MANUFACTURING USES), the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

\* \* \*

(2) any #use# listed in Section ~~15-50~~ 15-60 which is located on #floor area# to be used for #dwelling units# has been offered a new or amended lease within the #building#, with a minimum term of 2 years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and such lease is not subject to cancellation by the landlord;

\* \* \*

15-025  
Double glazed windows

All #dwelling units# in #buildings# which contain one or more #uses# listed in Section ~~15-50~~ 15-60(REFERENCED COMMERCIAL AND MANUFACTURING USES) and converted under the provisions of this Chapter shall be required to have double glazing on all windows. However, #dwelling units# occupied by #residential# tenants on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or in Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, shall not be required to have double glazed windows.

\* \* \*

15-10  
REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN RESIDENTIAL AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS

\* \* \*

15-12  
Open Space Equivalent

At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be developed for recreational use. For each additional #dwelling unit#, 100 square feet of additional roof area shall be developed for recreational use, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to Section 15-30.

\* \* \*

15-20  
REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS

\* \* \*

15-21  
Use Regulations - Transfer of Preservation Obligations and Conversion Rights

\* \* \*

## 15-211

## Floor area preservation

The amount or configuration of #floor area# to be preserved may be modified in accordance with the provisions of Section 15-215 (Modification for existing dwelling units).

The amount of #floor area# to be preserved for permitted #commercial# or permitted #manufacturing uses# shall be in accordance with Table I of this Section, if the #floor area# to be converted is located in a C6-2M or C6-4M District, and in accordance with Table II of this Section, if the #floor area# to be converted is located in a M1-5M or M1-6M District, unless modified by the City Planning Commission pursuant to Section ~~15-41~~ 15-51. Such #floor area# shall be comparable to the #floor area# to be converted, as required by Section 15-213.

\* \* \*

## 15-212

## Reduced floor area preservation

Notwithstanding the provisions of Section 15-211, Table I as set forth in this Section may be substituted for Table I in Section 15-211, and Table II in this Section may be substituted for Table II in Section 15-211 governing the amount of #floor area# to be preserved, provided that such preserved #floor area# will be occupied by a #commercial# or #manufacturing use# that has been in occupancy for two years prior to the application for a certification under the provisions of Section 15-21 or by a #use# listed in Section ~~15-50~~ 15-60(REFERENCED COMMERCIAL AND MANUFACTURING USES), and subject to the following conditions:

- (a) Where the preserved #floor area# is occupied by an existing #commercial# or #manufacturing use# for two years immediately preceding the date of application for a certification under Section 15-21, or where the preserved #floor area# is occupied by a #use# listed in Section ~~15-50~~ 15-60, the landlord shall present a lease, signed by both the landlord and such tenant, and certified as recorded by the Office of the City Register of New York County.

\* \* \*

- (b) Where the preserved #floor area# is occupied by any such #use# for two years immediately preceding the date of application under Section 15-21, and such occupant is the owner of said #floor area#, the Chairperson of the City Planning Commission shall require that the certificate of occupancy designate the preserved #floor area# for a #use# listed in Section ~~15-50~~ 15-60 for a period of 5 years from the date of such certification.

- (c) Where the preserved #floor area# will be occupied by a #use# listed in Section ~~15-50~~ 15-60 but no such tenant is yet occupying the #floor area#, the owner shall

covenant to preserve such #floor area# for a #use# listed in Section ~~15-50~~ 15-60, in the legal commitment required pursuant to Section 15-214.

\* \* \*

15-30  
MINOR MODIFICATIONS

\* \* \*

15-40  
AUTHORIZATION

15-41  
Enlargements of Converted Buildings

In all #commercial# and #residence districts#, for #enlargements# of non-#residential buildings# converted to #dwelling units#, the City Planning Commission may authorize the following:

- (a) A waiver of the requirements of Section 15-12 (Open Space Equivalent) for the existing portion of the #building# converted to #dwelling units#; and
- (b) The maximum #floor area ratio# permitted pursuant to Section 23-142 for the applicable district without regard for #height factor# or #open space ratio# requirements.

In order to grant such authorization, the Commission shall find that:

- (1) The #enlarged building# is compatible with the scale of the surrounding area;
- (2) Open areas are provided on the #zoning lot# that are of sufficient size to serve the residents of the #building#. Such open areas, which may be located on rooftops, courtyards, or other areas on the #zoning lot# shall be accessible to and usable by all residents of the #building#, and have appropriate access, circulation, seating, lighting and paving;
- (3) The site plan includes superior landscaping for all open areas on the #zoning lot#, including the planting of #street trees#, and
- (3) The #enlarged building# will not adversely effect structures or #open space# in the vicinity in terms of scale, location and access to light and air.

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

~~15-40~~ 15-50

SPECIAL PERMIT

~~15-41~~ 15-51

Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021 paragraph (e), or 15-21 in accordance with the provisions of Sections 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

~~15-50~~ 15-60

REFERENCED COMMERCIAL AND MANUFACTURING USES

(On July 25, 2007, Cal. No. 9, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 36, the hearing was continued. On August 22, 2007, Cal. No.16, the hearing was closed.)

**For consideration.**



**BOROUGH OF MANHATTAN**

**No. 8**

**CD 2**

**N 070395 ZAM**

**IN THE MATTER** of an application submitted by 150 Charles Street Holdings, LLC for the grant of an authorization pursuant to Section 15-41\* of the Zoning Resolution to waive the requirements of Section 15-12 (Open Space Equivalent) and to allow the maximum floor area ratio permitted pursuant to Section 23-142 without regard for height factor or open space ratio requirements in connection with the conversion to dwelling units and the enlargement of an existing building on property located at 303 West 10<sup>th</sup> Street (Block 636, Lot 70), in a C1-7 District.

\* Note: Section 15-41 is proposed to be changed under a related application (N 070394 ZRY) for an amendment of the Zoning Resolution

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.

**For consideration.**



**Nos. 9, 10 & 11**

**400 5<sup>TH</sup> AVENUE**

**No. 9**

**CD 5**

**N 070468 ZRM**

**IN THE MATTER OF** an application submitted by 400 Fifth Realty LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article VIII, Chapter 1, Special Midtown District, concerning Sections 81-212 (Provisions for the Transfer of Development Rights from a Landmark) and 81-81 (General Provisions), and the addition of Section 81-85 (Transfer of Development Rights from a Landmark in the 5th Avenue Subdistrict).

Matter in underline is new, to be added

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

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

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

**81-212**

**Special provisions for transfer of development rights from landmark sites**

The provisions of Section 74-79 (Transfer of Development Rights for Landmark Sites) shall apply in the #Special Midtown District#<sub>2</sub> subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, ~~and~~ Section 81-747 (Transfer of development rights from landmark theaters)- and Section 81-85 (Transfer of development rights from landmark sites within the Special Fifth Avenue Subdistrict).

The provisions of Section 74-79 pertaining to the meaning of the term “adjacent lot” in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the “adjacent lot” is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5 or C6-7T District.

The provisions of paragraph (c) of Section 74-79 as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark “granting lot” for transfer purposes.

Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

Within the Grand Central Subdistrict, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-63, but not both.

\* \* \* \*

**81-81**

**General Provisions**

The regulations of Sections 81-82 to 81-84~~85~~, inclusive, relating to Special Regulations for the Fifth Avenue Subdistrict, are applicable only in the Fifth Avenue Subdistrict, whose boundaries are shown on Map 2 in Appendix A. They supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

\* \* \* \*

**81-85**

**Transfer of development rights from landmark sites**

For new #developments# or #enlargements#, in addition to the provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites) and Section 81-212 (Special provisions for transfer of development rights from landmark sites), the Commission may modify or waive the requirements of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), inclusive, and the requirements of Section 81-84 (Mandatory Regulations and Prohibitions).

In granting such special permit, the Commission shall find that the permitted transfer of #floor area# and modification or waiver of mandatory plan elements will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with surrounding landmark #buildings or other structures#.

(On July 25, 2007, Cal. No. 10, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 37, the hearing was continued. On August 22, 2007, Cal. No. 17, the hearing was closed.)

**For consideration.**



**No. 10**

**CD 5**

**C 070469 ZSM**

**IN THE MATTER OF** an application submitted by 400 Fifth Realty LLC and 401 Fifth LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Sections 81-212\* and 74-79 - to allow the transfer of 173,692 square feet of floor area from property located at 393-401 Fifth Avenue (Block 866, Lots 3 and 76)

that is occupied by a landmark building to property located at 400-404 Fifth Avenue (Block 838, Lots 42, 45, 46, 47 and 48); and

2. Section 81-85\* - to modify the requirements of Section 81-84 (Mandatory Regulations and Prohibitions) to allow a hotel lobby within 50 feet of the Fifth Avenue street line and Section 81-45 (Pedestrian Circulation Space) and 37-07 (Requirements for Pedestrian Circulation Space) to allow a reduction of the amount and dimensional requirements of the required pedestrian circulation space;

to facilitate the development of a 57-story mixed use building on property located at 400-404 Fifth Avenue (Block 838, Lots 42, 45, 46, 47 and 48), in a C5-3 District, within the Special Midtown District (Fifth Avenue Subdistrict), Borough of Manhattan, Community District 5.

\* Note: A zoning text change is proposed under a concurrent related application (N 070468 ZRM) for amendment to Sections 81-212 (Special provisions for transfer of development rights from landmark sites) and Section 81-81 (General Provisions) and the creation of a new Section 81-85 (Transfer of development rights from landmark sites).

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

(On July 25, 2007, Cal. No. 11, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 38, the hearing was continued. On August 22, 2007, Cal. No. 18, the hearing was closed.)

**For consideration.**

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**No. 11**

**CD 5**

**C 070470 ZSM**

**IN THE MATTER OF** an application submitted by 400 Fifth Realty LLC and 401 Fifth LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-277 of the Zoning Resolution to modify the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation) to facilitate the development of a 57-story mixed use building on property located at 400-404 Fifth Avenue (Block 838, Lots 42, 45, 46, 47 and 48), in a C5-3 District, within the Special Midtown District (Fifth Avenue Subdistrict).

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

(On July 25, 2007, Cal. No. 12, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 39, the hearing was continued. On August 22, 2007, Cal. No. 19, the hearing was closed.)

**For consideration.**



**No. 12**

***COLON PLAZA***

**CD 11**

**C 070513 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 1753 Madison Avenue, 55 East 115<sup>th</sup> Street (Block 1621, Lots 23-25), part of Sites 3A and 3B within the Milbank Frawley Circle East Urban Renewal Area, as an Urban Development Action; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a seven story mixed-use building, tentatively known as Colon Plaza, with approximately 55 residential units commercial and community facility space to be developed under the New York State Department of Housing and Community Renewal's Homes for Working Families program.

(On August 8, 2007, Cal. No. 6, the Commission scheduled August 22, 2007 for a public hearing. On August 22, 2007, Cal. No. 30, the hearing was closed.)

**For consideration.**



**No. 13**

***THOMAS JEFFERSON PLAY CENTER LANDMARK***

**CD 11**

**N 080030 HKM**

**IN THE MATTER OF** a communication dated July 31, 2007, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of the Thomas Jefferson Play Center, (Block 1705, p/o Lot 1), by the Landmarks Preservation Commission on July 24, 2007 (List No. 394/LP-2236), located at First Avenue between East 111<sup>th</sup> and East 114<sup>th</sup> Streets.

**For consideration.**

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**No. 14**

***486 & 488 GREENWICH STREET LANDMARK***

**CD 2**

**N 080031-32 HKM**

**IN THE MATTER OF** a communication dated July 31, 2007, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation of 486 and 488 Greenwich Street House by the Landmarks Preservation Commission on July 24, 2007, (List No. 394, LP 2225 and 2224), located at 488 Greenwich Street (Block 595, Lots 83 and 82).

**For consideration.**

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**No. 15**

***WEST CHELSEA DISTRICT TEXT***

**CD 4**

**N 070498 ZRM**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District), Community District 4, Borough of Manhattan.

Matter in underline is new, to be added;

Matter in ~~strike out~~ is old, to be deleted;

Matter within # # is defined in Section 12-10 (DEFINITIONS)

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

## **Article IX - Special Purpose Districts**

### **Chapter 8**

#### **Special West Chelsea District**

\* \* \*

6/23/05

### **98-25**

#### **High Line Improvement Bonus**

For #zoning lots# located between West 16th and West 19th Streets over which the #High Line# passes, the applicable basic maximum #floor area ratio# of the #zoning lot# may be increased up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), provided that:

- (a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that anticipates using #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that:

(1) a contribution has been deposited into an escrow account or similar fund established by the City (the High Line Improvement Fund), or such contribution is secured by letter of credit or other cash equivalent instrument in a form acceptable to the City. Such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#. Such contribution shall be made in accordance with the provisions of Appendix D or E, as applicable;

(2) a declaration of restrictions executed by all “parties in interest” to the #zoning lot#, as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10 (DEFINITIONS), including and incorporating such other instruments as are necessary to assure that the City’s interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, as determined by the Department of City Planning in consultation with the Office of the

Corporation Counsel, is filed and recorded in the Office of the Register of the City of New York; and

- (3) all additional requirements of Appendix D or E, as applicable with respect to issuance of a building permit, have been met.
- (b) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 17<sup>th</sup> and West 18<sup>th</sup> Streets over which the #High Line# passes that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished a certification by the Chairperson of the City Planning Commission that:
- (1) if required pursuant to agreement with the City under Appendix D, #High Line# improvements within the #High Line# improvement area for such #zoning lot# have been performed in accordance with such agreement;
  - (2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix D;
  - (3) At-Grade Plaza Work has been performed on such #zoning lot# in the area shown in Diagram 3 of Appendix C, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work, in accordance with Appendix D;
  - (4) ~~stairway Stairway and elevator Elevator access Access work-Work~~ has been performed on such #zoning lot# in the At-Grade Plaza area shown in Diagram 3 of Appendix C, or that an additional contribution to the #High Line# Improvement Fund to fund performance of such work has been made, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of the Stairway and Elevator Access Work in the At-Grade Plaza, in accordance with Appendix D ; and
  - (5) all other applicable requirements of Appendix D have been met.

For temporary certificates of occupancy, certification with respect to performance of work required of owner shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work required of owner shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph, (b), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum

#floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix D. In the event that owner has executed agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and for some or all of the Stairway and Elevator Access Work, in accordance with Appendix D, certificates of occupancy shall be issued if owner has substantially or finally completed any aspects of the work required of owner pursuant to such agreements and other instruments, as the case may be, and is otherwise in full compliance with such agreements and instruments, including with respect to payment of all funds required pursuant to the terms thereof and Appendix D.

- (c) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 16<sup>th</sup> and 17<sup>th</sup> Streets or between West 18th and 19th Streets over which the #High Line# passes that incorporates #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished a certification by the Chairperson, that:
- (1) if required pursuant to agreement with the City under Appendix E, #High Line# improvements within the #High Line# improvement area for such #zoning lot# have been performed in accordance with such agreement;
  - (2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix E;
  - (3) stairway and elevator access work has been performed on such #zoning lot#, in accordance with Appendix E;
  - (4) for #zoning lots# located between West 16th and 17th Streets over which the #High Line# passes, #High Line# Service Facility Work has been performed, in accordance with Appendix E; and
  - (5) all other applicable requirements of Appendix E have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph, (c), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix E.

\* \* \*

6/23/05

**98-40  
SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE  
BETWEEN BUILDINGS REGULATIONS**

3/22/06

**98-423  
Street wall location, minimum and maximum base heights and maximum building  
heights**

\* \* \*

(e) Subarea H

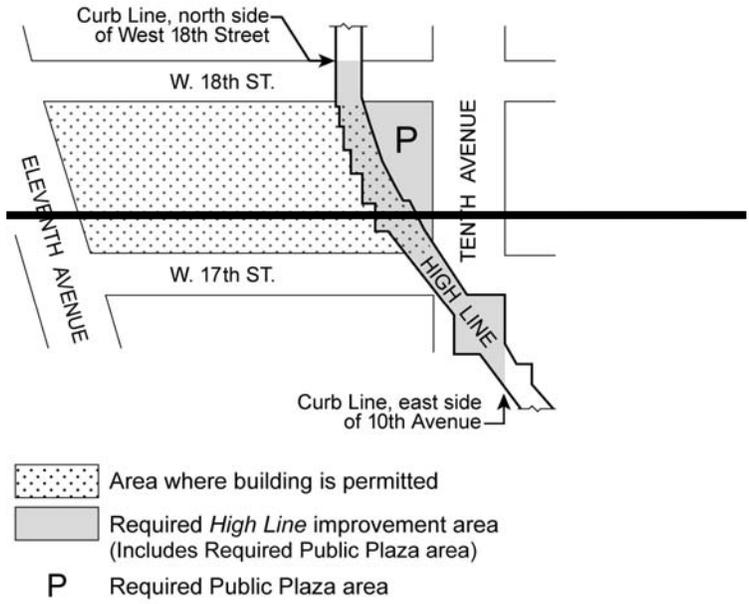
No #building or other structure# shall be located east of the #High Line#, unless otherwise specified in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and some or all of the Stairway and Elevator Work , executed in accordance with Appendix D.

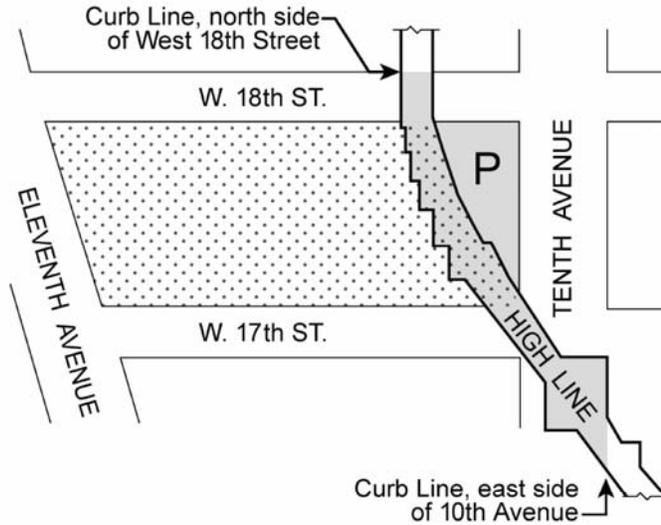
No portion of a #building or other structure# shall exceed a height of 85 feet except for two #buildings#, or portions of #buildings#, hereinafter referred to as “Tower East” and “Tower West.” At or above the base height, both such towers shall be set back at least 10 feet from any #street wall# facing a #wide street# and at least 15 feet from any #street wall# facing a #narrow street#. Such setbacks shall be provided at a height not lower than 60 feet, except that such setbacks may be provided at a height not lower than 40 feet, provided at least 65 percent of the #aggregate width of street walls# facing #narrow streets# and at least 60 percent of the #aggregate width of street walls# facing #wide streets# have a minimum base height of 60 feet.

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue #street line#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue #street line#. Tower East shall not exceed a height of 290 feet and Tower West shall not exceed a height of 390 feet. No portion of Tower East shall be located closer than 25 feet to any portion of Tower West.

A maximum of 50 percent of the #street wall# of Tower West may rise without setback from #narrow street line #. Such portion of the #street wall# shall be located a minimum of 15 feet and a maximum of 20 feet from the #narrow street line#.

**Diagram 3 – Subarea H Requirements**





-  Area where building is permitted  
\* except as described in Section 98-423 (e)
-  Required *High Line* improvement area  
(Includes Required Public Plaza area)
- P** Required Public Plaza area

\* \* \*

6/23/05

**Appendix D  
Special Regulations for Zoning Lots utilizing the High Line Improvement bonus in Subarea H**

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea H between West 17th and 18th Streets over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (b) of Section 98-25 for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term “parties in interest” as used herein shall mean “parties-in-interest,” as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10.

(a) Requirements for Issuance of Building Permit under paragraph (a) of Section 98-25

(1) As a condition of issuance of a building permit under paragraph (a) of Section 98-25:

- (i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix, D, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of \$50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22; provided, that in the event Owner has previously entered into agreements for construction of At Grade Plaza Work and Stairway and Elevator Access Work by the City pursuant to paragraph (a)(2) below and has made a contribution pursuant thereto, the amount of contribution to the #High Line# Improvement Fund under this subparagraph for purposes of Section 98-25, paragraph (a) shall be reduced by such amount at the time it is made;
- (ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and use of the At-Grade Plaza and the stairway and elevator that will provide access to the #High Line#, as shown in Diagram 3 of Appendix C, such easement area for the At-Grade Plaza to include the entire area of the #zoning lot# east of the #High Line# and such easement area as it relates to such stairway and elevator to be at least 2,500 square feet and in a location and configuration acceptable to the City; access for the potential performance by the City of work under the provisions set forth below; and maintenance and repair of the stairway and elevator. Such declaration shall incorporate by reference the maintenance and operating agreement referred to in paragraph (a)(1)(iii) below ; provided, that in the event Owner enters into agreements for construction of some or all of the At Grade Plaza Work and Stairway and Elevator Access Work by the City pursuant to paragraph (a)(2) below, the provisions of such restrictive declaration shall be modified as deemed necessary by the City to effectuate such agreements ; and
- (iii) Owner shall execute a maintenance and operating agreement for the At-Grade Plaza.

The easements and agreements described herein shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (b).

~~(2) Upon the request of Owner or the City, the City in its sole discretion, may enter into agreements with Owner, in a form acceptable to the City, providing for construction by the City of some or all of the At Grade Plaza Work described in paragraph (b)(2)(ii)(b) of this Appendix and some or all of the Stairway and Elevator Access Work described in paragraph (b)(3)(ii) by the City, including provisions with regard to the viability of retail space fronting the At-Grade Plaza. Pursuant to such agreements, Owner shall make a contribution of \$2,300,000 to a sub-account of the High Line Improvement Fund to fund such construction, which amount may be reduced in accordance with provisions of such agreements by an amount reflecting expenditures that owner has reasonably incurred or shall reasonably incur with respect to remediation work for the At Grade Plaza and any other work which is the responsibility of Owner pursuant thereto. All parties in interest shall execute a Restrictive Declaration pursuant to paragraph (a)(1)(ii) of this Appendix D with such modifications as deemed necessary by the City to effectuate such agreements.~~

~~(23)~~ Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area on such #zoning lot# and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement by Owner, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the contribution to the #High Line# improvement. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.

~~(34)~~ The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

(b) Requirements for Issuance of Certificates of Occupancy under paragraph (b) of Section 98-25:

(1) Structural Remediation Work under paragraph (b)(2) of Section 98-25

- (i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this paragraph, (b). Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (iv) and (v) below (unless such dates are extended by mutual agreement of the City and Owner, but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next twenty-four months. In that event, the amount of contribution to the #High Line# Improvement Fund shall be reduced by \$21.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (b)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of any temporary certificate of occupancy, and of final completion with respect to issuance of any final certificate of occupancy.
  
- (ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at, and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to public view versus those that will not be so exposed) and shall include, but not be limited to, the following:
  - (a) Removal and disposal of all lead-based products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
  
  - (b) Repair of all damaged portions of the entire steel structure, including but not limited to railings,

- columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;
- (c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;
  - (d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the City, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
  - (e) Removal of any or all portions of the ballast material on the #High Line#, including but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped, as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and
  - (f) Any work required to be performed below-grade for the anticipated improvements of the #High Line# for reuse as open space.
- (iii) Subject to the Not-To-Exceed Limit set forth in paragraph (c) of this Appendix, D, if Owner exercises the option to perform the Structural Remediation Work, it shall reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone).

- (iv) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to delays outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.
  - (v) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following June 23, 2005, or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, for any time during which Owner is unable to gain access in order to perform the Structural Remediation Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004.
  - (vi) In the event that the City does not provide the specifications for the Structural Remediation Work, within the timeframe set forth in paragraph (iv) of this Section, Owner may exercise the option to perform such work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays as described in paragraph (b)(1)(v), but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.
- (2) At-Grade Plaza Work under paragraph (b)(3) of Section 98-25:

The following shall apply – except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D that provide for construction of some or all of the At-Grade Plaza Work set forth in subparagraph (ii) (b) below by the City:

- (i) Owner shall perform At-Grade Plaza Work within the area on the #zoning lot# shown in Diagram 3 of Appendix C. For any temporary certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of substantial completion of the At-Grade Plaza Work (i.e., the At-Grade Plaza shall be open and accessible to the

public). For any permanent certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of final completion of the At-Grade Plaza Work. Substantial completion of the At-Grade Plaza Work shall also require execution by all parties-in-interest of the declarations, easements and maintenance and operating agreement described in paragraph (a) of Section (1) of this Appendix, if not previously provided in connection with issuance of a building permit.

- (ii) At-Grade Plaza Work shall include, but not be limited to:
  - (a) remediation work; and
  - (b) (i)all paving, plantings, surface treatments, lighting, trees, seating, fountains and other site amenities; and
  - (e) (ii)infrastructure work, including conduits, drainage, water line, electrical connections, and other utility work serving the At-Grade Plaza
  
- (iii) The At-Grade Plaza Work shall be performed by Owner pursuant to construction documents provided by the City by ~~September 30, 2006~~January 31, 2008, ~~subject to delays outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not exceed more than 180 days), and to such extension as the City and Owner may mutually agree.~~ The At-Grade Plaza Work shall be completed within one year following ~~the later of June 23, 2005, or the receipt of such documents,~~ January 31, 2008, subject to reasonable extension for any delays beyond Owner's reasonable control and to such extension as the City and Owner may mutually agree, and, in addition, for any time during which Owner is unable to gain access in order to perform the At-Grade Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon ~~December 20, 2004~~[date of text referral], or for any time needed to perform any necessary remediation work on the #zoning lot#.
  
- (iv) In no event shall Owner be required to complete the At-Grade Plaza Work until the #High Line# improvements within the portion of the #High Line# Improvement Area adjacent to the #zoning lot# (and, as applicable, over such Improvement Area, as shown on Diagram 3 of Appendix C), are substantially complete (i.e., open to the public but for the work needed to complete the At-Grade Plaza Work). Notwithstanding the foregoing, in no event shall Owner be

entitled to certification pursuant to Section 98-25, paragraph (b)(3), until the Chairperson determines that the At-Grade Plaza Work is substantially complete.

- (v) The cost to Owner of the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph, (b)(3) of this Section) shall not exceed \$2,300,000. The amount of contribution to the #High Line# Improvement Fund under subdivision (a) of section (1) of this Appendix made for purposes of Section 98-25, paragraph (a), shall be reduced by such amount at the time it is made. In addition to the costs of the At-Grade Plaza Work, subject to the Not-To-Exceed Limit set forth paragraph (c) of this Appendix, D. Owner shall be required to reimburse the City for:
  - (a) the reasonable cost of developing the plans and construction documents for the At-Grade Plaza Work; and
  - (b) the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).
  
- (vi) In the event that construction documents for the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) are not delivered to Owner within the timeframe set forth in paragraph (3) of this subsection, Owner shall not be required to perform the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) consistent with such documents. Instead, Owner shall perform Alternate At-Grade Plaza Work which shall include all necessary remediation work, all necessary below-grade work (including related infrastructure work necessary to support the #High Line#), and at-grade improvements pursuant to the standards set forth in Section 37-04, paragraphs (g) through (n) of the Zoning Resolution, except that open-air cafes and kiosks shall not be permitted. Permitted obstructions, whether as described in the City's specifications for the At-Grade Plaza Work or as specified in Section 37-04, paragraph (g), for the Alternate At-Grade Plaza Work, shall not count towards #lot coverage#.

- (vii) The cost to the Owner of the Alternate At-Grade Plaza Work shall not exceed \$1,400,000. In addition, Owner shall, subject to the Not-To Exceed Limit of paragraph (c) of this Appendix, D, be required to reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Alternate At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).
  - (viii) Upon substantial completion of the At-Grade Plaza and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4), Owner shall provide the City with the declarations, easements and maintenance and operating agreement described in subsection (a) of section (1) of this Appendix, if not already provided in connection with the issuance of a building permit; such At-Grade Plaza shall be open and accessible to the public during at least the same hours during which the #High Line# is open and accessible to the public, subject to the terms of the maintenance and operating agreement; and Owner shall maintain the At-Grade Plaza pursuant to the terms of the maintenance and operating agreement.
- (3) Stairway and Elevator Access Work under paragraph (b)(4) of Section 98-25:

The following shall apply except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D that provide for the construction of some or all of the Stairway and Elevator Access Work described in subparagraph (ii) below by the City:

- (i) Except as provided in paragraph (b)(3)(iii) of this Section, Owner shall perform Stairway and Elevator Access Work within the At-Grade Plaza area as shown in Diagram 3 of Appendix C in conjunction with performance of the At-Grade Plaza Work. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (b)(4), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification pursuant to such Section shall be of final completion of the work.

- (ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator, shall be included in the construction drawings for the At-Grade Plaza Work described above, and shall be performed by Owner within the time period for performance of the At-Grade Plaza Work described in paragraph (c) of this Section. The location for the stairway and elevator shall take into account the viability of any retail spaces fronting the At-Grade Plaza.
- (iii) Owner shall not be responsible for performance of the Stairway and Elevator Access Work where it performs the Alternate At-Grade Plaza Work in accordance with paragraph (b) of this Section. In that event, prior to commencing the Alternate At-Grade Plaza Work and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4):
  - (a) Owner shall deposit into the #High Line# Improvement Fund, a contribution of \$900,000.00 (the Access Contribution), to be used at the direction of the Chairperson of the City Planning Commission for construction of stairway and elevator facilities on the #zoning lot#, and
  - (b) Owner shall provide the City with the declarations, easements, and maintenance and operating agreement described in paragraph (a)(1) of this Appendix, if not previously provided in connection with issuance of a building permit.
- (4) City Performance of Work In the Event of Failure to Perform:
  - (i) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (a) of this Appendix, D, Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix), the At-Grade Plaza Work or Alternate Plaza Work, as applicable, and the Stairway and Elevator Access Work (where required to do so under paragraphs (b)(2)and (b)(3) of this Appendix), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area for the #zoning lot#, as shown on Diagram 3 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) has passed, subject to the

provisions of such sections relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.

- (ii) The City may proceed with performance and/or completion of the work following such notice unless Owner:
  - (a) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total), unless such date is extended by mutual agreement between the City and Owner, for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City; and
  - (b) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, any time in which Owner is unable to gain access in order to perform the At-Grade Plaza Work or Alternate Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004, or for any time during which remediation work is in progress on the #zoning lot#.
- (iii) In the event Owner does not comply with the requirements of paragraph (b)(4)(ii):
  - (a) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (1) of Section (a) of this Appendix;
  - (b) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and
  - (c) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor any temporary or permanent certificate of occupancy may be issued pursuant to Section 98-25, paragraph (b), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

(c) Reimbursement Not-To-Exceed Limits

Reimbursement of the City by Owner of costs pursuant to this Appendix shall not exceed a total of \$450,000.00.

\* \* \*

(On August 8, 2007, Cal. No. 10, the Commission scheduled August 22, 2007 for a public hearing. On August 22, 2007, Cal. No. 32, the hearing was closed.)

**For consideration.**

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**BOROUGH OF BROOKLYN**

**No. 16**

***HRA/ACS WAREHOUSE***

**CD 18**

**C 070337 PCK**

**IN THE MATTER OF** an application submitted by the Human Resources Administration, the Administration for Children's Services, and the Department of Citywide Administrative, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 10300 Foster Avenue (Block 8149, Lot 300) for use as a warehouse.

(On July 25, 2007, Cal. No. 1, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 30, the hearing was continued. On August 22, 2007, Cal. No. 10, the hearing was closed.)

**For consideration.**

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**No. 17**

***SUNSET PLAY CENTER AND BATH HOUSE LANDMARK***

**CD 7**

**N 080027-28 HKK**

**IN THE MATTER OF** a communication dated August 1, 2007, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation

of the Sunset Play Center and the Sunset Play Center Bath House, first floor interior by the Landmarks Preservation Commission on July 24, 2007 (Exterior designation List No 394/LP-2242); First Floor Interior designation, List No. 394/LP-2243) (Block 921, Lot 1).

**For consideration.**

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**No. 18**

***McCARREN PLAY CENTER LANDMARK***

**CD 1**

**N 080029 HKK**

**IN THE MATTER OF** a communication dated July 31, 2007, from the Chief of Staff of the Landmarks Preservation Commission regarding the landmark designation of the McCarren Play Center, located in McCarren Park (Block 2696, Lot 1), by the Landmarks Preservation Commission on July 24, 2007 (Designation List 394/LP-2244).

**For consideration.**

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**Nos. 19 & 20**

***BED-STUY REZONING***

**No. 19**

**CD 3**

**C 070447 ZMK**

**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, Sections 16c and 17a:

1. **eliminating from within an existing R5 District a C1-3 District** bounded by:
  - a. Halsey Street, a line 150 feet easterly of Marcus Garvey Boulevard, the westerly prolongation of a line midway between Decatur Street and Bainbridge Street, Marcus Garvey Boulevard, MacDonough Street, and a line 150 feet westerly of Marcus Garvey Boulevard;
  - b. a line midway between Jefferson Avenue and Hancock Street, a line 150 feet easterly of Lewis Avenue-Dr. Sandy F. Ray Boulevard, Halsey

Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard , Macon Street, and a line 150 feet westerly of Lewis Avenue-Dr. Sandy F. Ray Boulevard;

- c. Madison Street, a line 150 feet easterly of Malcolm X Boulevard, Halsey Street, and a line 150 feet westerly of Malcolm X Boulevard;
- d. Hancock Street, Ralph Avenue, Halsey Street, a line 150 feet easterly of Ralph Avenue, Macon Street, and a line 150 feet westerly of Ralph Avenue; and
- e. Bainbridge Street, Malcolm X Boulevard, Chauncey Street, and a line 150 feet westerly of Malcolm X Boulevard;

**2. eliminating from within an existing R5 District a C2-3 District bounded by:**

- a. Monroe Street, a line 150 feet easterly of Marcus Garvey Boulevard, Putnam Avenue, Marcus Garvey Boulevard, Jefferson Avenue, a line 150 feet easterly of Marcus Garvey Boulevard, Halsey Street, a line 150 feet westerly of Marcus Garvey Boulevard, Madison Street, and Marcus Garvey Boulevard;
- b. a line midway between Decatur Street and Bainbridge Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard , Bainbridge Street, and a line 510 feet easterly of Marcus Garvey Boulevard;
- c. Halsey Street, a line 150 feet easterly of Malcolm X Boulevard, Bainbridge Street, and a line 150 feet westerly of Malcolm X Boulevard;
- d. Madison Street, Ralph Avenue, Hancock Street, and a line 150 feet westerly of Ralph Avenue; and
- e. Decatur Street, a line 150 feet easterly of Ralph Avenue, Bainbridge Street, and Ralph Avenue;

**3. eliminating from within an existing R6 District a C1-3 District bounded by:**

- a. Lafayette Avenue, a line 150 feet easterly of Franklin Avenue, Lexington Avenue, and a line 150 feet westerly of Franklin Avenue;
- b. a line 150 feet northeasterly of Fulton Street, a line midway between Bedford Avenue and Spencer Place, a line 100 feet northeasterly of Fulton Street, Bedford Avenue, Brevoort Place, a line 100 feet southwesterly of Fulton Street, Franklin Avenue, Fulton Street, and Claver Place;

- c. Quincy Street, a line 150 feet easterly of Nostrand Avenue, Jefferson Avenue, a line 150 feet westerly of Nostrand Avenue, Monroe Street, Nostrand Avenue, Gates Avenue, and a line 150 feet westerly of Nostrand Avenue;
- d. Quincy Street, a line 150 feet easterly of Tompkins Avenue, Madison Street, and a line 150 feet westerly of Tompkins Avenue;
- e. Putnam Avenue, a line 150 feet easterly of Tompkins Avenue, Halsey Street, and a line 150 feet westerly of Tompkins Avenue;
- f. Quincy Street, a line 150 feet easterly of Marcus Garvey Boulevard, Gates Avenue, and a line 150 feet westerly of Marcus Garvey Boulevard;
- g. a line 100 feet northerly of Fulton Street, Tompkins Avenue, Fulton Street, New York Avenue, Herkimer Street, and a line 150 feet easterly of Nostrand Avenue;
- h. Decatur Street, Marcus Garvey Boulevard, Fulton Street, Albany Avenue, Herkimer Street, a line 150 feet westerly of Albany Avenue, a line midway between Fulton Street and Herkimer Street, a line 100 feet westerly of Albany Avenue, a line 100 feet northerly of Fulton Street, and a line 150 feet westerly of Albany Avenue;
- i. Quincy Street, a line 150 feet easterly of Malcolm X Boulevard, Gates Avenue, and a line 150 feet westerly of Malcolm X Boulevard;
- j. Monroe Street, Howard Avenue, Broadway, Saratoga Avenue, Jefferson Avenue, a line 150 feet southwesterly of Broadway, Putnam Avenue, and a line 150 feet westerly of Howard Avenue;
- k. Hancock Street, a line 150 feet easterly of Ralph Avenue, Halsey Street, and Ralph Avenue;
- l. Decatur Street, Saratoga Avenue, Bainbridge Street, and a line 150 feet westerly of Saratoga Avenue;
- m. Bainbridge Street, a line 150 feet easterly of Howard Avenue, Sumpter Street, a line 150 feet westerly of Howard Avenue, Chauncey Street, and Howard Avenue;
- n. Sumpter Street, a line 100 feet easterly of Ralph Avenue,

MacDougal Street and its westerly centerline prolongation, and Ralph Avenue; and

- o. Marion Street, a line 150 feet easterly of Malcolm X Boulevard, a line 100 feet northerly of Fulton Street, Patchen Avenue, Fulton Street, a line 300 feet easterly of Ralph Avenue, a line midway between Fulton Street and Herkimer Street, a line 150 feet easterly of Ralph Avenue, Herkimer Street, Ralph Avenue, a line midway between Fulton Street and Herkimer Street, Rochester Avenue; Fulton Street, and Malcolm X Boulevard;

**4. eliminating from within an existing R6 District a C1-4 District bounded by:**

- a. Bainbridge Street, a line perpendicular to the southerly street line of Bainbridge Street distant 200 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Lewis Avenue-Dr. Sandy F. Ray Boulevard and the southerly street line of Bainbridge Street, a line 100 feet southerly of Bainbridge Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, Fulton Street, and a line 480 feet easterly of Marcus Garvey Boulevard; and
- b. a line 200 feet northeasterly of Fulton Street, Malcolm X Boulevard, Fulton Street, Rochester Avenue, a line midway between Fulton Street and Herkimer Street and its westerly prolongation, Utica Avenue, Fulton Street, and a line perpendicular to the northerly street line of Fulton Street distant 300 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Malcolm X Boulevard and the northerly street line of Fulton Street;

**5. eliminating from within an existing R6 District a C2-3 District bounded by:**

- a. a line 150 feet northeasterly of Fulton Street, Claver Place, Fulton Street, Franklin Avenue, a line midway between Fulton Street and Lefferts Place, and Classon Avenue;
- b. Quincy Street, a line 150 feet easterly of Bedford Avenue, Halsey Street, Bedford Avenue, a line 100 feet northeasterly of Fulton Street, a line midway between Bedford Avenue and Spencer Place, Hancock Street, Bedford Avenue, Jefferson Avenue, and a line 150 feet westerly of Bedford Avenue;
- c. Jefferson Avenue, Nostrand Avenue, Macon Street, and a line 150 feet westerly of Nostrand Avenue;
- d. Gates Avenue, a line 150 feet easterly of Marcus Garvey

Boulevard, Monroe Street, and a line 150 feet westerly of Marcus Garvey Boulevard;

- e. Decatur Street, Throop Avenue, a line 100 feet northerly of Fulton Street, a line 100 feet westerly of Albany Avenue, a line midway between Fulton Street and Herkimer Street, Brooklyn Avenue, Fulton Street, and Tompkins Avenue and its southerly centerline prolongation;
- f. Bainbridge Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, a line 100 feet southerly of Bainbridge Street, and a line perpendicular to the southerly street line of Bainbridge Street distant 200 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Lewis Avenue-Dr. Sandy F. Ray Boulevard and the southerly street line of Bainbridge Street,
- g. Fulton Street, a line perpendicular to the southerly street line of Fulton Street distant 60 feet easterly (as measured along the street line) from the point of intersection of the southeasterly street line of Troy Avenue and the southerly street line of Fulton Street, Herkimer Street, a line perpendicular to the northerly street line of Herkimer Street distant 50 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Troy Avenue and the northerly street line of Herkimer Street, a line midway between Fulton Street and Herkimer Street, and Albany Avenue;
- h. Madison Street, a line 150 feet easterly of Ralph Avenue, Hancock Street, and Ralph Avenue;
- i. Macon Street, Saratoga Avenue, Decatur Street, and a line 150 feet westerly of Saratoga Avenue;
- j. Bainbridge Street, a line 150 feet easterly of Ralph Avenue, Chauncey Street, and Ralph Avenue; and
- k. MacDougal Street and its westerly centerline prolongation, Howard Avenue, a line 100 feet northerly of Fulton Street, a line 100 feet northerly of Hull Street, Saratoga Avenue, Herkimer Street, a line 150 feet westerly of Saratoga Avenue, a line midway between Fulton Street and Herkimer Street, a line 450 feet easterly of Ralph Avenue; Fulton Street, and Ralph Avenue;

**6. changing from an R5 District to an R5B District property bounded by:**

- a. Halsey Street, Howard Avenue, Bainbridge Street, and a line 100 feet easterly of Ralph Avenue; and
- b. Herkimer Street, Saratoga Avenue, the southerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and Howard Avenue;

**7. changing from an R6 District to an R5B District property bounded by:**

- a. Herkimer Street, a line 350 feet westerly of Schenectady Avenue, a line midway between Fulton Street and Herkimer Street, Schenectady Avenue, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and Troy Avenue; and
- b. Bainbridge Street, Howard Avenue, a line midway between Bainbridge Street and Chauncey Street, and a line 100 feet easterly of Ralph Avenue;

**8. changing from an R5 District to an R6A District property bounded by:**

- a. Monroe Street, a line 100 feet easterly of Malcolm X Boulevard, Chauncey Street, and a line 100 feet westerly of Malcolm X Boulevard; and
- b. Monroe Street, Ralph Avenue, Halsey Street, and a line 100 feet westerly of Ralph Avenue;

**9. changing from an R6 District to an R6A District property bounded by:**

- a. Lafayette Avenue, a line 100 feet easterly of Franklin Avenue, Jefferson Avenue, Franklin Avenue, a line 100 feet northeasterly of Fulton Street, a line 200 feet westerly of Franklin Avenue, a line 100 feet southerly of Jefferson Avenue, a line 100 feet westerly of Franklin Avenue, a line midway between Lafayette Avenue and Clifton Place, and Classon Avenue;
- b. Quincy Street, a line 100 feet easterly of Bedford Avenue, Halsey Street, Bedford Avenue, a line 100 feet northeasterly of Fulton Street, and a line 100 feet westerly of Bedford Avenue;
- c. Quincy Street, a line 100 feet easterly of Nostrand Avenue, a line midway between Quincy Street and Gates Avenue, a line 100 feet westerly of Tompkins Avenue, Quincy Street, a line 100 feet easterly of Tompkins Avenue, a line midway between Quincy Street and Gates Avenue, Lewis Avenue-Dr. Sandy F. Ray Boulevard, Quincy Street, a line 325 feet easterly of Stuyvesant Avenue, a line midway between

Quincy Street and Gates Avenue, a line 100 feet westerly of Malcolm X Boulevard, Quincy Street, a line 100 feet easterly of Malcolm X Boulevard, a line midway between Quincy Street and Gates Avenue, a line 170 feet westerly of Ralph Avenue, Gates Avenue, a line 100 feet easterly of Ralph Avenue, Halsey Street, Ralph Avenue, Monroe Street, a line 100 feet westerly of Ralph Avenue, a line midway between Gates Avenue and Monroe Street, a line 100 feet easterly of Malcolm X Boulevard, Monroe Street, a line 150 feet westerly of Stuyvesant Avenue, a line midway between Gates Avenue and Monroe Street, a line 100 feet easterly of Tompkins Avenue, Decatur Street, Marcus Garvey Boulevard, a line 100 feet northeasterly of Fulton Street, Throop Avenue, Fulton Street, Tompkins Avenue, a line 100 feet northeasterly of Fulton Street, a line 100 feet westerly of Tompkins Avenue, a line midway between Monroe Street and Gates Avenue, a line 100 feet easterly of Nostrand Avenue, Macon Street, a line 100 feet westerly of Nostrand Avenue, Putnam Avenue, Nostrand Avenue, Madison Street, a line 100 feet westerly of Nostrand Avenue, Monroe Street, Nostrand Avenue, Gates Avenue, and a line 100 feet westerly of Nostrand Avenue;

- d. Herkimer Street, Brooklyn Avenue, a line midway between Fulton Street and Herkimer Street, a line perpendicular to the northerly street line of Herkimer Street distant 50 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Herkimer Street and the northwesterly street line of Troy Avenue, Herkimer Street, Albany Avenue, a line 185 feet southerly of Herkimer Street, Kingston Avenue, Herkimer Street, St. Andrews Place, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), Brooklyn Avenue, a line 150 feet northerly of Atlantic Avenue, and New York Avenue;
  - e. Fulton Street, Schenectady Avenue, a line midway between Fulton Street and Herkimer Street, a line 350 feet northwesterly of Schenectady Avenue, Herkimer Street, and Troy Avenue; and
  - f. MacDougal Street and its westerly centerline prolongation, Howard Avenue, Fulton Street, and Ralph Avenue;
10. **changing from a C4-3 District to an R6A District** property bounded by Gates Avenue, a line 150 feet easterly of Ralph Avenue, Monroe Street, and a line 100 feet easterly of Ralph Avenue;
11. **changing from an M1-1 District to an R6A District** property bounded by Gates Avenue, Nostrand Avenue, Monroe Street, and a line 225 feet westerly of Nostrand Avenue;
12. **changing from an R5 District to an R6B District** property bounded by:

- a. Monroe Street, a line 100 feet westerly of Malcolm X Boulevard, Chauncey Street, Stuyvesant Avenue, Fulton Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, Bainbridge Street, a line 510 feet easterly of Marcus Garvey Boulevard, a line midway between Decatur Street and Bainbridge Street and its westerly prolongation, Marcus Garvey Boulevard, Decatur Street, Throop Avenue, Putnam Avenue, a line 175 feet easterly of Throop Avenue, Madison Street, and Throop Avenue; and
- b. Monroe Street, a line 100 feet westerly of Ralph Avenue, Halsey Street, a line 100 feet easterly of Ralph Avenue, Bainbridge Street, Patchen Avenue, Chauncey Street, and a line 100 feet easterly of Malcolm X Boulevard;

**13. changing from an R6 District to an R6B District property bounded by:**

- a. a line midway between Lafayette Avenue and Clifton Place, a line 100 feet westerly of Franklin Avenue, a line 100 feet southerly of Jefferson Avenue, a line 200 feet westerly of Franklin Avenue, a line 100 feet northeasterly of Fulton Street, and Classon Avenue;
- b. Quincy Street, a line 100 feet westerly of Bedford Avenue, a line 100 feet northeasterly of Fulton Street, Franklin Avenue, Jefferson Avenue, and a line 100 feet easterly of Franklin Avenue;
- c. a line 100 feet southwestly of Fulton Street, Franklin Avenue, a line perpendicular to the easterly street line of Franklin Avenue distant 200 feet southerly (as measured along the street line) from the point of intersection of the southwestly street line of Fulton Street and the easterly street line of Franklin Avenue, a line 100 feet southwestly of Fulton Street, Bedford Avenue, a line 100 feet southerly of Brevoort Place, Franklin Avenue, a line midway between Lefferts Place and Atlantic Avenue, and Classon Avenue;
- d. Quincy Street, a line 100 feet westerly of Nostrand Avenue, Gates Avenue, a line 225 feet westerly of Nostrand Avenue, Monroe Street, a line 100 feet westerly of Nostrand Avenue, Madison Street, Nostrand Avenue, Putnam Avenue, a line 100 feet westerly of Nostrand Avenue, Macon Street, Arlington Place, Halsey Street, and a line 100 feet easterly of Bedford Avenue;
- e. a line midway between Fulton Street and Herkimer Street, a line 150 feet westerly of Nostrand Avenue, a line 100 feet southerly of Herkimer Street, and a line 100 feet easterly of Bedford Avenue;

- f. Quincy Street, a line 100 feet westerly of Tompkins Avenue, a line midway between Quincy Street and Gates Avenue, and a line 100 feet easterly of Nostrand Avenue;
- g. a line midway between Gates Avenue and Monroe Street, a line 100 feet westerly of Tompkins Avenue, a line 100 feet northerly of Fulton Street, a line 150 feet easterly of Nostrand Avenue, Macon Street, and a line 100 feet easterly of Nostrand Avenue;
- h. a line midway between Fulton Street and Herkimer Street, New York Avenue, a line midway between Herkimer Street and Atlantic Avenue, a line 100 feet easterly of Nostrand Avenue, Herkimer Street, and a line 150 feet easterly of Nostrand Avenue;
- i. Quincy Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, a line midway between Quincy Street and Gates Avenue, and a line 100 feet easterly of Tompkins Avenue;
- j. a line midway between Gates Avenue and Monroe Street, a line 150 feet westerly of Stuyvesant Avenue, Monroe Street, Throop Avenue, Madison Street, a line 175 feet easterly of Throop Avenue, Putnam Avenue, Throop Avenue, Decatur Street, and a line 100 feet easterly of Tompkins Avenue;
- k. Herkimer Street, Kingston Avenue, a line 185 feet southerly of Herkimer Street, Albany Avenue, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and St. Andrews Place;
- l. Quincy Street, a line 100 feet westerly of Malcolm X Boulevard, a line midway between Quincy Street and Gates Avenue, and a line 325 feet easterly of Stuyvesant Avenue;
- m. Quincy Street, a line 150 feet westerly of Ralph Avenue, a line midway between Quincy Street and Gates Avenue, and a line 100 feet easterly of Malcolm X Boulevard;
- n. a line midway between Gates Avenue and Monroe Street, a line 100 feet westerly of Ralph Avenue, Monroe Street, and a line 100 feet easterly of Malcolm X Boulevard;
- o. Monroe Street, Howard Avenue, Putnam Avenue, a line 100 feet southwesterly of Broadway, Jefferson Avenue, Saratoga Avenue, Hull Street and its westerly centerline prolongation, Fulton Street, Howard Avenue, MacDougal Street and its westerly centerline prolongation, Ralph Avenue, Bainbridge Street, a line 100 feet easterly of Ralph Avenue, a line midway between Bainbridge Street and Chauncey

Street, Howard Avenue, Halsey Street, and a line 100 feet easterly of Ralph Avenue;

- p. Bainbridge Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, a line 100 feet southerly of Bainbridge Street, and a line 480 feet easterly of Marcus Garvey Boulevard;
- q. Lewis Avenue-Dr. Sandy F. Ray Boulevard, Fulton Street, and Troy Avenue;
- r. Chauncey Street, a line 200 feet easterly of Stuyvesant Avenue, a line 100 feet southerly of Chauncey Street, a line 100 feet easterly of Stuyvesant Avenue, Fulton Street, and Stuyvesant Avenue;
- s. Chauncey Street, Patchen Avenue, a line 100 feet northerly of Sumpter Street, a line 100 feet northerly of Fulton Street, a line 100 feet easterly of Malcolm X Boulevard, Marion Street, and Malcolm X Boulevard; and
- t. Fulton Street, Rochester Avenue, a line midway between Fulton Street and Herkimer Street, Ralph Avenue, Herkimer Street, a line 150 feet easterly of Ralph Avenue, a line midway between Fulton Street and Herkimer Street, Saratoga Avenue, Herkimer Street, Howard Avenue, a line midway between Herkimer Street and Atlantic Avenue, a line midway between Kane Place and Columbus Place, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), Buffalo Avenue, a line 150 feet northerly of Atlantic Avenue, Suydam Place, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and Utica Avenue and its northerly centerline prolongation (straight line portion);

**14. changing from a C4-3 District to an R6B District property bounded by:**

- a. Halsey Street, Arlington Place, a line 180 feet southeasterly of Halsey Street, a line 100 feet westerly of Arlington Place, a line 100 feet southerly of Halsey Street, and a line 100 feet easterly of Bedford Avenue;
- b. Macon Street, a line 150 feet easterly of Nostrand Avenue, a line 100 feet northerly of Fulton Street, and a line 100 feet easterly of Nostrand Avenue;
- c. a line midway between Fulton Street and Herkimer Street, a line 150 feet easterly of Nostrand Avenue, Herkimer Street, and a line 100 feet easterly of Nostrand Avenue; and

- d. a line midway between Fulton Street and Herkimer Street, a line 100 feet westerly of Nostrand Avenue, a line 100 feet southerly of Herkimer Street, and a line 150 feet westerly of Nostrand Avenue;

**15. changing from an R6 District to an R7D District** property bounded by:

- a. a line 100 feet northeasterly of Fulton Street, Bedford Avenue, a line 100 feet southwesterly of Fulton Street, a line perpendicular to the easterly street line of Franklin Avenue distant 200 feet southerly (as measured along the street line) from the point of intersection of the southwesterly street line of Fulton Street and the easterly street line of Franklin Avenue, Franklin Avenue, a line 100 feet southwesterly of Fulton Street, and Classon Avenue;
- b. a line 100 feet northerly of Fulton Street, Tompkins Avenue, Fulton Street, Throop Avenue, a line 100 feet northerly of Fulton Street, Marcus Garvey Boulevard, Fulton Street, a line perpendicular to the northerly street line of Herkimer Street distant 50 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Troy Avenue and the northerly street line of Herkimer Street, a line midway between Fulton Street and Herkimer Street, Brooklyn Avenue, Fulton Street, and a line 150 feet easterly of Nostrand Avenue; and
- c. Marion Street, a line 100 feet easterly of Malcolm X Boulevard, a line 100 feet northerly of Fulton Street, a line 100 feet northerly of Sumpter Street, Patchen Avenue, Fulton Street, Hull Street and its westerly centerline prolongation, Saratoga Avenue, a line midway between Fulton Street and Herkimer Street, a line 150 feet easterly of Ralph Avenue, Herkimer Street, Ralph Avenue, a line midway between Fulton Street and Herkimer Street, Rochester Avenue, Fulton Street, and Malcolm X Boulevard;

**16. changing from a C4-3 District to an R7D District** property bounded by a line 100 feet northerly of Fulton Street, a line 150 feet easterly of Nostrand Avenue, Fulton Street, and a line 100 feet easterly of Nostrand Avenue;

**17. changing from an R6 District to a C4-5D District** property bounded by:

- a. Fulton Street, New York Avenue, a line midway between Fulton Street and Herkimer Street, and a line 150 feet easterly of Nostrand Avenue; and
- b. Herkimer Street, a line 100 feet easterly of Nostrand Avenue, a line midway between Herkimer Street and Atlantic Avenue, and Nostrand Avenue;

18. **changing from a C4-3 District to a C4-5D District** property bounded by Halsey Street, a line 100 feet easterly of Bedford Avenue, a line 100 feet southerly of Halsey Street, a line 100 feet westerly of Arlington Place, a line 180 feet southerly of Halsey Street, Arlington Place, Macon Street, a line 100 feet easterly of Nostrand Avenue, Fulton Street, a line 150 feet easterly of Nostrand Avenue, a line midway between Fulton Street and Herkimer Street, a line 100 feet easterly of Nostrand Avenue, Herkimer Street, Nostrand Avenue, a line midway between Herkimer Street and Atlantic Avenue, a line 150 feet easterly of Nostrand Avenue, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), a line 150 feet westerly of Nostrand Avenue, a line 100 feet southerly of Herkimer Street, a line 100 feet westerly of Nostrand Avenue, a line midway between Fulton Street and Herkimer Street, a line 100 feet easterly of Bedford Avenue, Herkimer Street, and Bedford Avenue;
19. **changing from an M1-1 District to a C4-5D District** property bounded by Fulton Street, Brooklyn Avenue, Herkimer Street, and New York Avenue;
20. **changing from an M1-1 District to an M1-1/R7D District** property bounded by a line midway between Herkimer Street and Atlantic Avenue, Howard Avenue, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and a line midway between Kane Place and Columbus Place;
21. **establishing within an existing R6 District a C2-4 District** bounded by:
- a. a line 100 feet southerly of Bainbridge Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, Troy Avenue, Herkimer Street, a line perpendicular to the northerly street line of Herkimer Street distant 50 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Troy Avenue and the northerly street line of Herkimer Street, Fulton Street, and a line 480 feet easterly of Marcus Garvey Boulevard;
  - b. a line 200 feet northerly of Fulton Street, Malcolm X Boulevard, Fulton Street, and a line perpendicular to the northerly street line of Fulton Street distant 300 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Malcolm X Boulevard and the northerly street line of Fulton Street; and
  - c. Broadway, Saratoga Avenue, Jefferson Avenue, a line 100 feet southwesterly of Broadway, Madison Street, Howard Avenue, and Monroe Street;
22. **establishing within a proposed R6A District a C2-4 District** bounded by:
- a. Lafayette Avenue, a line 100 feet easterly of Franklin Avenue, Lexington Avenue, and a line 100 feet westerly of Franklin Avenue;

- b. Quincy Street, a line 100 feet easterly of Bedford Avenue, Halsey Street, Bedford Avenue, a line 100 feet northeasterly of Fulton Street, a line 100 feet westerly of Bedford Avenue, Hancock Street, Bedford Avenue, Jefferson Avenue, a line 100 feet westerly of Bedford Avenue, a line midway between Gates Avenue and Monroe Street, Bedford Avenue, Gates Avenue, and a line 100 feet westerly of Bedford Avenue;
- c. Quincy Street, a line 100 feet easterly of Nostrand Avenue, Monroe Street, Nostrand Avenue, Madison Street, a line 100 feet westerly of Nostrand Avenue;
- d. Madison Street, a line 100 feet easterly of Nostrand Avenue, Putnam Avenue, and Nostrand Avenue;
- e. Putnam Avenue, Nostrand Avenue, a line midway between Jefferson Avenue and Hancock Street, and a line 100 feet westerly of Nostrand Avenue;
- f. Halsey Street, Nostrand Avenue, Macon Street, and a line 100 feet westerly of Nostrand Avenue;
- g. a line midway between Quincy Street and Gates Avenue, Marcy Avenue-Rev. Dr. Gardner C. Taylor Boulevard, Gates Avenue, and a line 100 feet westerly of Marcy Avenue-Rev. Dr. Gardner C. Taylor Boulevard;
- h. Quincy Street, a line 100 feet easterly of Tompkins Avenue, Madison Street, Tompkins Avenue, a line midway between Putnam Avenue and Jefferson Avenue, and a line 100 feet westerly of Tompkins Avenue;
- i. Jefferson Avenue, a line 100 feet easterly of Tompkins Avenue, MacDonough Street, Tompkins Avenue, Halsey Street, and a line 100 feet westerly of Tompkins Avenue;
- j. a line midway between MacDonough Street and Decatur Street, Decatur Street, a line 100 feet northerly of Fulton Street, Throop Avenue, Fulton Street, and Tompkins Avenue;
- k. Decatur Street, Marcus Garvey Boulevard, a line 100 feet northerly of Fulton Street, and a line 100 feet westerly of Marcus Garvey Boulevard;
- l. a line midway between Quincy Street and Gates Avenue, a line 100 feet easterly of Throop Avenue, Gates Avenue, and Throop Avenue;

- m. a line midway between Quincy Street and Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Gates Avenue, Marcus Garvey Boulevard, a line midway between Gates Avenue and Monroe Street, a line 150 feet westerly of Marcus Garvey Boulevard, Gates Avenue, and a line 100 feet westerly of Marcus Garvey Boulevard;
  - n. Fulton Street, a line perpendicular to the southerly street line of Fulton Street distant 60 feet easterly (as measured along the street line) from the point of intersection of the southeasterly street line of Troy Avenue and the southerly street line of Fulton Street, Herkimer Street, and Troy Avenue;
  - o. Quincy Street, Stuyvesant Avenue, Gates Avenue, and a line 100 feet westerly of Stuyvesant Avenue;
  - p. Quincy Street, a line 100 feet easterly of Malcolm X Boulevard, Gates Avenue, and a line 100 feet westerly of Malcolm X Boulevard;
  - q. Monroe Street, a line 100 feet easterly of Malcolm X Boulevard, a line midway between Decatur Street and Bainbridge Street, Malcolm X Boulevard, Bainbridge Street, a line 100 feet easterly of Malcolm X Boulevard, Chauncey Street, a line 100 feet westerly of Malcolm X Boulevard, Decatur Street, Malcolm X Boulevard, a line midway between MacDonough Street and Decatur Street, a line 100 feet westerly of Malcolm X Boulevard, MacDonough Street, Malcolm X Boulevard, Macon Street, and a line 100 feet westerly of Malcolm X Boulevard;
  - r. Gates Avenue, a line 150 feet easterly of Ralph Avenue, Monroe Street, and a line 100 feet westerly of Ralph Avenue;
  - s. Madison Street, a line 100 feet easterly of Ralph Avenue, Hancock Street, Ralph Avenue, Halsey Street, and a line 100 feet westerly of Ralph Avenue; and
  - t. MacDougal Street and its westerly centerline prolongation, Howard Avenue, Fulton Street, and Ralph Avenue;
- 23. establishing within a proposed R6B District a C2-4 District** bounded by:
- a. Quincy Street, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, and a line 100 feet westerly of Marcus Garvey Boulevard;
  - b. a line midway between Gates Avenue and Monroe Street, Marcus Garvey Boulevard, Monroe Street, and a line 100 feet westerly of Marcus Garvey Boulevard;

- c. Putnam Avenue, Marcus Garvey Boulevard, Jefferson Avenue, and a line 100 feet westerly of Marcus Garvey Boulevard;
- d. Halsey Street, a line 100 feet easterly of Marcus Garvey Boulevard, Macon Street, and a line 100 feet westerly of Marcus Garvey Boulevard;
- e. Jefferson Avenue, a line 100 feet easterly of Lewis Avenue-Dr. Sandy F. Ray Boulevard, Hancock Street, and Lewis Avenue-Dr. Sandy F. Ray Boulevard;
- f. Halsey Street, a line 100 feet easterly of Lewis Avenue-Dr. Sandy F. Ray Boulevard, Macon Street, and a line 100 feet westerly of Lewis Avenue-Dr. Sandy F. Ray Boulevard;
- g. Monroe Street, Howard Avenue, Madison Street, and a line 100 feet westerly of Howard Avenue;
- h. a line midway between MacDonough Street and Decatur Street, a line 100 feet easterly of Ralph Avenue, Marion Street, and Ralph Avenue;
- i. Sumpter Street, a line 100 feet easterly of Ralph Avenue, MacDougal Street and its westerly centerline prolongation, and Ralph Avenue; and
- j. a line 100 feet northerly of Fulton Street, a line 100 feet northerly of Hull Street, Saratoga Avenue, Hull Street and its westerly centerline prolongation, Fulton Street, and Howard Avenue;

**24. establishing within a proposed R7D District a C2-4 District bounded by:**

- a. a line 100 feet northeasterly of Fulton Street, Bedford Avenue, a line 100 feet southwesterly of Fulton Street, a line perpendicular to the easterly street line of Franklin Avenue distant 200 feet southerly (as measured along the street line) from the point of intersection of the southwesterly street line of Fulton Street and the easterly street line of Franklin Avenue, Franklin Avenue, a line 100 feet southwesterly of Fulton Street, and Classon Avenue;
- b. a line 100 feet northerly of Fulton Street, Tompkins Avenue, Fulton Street, Throop Avenue, a line 100 feet northerly of Fulton Street, Marcus Garvey Boulevard, Fulton Street, a line perpendicular to the northerly street line of Herkimer Street distant 50 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Herkimer Street and the northwesterly street line of Troy Avenue, a line midway between Herkimer Street and Fulton Street, Brooklyn Avenue, Fulton Street, and a line 100 feet easterly of Nostrand Avenue;

- c. Marion Street, a line 100 feet easterly of Malcolm X Boulevard, a line 100 feet northerly of Fulton Street, a line 100 feet northerly of Sumpter Street, Patchen Avenue, Fulton Street, a line 300 feet easterly of Ralph Avenue, a line midway between Fulton Street and Herkimer Street, a line 150 feet easterly of Ralph Avenue, Herkimer Street, Ralph Avenue, a line midway between Fulton Street and Herkimer Street, Rochester Avenue, Fulton Street, and Malcolm X Boulevard; and
  - d. Fulton Street, Hull Street and its westerly centerline prolongation, Saratoga Avenue, a line midway between Fulton Street and Herkimer Street, and a line 450 feet easterly of Ralph Avenue; and
25. **establishing a Special Mixed Use District (MX-10)** bounded by a line midway between Herkimer Street and Atlantic Avenue, Howard Avenue, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and a line midway between Kane Place and Columbus Place;

as shown on a diagram (for illustrative purposes only) dated May 7, 2007, and subject to the conditions of CEQR Declaration E-185.

(On July 25, 2007, Cal. No. 2, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 40, the hearing was continued. On August 22, 2007, Cal. No. 20, the hearing was closed.)

**For consideration.**

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**No. 20**

**CITYWIDE**

**N 070448 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, concerning the establishment of the R7D and C4-5D zoning districts, the establishment of Special Mixed Use District-10 on Atlantic and Howard Avenues in Brooklyn, the application of the Inclusionary Housing program to the proposed R7D districts in the Borough of Brooklyn, Community District 3, and the clarification of language pertaining to Section 23-90 (Inclusionary Housing), inclusive, and Inclusionary Housing designated areas.

Matter in Graytone or 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 I  
TITLE, ESTABLISHMENT OF CONTROLS, AND INTERPRETATION OF  
REGULATIONS**

\* \* \*

**11-12  
Establishment of Districts**

\* \* \*

R7A            General Residence District  
R7B            General Residence District  
R7D        General Residence District  
R7X        General Residence District

\* \* \*

C4-5        General Commercial District  
C4-5A       General Commercial District  
C4-5D       General Commercial District  
C4-5X       General Commercial District

\* \* \*

**12-10  
DEFINITIONS**

\* \* \*

**Inclusionary Housing designated area**

An “Inclusionary Housing designated area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth in Section 23-90, inclusive. Such #Inclusionary Housing designated areas# are identified in Section 23-922 or in Special Purpose Districts, as applicable.

\* \* \*

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

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

\* \* \*

**23-011  
Quality Housing Program**

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #development# or #enlargement# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and any #residential development#, #enlargement#, #extension# or conversion shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). In R5D Districts, certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

\* \* \*

**23-10  
OPEN SPACE AND FLOOR AREA REGULATIONS**

\* \* \*

**23-142  
In R6, R7, R8 or R9 Districts**

R6 R7 R8 R9

Except as otherwise provided in the following Sections:

Section 23-144 (In ~~R6, R7, and R8 Districts~~ designated areas where the Inclusionary Housing Program is applicable)

\* \* \*

**23-144  
In ~~R6, R7 and R8 Districts~~ designated areas where the Inclusionary Housing Program is Applicable**

In ~~R6, R7 and R8 Districts~~ #Inclusionary Housing designated areas# ~~where the Inclusionary Housing Program is applicable~~, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In ~~R6, R7 and R8 Districts~~ Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (~~Certain R6, R7 and R8 Districts~~ Inclusionary Housing designated areas).

<u>District</u>	<u>Community District</u>	<u>Zoning</u>
R7A	Community District 1, Brooklyn	R6 R6A R6B

Community District 3, Brooklyn		R7D
Community District 7, Brooklyn		R8A
Community District 2, Queens	R7X	

\* \* \*

**23-145****For residential buildings developed or enlarged pursuant to the Quality Housing Program**

R6 R7 R8 R9 R10

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for any #residential building# on a #zoning lot developed# or #enlarged# pursuant to the Quality Housing Program shall be as set forth in the following table and the maximums for #developments#, or #enlargements# where permitted, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

MAXIMUM LOT COVERAGE AND ~~FAR~~ FLOOR AREA RATIO  
FOR  
QUALITY HOUSING BUILDINGS  
(in percent)

District	Maximum #Lot Coverage#		Maximum #Floor Area Ratio#
	#Corner Lot#	#Interior Lot# or #Through Lot#	
R6	80	60	2.20
R6**	80	60	2.43
R6* R6A R7B	80	65	3.00
R6B	80	60	2.00
R7	80	65	3.44
R7* R7A	80	65	4.00
<u>R7D</u>	<u>80</u>	<u>65</u>	<u>4.20</u>
R7X	80	70	5.00

\* \* \*

**23-147  
For non-profit residences for the elderly**

(a) In R3, R4, R5, R6 and R7 Districts

\* \* \*

However, in R6 or R7 Districts, the minimum required #open space ratio# shall not apply to #non-profit residences for the elderly developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program. Such #developments# or #enlargements# shall be subject to the requirements of R6A or R7A Districts, respectively, as set forth in paragraph (b) of this Section.

(b) In R6A R6B R7A R7B R7D R7X Districts

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

**MAXIMUM LOT COVERAGE AND ~~FAR~~ FLOOR AREA RATIO  
FOR NON-PROFIT RESIDENCES FOR THE ELDERLY**  
(in percent)

District	Maximum #Lot Coverage#		Maximum #Floor Area Ratio#
	#Corner Lot#	#Interior Lot# or #Through Lot#	
R6A <u>R7B</u>	80	65	3.90
R6B	80	60	2.00
R7A <u>R7D</u> <u>R7X</u>	80	70	5.01
<del>R7B</del>	<del>80</del>	<del>65</del>	<del>3.90</del>
<del>R7X</del>	<del>80</del>	<del>70</del>	<del>5.01</del>

\* \* \*

**23-51  
Special Provisions Applying along District Boundaries**

R6 R7 R8 R9 R10

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4 or R5 Districts coincides with a #side lot line# of a #zoning lot#, a #side yard# at least eight feet wide

shall be provided along such boundary within the districts indicated. In addition, portions of #buildings developed# or #enlarged# in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, or portions of #residential buildings developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts) when such portions are located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District.

\* \* \*

**23-533  
Required rear yard equivalents**

\* \* \*

However, in #lower density growth management areas# and in R5D, R6A, R6B, R7A, R7B, R7D, 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.

\* \* \*

**23-60  
HEIGHT AND SETBACK REGULATIONS**

\* \* \*

**23-621  
Permitted obstructions in certain districts**

\* \* \*

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

- (c) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, the permitted obstructions set forth in Section 23-62 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction within a required setback distance. Such dormer may exceed a maximum base height specified for such district provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of

the #street wall# width of the highest #story# entirely below the maximum base height.

\* \* \*

**23-633**

**Street wall location and height and setback regulations in certain districts**

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

In the districts indicated, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply, except as otherwise set forth for #buildings# in R10X Districts.

R6A R7A R7D R7X

(a) #Street wall# location

- (1) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# of any #development# or #enlargement# shall be located no closer to the #street line# than the closest #street wall# of an existing #building# to such #street line#, located on the same #block#, and within 150 feet of such #development# or #enlargement#. However, a #street wall# need not be located further from the #street line# than 15 feet. On #corner lots#, these #street wall# location provisions shall apply along only one #street line#.

\* \* \*

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

(b) Setback regulations

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

\* \* \*

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

(d) Additional regulations

\* \* \*

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT  
AND MAXIMUM BUILDING HEIGHT

District	Minimum Base Height	Maximum Base Height	Maximum Building Height
R6B	30	40	50
R6**	30	45	55
R6* inside Core***	40	55	65
R6A R6* outside Core***	40	60	70
R7B R7** R7* inside Core***	40	60	75
R7A R7* outside Core***	40	65	80
<u>R7D</u>	<u>60</u>	<u>85</u>	<u>100</u>
R7X	60	85	125
R8B	55	60	75
R8**	60	80	105
R8A R8*	60	85	120
R8X	60	85	150

\* \* \*

\* Refers to that portion of a district which is within 100 feet of a #wide street#.

\*\* Refers to that portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#.

\*\*\* Core refers to #Manhattan Core#.  
\*\*\*\* #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (c) of this Section.

\* \* \*

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

\* \* \*

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

(b) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, no portion of a #building# that exceeds the applicable maximum base height specified in Section 23-633 (Street wall location and height and setback regulations in certain districts) shall be nearer to a #rear yard line# than 10 feet.

\* \* \*

**23-692  
Height limitations for narrow buildings or enlargements  
R7-2 R7D R7X R8 R9 R10**

In the districts indicated, if the width of a #street wall# of a new #building# or the #enlarged# portion of an existing #building# is 45 feet or less, the alternate front setback and tower regulations of Sections 23-64, 23-65, 33-44 and 33-45 shall be inapplicable.

\* \* \*

The provisions set forth in this Section shall not apply to any #building developed# or #enlarged# pursuant to the Quality Housing Program where the width of the #street wall# at the maximum base height specified in ~~Table A of the table in~~ Section 23-633 (Street wall location and height and setback regulations in certain districts) is at least 45 feet.

**23-90  
INCLUSIONARY HOUSING**

\* \* \*

**23-92  
Applicability**

**23-921  
R10 Districts**

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions relating to such designated areas, and in all other R10 Districts, subject to the provisions of Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

**23-922**

**Certain R6, R7 and R8 Districts Inclusionary Housing designated areas**

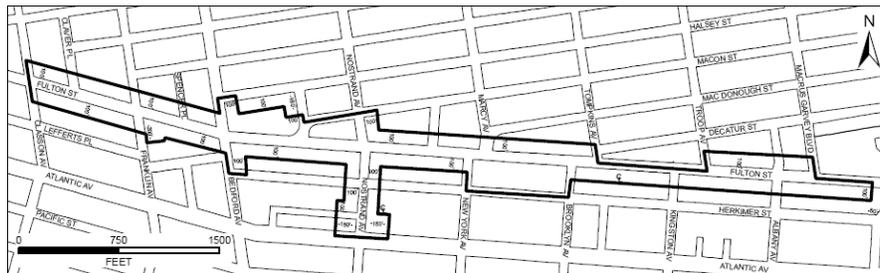
The Inclusionary Housing Program shall apply in the following areas:

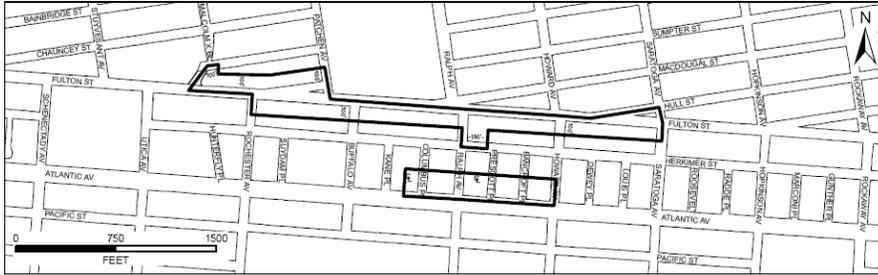
\* \* \*

(e) In Community District 3, in the Borough of Brooklyn, in the R7D Districts within the areas shown on the following Maps 7 and 8:

**MAP 7**

**Portion of Community District 3, Brooklyn**





**MAP 8**  
Portion of Community District 3, Brooklyn

The Inclusionary Housing Program shall apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district, pursuant to this Section.

**23-93**  
**Definitions**

For the purposes of the Inclusionary Housing program, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

Administering agent

\* \* \*

The #administering agent# shall be a not-for-profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not-for-profit organization as the #administering agent# was unsuccessful. However, in #~~R6, R7 and R8~~ Inclusionary Housing designated areas#, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

\* \* \*

Fair rent

\* \* \*

However, in #~~R6, R7 and R8~~ Inclusionary Housing designated areas# , the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of #lower

income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable Section 8 Standard or the Rent Stabilization Standard.

\* \* \*

In ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, at initial occupancy of any #lower income housing#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-95, paragraph (c), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Inclusionary Housing designated areas

"Inclusionary Housing designated areas" shall be those areas specified in Section 23-922 (Inclusionary Housing designated areas).

Lower income household

\* \* \*

In ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, #lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U. S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

\* \* \*

However, in ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, #lower income housing# shall include #standard units# assisted under City, State or Federal programs.

\* \* \*

~~R6, R7 and R8 designated areas~~

~~“R6, R7 and R8 designated areas” shall be those areas specified in Section 23-922 (Certain R6, R7 and R8 Districts).~~

\* \* \*

**23-941**

**In R10 Districts other than Inclusionary Housing designated areas**

The #floor area ratio# of a #development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if the developer of such #development# provides #lower income housing# pursuant to Section 23-95 (Lower Income Housing Requirements).

\* \* \*

**23-942**

**In R6, R7 and R8 Districts Inclusionary Housing designated areas**

The provisions of this Section shall apply in the #Inclusionary Housing designated areas# set forth in Section 23-922, except within Waterfront Access Plan BK-1 and in R7-3 Districts within Community District 1, Borough of Brooklyn and in R7-3 Districts within Community District 1, Borough of Brooklyn.

- (a) Maximum #floor area ratio#

The #floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased by one and one-quarter square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income housing# required to receive such bonus #floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in the #building#. In addition, the following rules shall apply:

District	Base #floor area ratio#	Maximum #floor area ratio#
R6*	2.2	2.42
R6**	2.7	3.6

R6A	2.7	3.6
R6B	2.0	2.2
R7A	3.45	4.6
<u>R7D</u>	<u>4.2</u>	<u>5.6</u>
R7X	3.75	5.0
R8A	5.4	7.2

- 
- \* for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#
  - \*\* for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

**23-95**  
**Lower Income Housing Requirements**

To qualify for the increased #floor area#, #compensated developments# must provide #lower income housing# for the life of the increased #floor area# in the #compensated development# pursuant to one or more of the options listed in Sections 23-951, 23-952 and 23-953, and such #lower income housing# must meet each of the following requirements:

- \* \* \*

**23-951**  
**On-site new construction option**

- \* \* \*

In ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, if the #lower income housing# is subject to the requirements of City, State or Federal programs assisting the #lower income housing# that have size and distribution requirements conflicting with the size and distribution requirements of this paragraph, (b), then the size and distribution requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.

**23-952**  
**Substantial rehabilitation and off-site new construction options**

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

- (a) The #lower income housing# shall be located either:

\* \* \*

Furthermore, in ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

\* \* \*

**23-953**

**Preservation option**

To qualify for this option, the designated #lower income housing# shall meet the following requirements.

- (a) The #lower income housing# shall be located either:

\* \* \*

Furthermore, in ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

#Floor Ratio#	Area #Corner Lot#	#Interior #Through Lot#	Lot# or District
* * *			
4.80	70	65	R6
3.00	80	60	R6A
2.00	80	60	R5D R6B
4.80	70	65	R7-1
6.50	70	65	R7-2
4.00	80	65	R7A
<u>4.20</u>	<u>80</u>	<u>65</u>	<u>R7D</u>
3.00	80	65	R7B
5.00	80	70	R7X
6.50	75	65	R8
6.50	80	70	R8A
4.00	80	70	R8B*
6.00	80	70	R8X
* * *			

**Chapter 4  
Bulk Regulations for Community Facility Buildings in Residence Districts**

\* \* \*

**24-011  
Quality Housing Program**

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #residential# portion of a #building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8. In R5D Districts, certain provisions of Article II, Chapter 8 shall apply as set forth in Section 28-01 (Applicability of this Chapter).

\* \* \*

**24-10  
FLOOR AREA AND LOT COVERAGE REGULATIONS**

**24-11  
Maximum Floor Area Ratio and Percentage of Lot Coverage**

\* \* \*

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE  
#Lot coverage# (percent of #lot area#)

**24-111  
Maximum floor area ratio for certain community facility uses**

\* \* \*

R3 R4 R5 R6 R7 R8 R9

- (b) In the districts indicated, for any #zoning lot# containing nursing homes, health-related facilities or domiciliary care facilities for adults, each of which have secured certification by the appropriate governmental agency, sanitariums or philanthropic or non-profit institutions with sleeping accommodations as listed in Use Group 3, the allowable #floor area ratio# shall not exceed the maximum #floor area ratio# as set forth in the following table, except where the permissible #floor area ratio# is modified pursuant to Section 74-902 (Bulk modifications for certain community facility uses).

\* \* \*

MAXIMUM FLOOR AREA RATIO FOR  
CERTAIN COMMUNITY FACILITIES

District	Maximum #Floor Area Ratio# Permitted
* * *	
R6	2.43
R6A R7B	3.00
R7	3.44
<u>R7D</u>	<u>4.20</u>
R7X	5.00
R7A R8B	4.00
R8 R8A	6.02
* * *	

**24-161**

**Maximum floor area ratio for zoning lots containing community facility and residential uses**

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7D R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas ~~Certain R6, R7 and R8 Districts~~), except within Waterfront Access Plan Bk-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

\* \* \*

**24-164**

**Location of open space for residential portion**

\* \* \*

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

- (b) In the districts indicated, and for #buildings# in which the #residential# portion is #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, the provisions of Section 28-30 (RECREATION SPACE AND PLANTING AREAS) shall apply.

\* \* \*

**24-351  
Special provisions applying along district boundaries**

R6 R7 R8 R9 R10

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4 or R5 District coincides with a #side lot line# of a #zoning lot#, a #side yard# at least eight feet wide shall be provided along such boundary within the districts indicated. In addition, the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts) shall apply to any portion of a #building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District if the #building# that contains such portion is:

- (a) within an R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District; or
- (b) within an R6, R7, R8, R9 or R10 District, without a letter suffix, and any portion of the #zoning lot# is #developed# pursuant to the Quality Housing Program.

\* \* \*

**24-381  
Excepted through lots**

\* \* \*

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

- (b) In the districts indicated, and in other R6, R7, R8, R9 and R10 Districts where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions, and such #zoning lot# occupies the entire #block# frontage of a #street#.

\* \* \*

**24-382  
Required rear yard equivalents**

\* \* \*

However, in R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A and R10X Districts, and in other R6 through R10 Districts where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program, on any #through lot# at least 180 feet in depth from #street to street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

\* \* \*

**24-522  
Front setbacks in districts where front yards are not required**

\* \* \*

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

(b) In the districts indicated, for any #development# or #enlargement#, the provisions of this Section, Section 24-53 (Alternate Front Setbacks) and Section 24-54 (Tower Regulations) shall not apply. In lieu thereof, the provisions of Section 23-60 (HEIGHT AND SETBACK REGULATIONS) shall apply.

\* \* \*

**24-552  
Required rear setbacks for tall buildings**

\* \* \*

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

(b) In the districts indicated, for any #development# or #enlargement#, and for #buildings# in which the #residential# portion is #developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, no portion of a #building# that exceeds the maximum base height specified in ~~the~~ Table A-1 of Section 23-633 shall be nearer to a #rear yard line# than 10 feet.

\* \* \*

**24-592  
Height limitations for narrow buildings or enlargements**

R7-2 R7D R7X R8 R9 R10

In the districts indicated, if the width of the #street wall# of a new #building#, or the #enlarged# portion of an existing #building#, is 45 feet or less, the provisions of Section

23-692 (Height limitations for narrow buildings or enlargements) shall apply to such new or #enlarged building#.

\* \* \*

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

\* \* \*

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

\* \* \*

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

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

**PARKING SPACES REQUIRED WHERE  
GROUP PARKING FACILITIES ARE PROVIDED**

Percent of Total #Dwelling Units#	District
100*	R1 R2 R3 R4A R4-1
100	R4 R4B R5A
85	R5
70	R6
66	R5B R5D
60	R7-1
50**	R6A R6B R7-2 R7A R7B <u>R7D</u> R7X R8B***

40 R8 R9 R10

\* \* \*

\*\* 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#.

\* \* \*

**25-241  
Reduced requirements**

R6 R7 R8 R9 R10

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is as set forth in the following table:

**REDUCED REQUIREMENTS FOR  
SMALL ZONING LOTS**

#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling Units#	District
10,000 square feet or less	50	R6 R7B
	30	R7-1 R7A <u>R7D</u> R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8* R9 R10

\* In R8B Districts the parking requirements may not be reduced.

\* \* \*

**25-25  
Modification of Requirements for Public, Publicly-Assisted and Government Assisted Housing or for Non-profit Residences for the Elderly**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #dwelling units# in each category as set forth in the following table, for:

\* \* \*

**PARKING SPACES REQUIRED FOR PUBLIC, PUBLICLY-ASSISTED AND GOVERNMENT ASSISTED HOUSING DEVELOPMENTS OR NON-PROFIT RESIDENCES FOR THE ELDERLY**

Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing #Developments# or #Dwelling Units# for Low Income Tenants	#Non-profit Residences for the Elderly# or #Dwelling Units for the Elderly#	Gov't Assisted Housing	District
70	56	42.5	31.5	70	R5
55	45	35.0	22.5	55	R5D R6**
39	32	25.0	16.0	35	R6A R6B R7B
45	38	30.0	20.0	45	R7-1**
30	23	15.0	12.5	25	R7-2 R7A R7D R7X R8B*
30	21	12.0	10.0	25	R8 R8A R8X R9 R10

\* \* \*

**25-261  
For new developments or enlargements**

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, for all new #developments# or #enlargements#, the maximum number of #accessory# off-street parking spaces for which requirements are waived is as set forth in the following table:

Maximum number of spaces waived

District

1	R4B R5B R5D
5	R6 R7-1 R7B
15	R7-2 R7A <u>R7D</u> R7X R8 R9 R10

**25-262**

**For conversions**

R6 R7-1 R7A R7B R7D R7X

In the districts indicated\*, for conversions in #buildings#, or portions thereof, which result in the creation of additional #dwelling units# or #rooming units#, the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces, provided that the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

\* \* \*

**25-30**

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

**25-31**

**General Provisions**

\* \* \*

**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:**

Agricultural #uses#, including greenhouses, nurseries or truck gardens

Square feet of #lot area# used for selling purposes:

None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 1,000 - R1 R2 R3 R4 R5

1 per 2,500 - R6 R7-1 R7B

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 R7D R7X R8 R9 R10

1 per 400 - R3

1 per 500 - R4 R5

1 per 800 - 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; 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 R7D 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 R7D R7X R8 R9 R10

1 per 6 beds - R1 R2 R3 R4 R5

1 per 12 beds - R6 R7-1 R7B

Colleges, universities, or seminaries

(a) Classrooms, laboratories, student centers or offices

Square feet of #floor area#:

None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 1,000 - R1 R2 R3 R4 R5

1 per 2,000 - R6 R7-1 R7B

(b) Theaters, auditoriums, gymnasiums or stadiums

Rated capacity:

None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 8 persons - R1 R2 R3 R4 R5

1 per 16 persons - R6 R7-1 R7B

Hospitals and related facilities\*

1 per 5 beds - R1 R2 R3 R4 R5

1 per 8 beds - R6 R7-1 R7B  
1 per 10 beds - R7-2 R7A R7D R7X R8 R9 R10

\* \* \*

Libraries, museums or non-commercial art galleries\*\*

Square feet of #floor area#:  
None required - R7-2 R7A R7D R7X R8 R9 R10  
1 per 1,000 - R1 R2 R3 R4 R5  
1 per 2,000 - R6 R7-1 R7-B

Outdoor skating rinks

Square feet of #lot area#:  
None required - R7-2 R7A R7D R7X R8 R9 R10  
1 per 800 - R1 R2 R3 R4 R5  
1 per 2,000 - R6 R7-1 R7B

Outdoor tennis courts

Number of Courts:  
None required - R7-2 R7A R7D R7X R8 R9 R10  
1 per 2 courts - R1 R2 R3 R4 R5  
1 per 5 courts - R6 R7-1 R7B

Philanthropic or non-profit institutions with sleeping accommodations; all types of nursing homes, health related facilities, domiciliary care facilities or sanitariums

None required - R7-2 R7A R7D R7X R8 R9 R10  
1 per 10 beds - R1 R2 R3 R4 R5  
1 per 20 beds - R6 R7-1 R7B

\* \* \*

FOR ACCESSORY COMMERCIAL USES IN LARGE-SCALE RESIDENTIAL DEVELOPMENTS:

\* \* \*

Post offices

Square feet of #floor area#:  
None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 800 - R1 R2 R3  
1 per 1,200 - R4 R5  
1 per 1,500 - R6 R7-1 R7B

FOR USES PERMITTED BY SPECIAL PERMIT:

\* \* \*

Fire or police stations

Square feet of #floor area#:  
None required - R7-2 R7A R7D R7X R8 R9 R10  
1 per 500 - R1 R2 R3 R4 R5  
1 per 800 - R6 R7-1 R7B

Riding academies or stables

Square feet of #floor area#:  
None required - R7-2 R7A R7D R7X R8 R9 R10  
1 per 500 - R1 R2 R3 R4 R5  
1 per 800 - R6 R7-1 R7B

\* \* \*

**25-33  
Waiver of Requirements for Spaces below Minimum Number**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except for the #uses# listed in Section 25-331 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 25-31 (General Provisions) or 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to permitted non-#residential uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Number of Spaces	Districts
10	R1 R2 R3 R4 R5
25	R6 R7-1 R7B
40	R7-2 R7A <u>R7D</u> R7X R8 R9 R10

\* \* \*

**25-521**

**Maximum distance from zoning lot**

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

Maximum Distance from Zoning Lot	District
600 feet	R3 R4 R5 R6 R7-1 R7B
1,000 feet	R7-2 R7A <u>R7D</u> R7X R8 R9 R10

\* \* \*

**Chapter 8**

**The Quality Housing Program**

**28-01**

**Applicability of this Chapter**

The Quality Housing Program is a specific set of standards and requirements for #buildings# containing #residences#. In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, some of these standards and requirements are mandatory for the #development#, #enlargement#, #extension# of, or conversion to any #residential use# other than #single-# or #two-family residences#. In R5D Districts, only the requirements set forth in Sections 28-12 (Street Tree Planting), 28-23 (Refuse Storage and Disposal), 28-33 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.

\* \* \*

**ARTICLE III**

**COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2**

**Use Regulations**

\* \* \*

**32-17**  
**Use Group 8**

\* \* \*

C. Automotive Service Establishments

\* \* \*

#Public parking garages# or #public parking lots# with capacity of 150 spaces or less, subject to the provisions set forth for #accessory# off-street parking spaces in Sections 36-53 (Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), and provided that such #public parking lots# are not permitted as of right in C6-1A Districts and such #public parking garages# are not permitted as of right in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts. #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#. In Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens, the #uses# are subject to the provisions of Article I, Chapter 3.

\* \* \*

**32-43**  
**Ground Floor Use in Certain Locations**

\* \* \*

**32-434**  
**Ground floor use in C4-5D Districts and in Certain C2 Districts**

In all C4-5D Districts and in C2 Districts mapped within R7D Districts, uses# on the ground floor or within five feet of #curb level# shall be limited to non-#residential uses# which shall extend along the entire width of the #building#, and lobbies, entrances to subway stations and #accessory# parking spaces, provided such lobbies and entrances do not occupy, in total, more than 25 percent of the #street wall# width of the #building# or more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#, whichever is less. Such non-#residential uses# shall have a minimum depth of 30 feet from the #street wall# of the #building#.

Enclosed parking spaces, or parking spaces within a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#. However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street#

frontage and, if such #building# fronts on both a #wide street# and a #narrow street#, such loading berth shall be located only on a #narrow street#.

\* \* \*

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

\* \* \*

**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 Buildings#	For Facility Buildings#	For #Buildings# Used for Both #Commercial# and #Community Facility Uses#
* * *				
R5D R6B	2.00	2.00		2.00
R6A R7B	2.00	3.00		3.00
R7A R8B	2.00	4.00*		4.00
<u>R7D</u>	<u>2.00</u>	<u>4.20</u>		<u>4.20</u>
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
* * *				

**33-122**

**Commercial buildings in all other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the maximum #floor area ratio# for a #commercial building# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	0.50
C4-1 C8-1	1.00
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C7 C8-2 C8-3	2.00
C4-2A C4-3A	3.00
C4-2 C4-2F C4-3 C4-4 C4-4D C4-5 C4-6	3.40
C4-4A C4-5A C4-5X C5-1	4.00
<u>C4-5D</u>	<u>4.20</u>
C8-4	5.00
C6-1 C6-2 C6-3	6.00
C4-7 C5-2 C5-4 C6-4 C6-5 C6-8	10.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

**33-123**

**Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the maximum #floor area ratio# for a #community facility building#, or for a #building# used for both #commercial# and #community facility uses#, shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	1.00

C4-1	2.00
C8-1	2.40
C4-2A C4-3A	3.00
C1-6A C2-6A C4-4A C4-5A	4.00
<u>C4-5D</u>	<u>4.20</u>
C4-2 C4-3 C8-2	4.80
C4-5X	5.00
C6-1A	6.00
C1-6 C1-7 C2-6 C4-2F C4-4 C4-4D C4-5 C6-1 C6-2 C8-3 C8-4	6.50
C1-8A C2-7A C6-3A	7.50
C1-8X C2-7X C6-3X	9.00
C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8	10.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

\* \* \*

**33-283**

**Required rear yard equivalents**

C1 C2 C3 C4-1 C7 C8-1 C8-2 C8-3

In the districts indicated, on any #through lot# 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 40 feet linking adjoining #rear yards#, or if no such #rear yards# exist, then midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts.

In C1-6A, C1-7A, C1-8X, C1-9A, C2-6A, C2-7X, C2-8A and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X or R10 Districts, a #rear yard equivalent# shall be provided only as set forth in this paragraph; or

\* \* \*

**33-294**

**Other special provisions along certain district boundaries**

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

In the districts indicated, and in C1 and C2 Districts mapped within R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, the #development# or #enlargement# of a #building#, or portions thereof, within 25 feet of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts).

\* \* \*

**33-431**

**In C1 or C2 Districts with bulk governed by surrounding Residence District**

\* \* \*

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

(b) In the districts indicated, when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R10A or R10X Districts, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

**33-432**

**In other Commercial Districts**

\* \* \*

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

(b) In the districts indicated, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

\* \* \*

**33-492**

**Height limitations for narrow buildings or enlargements**

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

In the districts indicated, and in C1 and C2 Districts mapped within R7-2, R7D, R7X, R8, R9 and R10 Districts, if the width of the #street wall# of a new #building# or the #enlarged# portion of an existing #building# is 45 feet or less, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to such new or #enlarged building#.

\* \* \*

**Chapter 4  
Bulk Regulations for Residential Buildings in Commercial Districts**

**34-011  
Quality Housing Program**

In C1 and C2 Districts mapped within #Residence Districts# with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).

\* \* \*

**34-112  
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

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #Residence Districts# set forth in the following table:

Districts	Applicable #Residence District#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7
C1-6A C2-6A C4-4A C4-5A	R7A

<u>C4-5D</u>	<u>R7D</u>
C4-5X	R7X
C1-7 C4-2F C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C6-3	R9
C1-8A C2-7A C6-3A	R9A
C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X

\* \* \*

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

\* \* \*

**35-011  
Quality Housing Program**

In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts, any #residential# portion of a #mixed building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8. In C1 and C2 Districts mapped within R5D Districts, #mixed buildings# shall comply with certain regulations of Article II, Chapter 8 as set forth in Section 28-01 (Applicability of this Chapter).

\* \* \*

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

\* \* \*

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

- (b) 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, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 shall apply to such #mixed building#.

Applicable #Residence District#	District
R6A	C4-2A C4-3A
R7A	C1-6A C2-6A C4-4A C4-5A
<u>R7D</u>	<u>C4-5D</u>
R7X	C4-5X
R8A	C1-7A C4-4D C6-2A
R9A	C1-8A C2-7A C6-3A
R9X	C1-8X C2-7X C6-3X
R10A	C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A
R10X	C6-4X

\* \* \*

**35-24**

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

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

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

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

(a) Permitted obstructions

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the permitted obstructions set forth in Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction within a required setback area. Such dormer may exceed a maximum base height specified for such district provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5D C4-5X

(b) #Street wall# location

\* \* \*

C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D

(2) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other C1 or C2 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#:

(i) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line

connecting such #street lines# at points 15 feet from their intersection.

\* \* \*

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

(c) Setback regulations

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, all #developments# or #enlargements# shall comply with the following provisions:

\* \* \*

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

(e) Additional regulations

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following additional provisions shall apply to all #developments# or #enlargements#:

TABLE A

HEIGHT AND SETBACK FOR BUILDINGS  
IN CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Building Height
C1 or C2 mapped in R6B	30	40	50
C1 or C2 mapped in R6A C4-2A C4-3A	40	60	70
C1 or C2 mapped in R7B	40	60	75
C1 or C2 mapped in R7A C1-6A C2-6A C4-4A C4-5A	40	65	80
<u>C1 or C2 mapped in R7D C4-5D</u>	<u>60</u>	<u>85</u>	<u>100</u>
C1 or C2 mapped in R7X C4-5X	60	85	125
C1 or C2 mapped in R8B	55	60	75
C1 or C2 mapped in R8A C1-7A C4-4D C6-2A	60	85	120
C1 or C2 mapped in R8X	60	85	150

\* \* \*

**35-31**

**Maximum Floor Area Ratio for Mixed Buildings**

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

\* \* \*

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas ~~Certain R6, R7 and R8 Districts~~), except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

\* \* \*

**Chapter 6  
Accessory Off-Street Parking and Loading Regulations**

\* \* \*

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

**36-21  
General Provisions**

C1 C2 C3 C4 C5 C6 C7 C8

\* \* \*

**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 COMMERCIAL USES

Food stores with 2,000 or more square feet of #floor area# per establishment. #Uses# in parking requirement category A in Use Group 6.

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

1 per 100 sq. ft. of #floor area# - C1-1 C2-1 C4-1

1 per 200 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 300 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

General retail or service #uses#. Food stores with less than 2,000 square feet of #floor area#; #uses# in parking requirement category B in Use Group 6, 8, 9, 10 or 12 or when permitted by special permit; or #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 13, 14 or 16

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

1 per 150\* sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1

1 per 300\* sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 400\* sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

Low traffic generating #uses#. #Uses# in parking requirement category C in Use Group 6, 7, 9, 12, 13, 14 or 16 or when permitted by special permit

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

1 per 400 sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1

1 per 600 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 800 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

#### Court Houses

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

1 per 500 sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1

1 per 800 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 1,000 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C8-2

1 per 2,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

Places of assembly. #Uses# in parking requirement category D in Use Group 6, 8, 9, 10, 12, 13 or 14 or when permitted by special permit

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

1 per 4 persons rated capacity - C1-1 C2-1 C3 C4-1

1 per 8 persons rated capacity - C1-2 C2-2 C4-2 C8-1

1 per 12 persons rated capacity - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 25 persons rated capacity - C1-4 C2-4 C4-4 C4-5D C8-3

\* \* \*

Storage or miscellaneous #uses#. #Uses# in parking requirement category G in Use Group 10 or Use Group 16, or when permitted by special permit, and with a minimum of 10,000 square feet of #floor area# or 15 employees.

None required - C4-4A C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 2,000 square feet of #floor area#,\*\*\* or 1 per 3 employees, whichever will require a lesser number of spaces - C4-1 C4-2 C4-3 C4-4 C4-5D C8-1 C8-2 C8-3

\* \* \*

Hotels

(a) For that #floor area# used for sleeping accommodations

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

1 per 4 guest rooms or suites - C2-1 C4-1

1 per 8 guest rooms or suites - C2-2 C4-2 C8-1

1 per 12 guest rooms or suites - C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3

(b) For that #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios

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

1 per 4 persons rated capacity - C2-1 C4-1

1 per 8 persons rated capacity - C2-2 C4-2 C8-1

1 per 12 persons rated capacity - C2-3 C4-2A C4-3 C8-2

1 per 25 persons rated capacity - C2-4 C4-4 C4-5D C8-3

\* \* \*

## Post offices

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

1 per 800 sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1

1 per 1,200 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 1,500 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C8-2

1 per 2,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

\* \* \*

## Funeral establishments

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

1 per 200 sq. ft. of #floor area# - C1-1 C2-2 C4-1

1 per 400 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 600 sq. ft. of #floor area# - C1-3 C1-4 C2-3 C2-4 C4-2A C4-3 C4-4 C C4-5D 8-2  
C8-3

## 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 C4-5A  
C4-5X 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 C4-5D C8-3

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

\* \* \*

Hospitals and related facilities\*\*\*\*

1 per 5 beds - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1

1 per 8 beds - C1-3 C1-4 C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3

1 per 10 beds - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

\* \* \*

**36-30**

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

\* \* \*

**36-331**

**In C1 or C2 Districts governed by surrounding 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 number of required #accessory# off-street parking spaces is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

**REQUIRED PARKING SPACES AS A PERCENT OF TOTAL DWELLING UNITS**

#Residence District# within which C1 or C2 District is Mapped	Percent
R1 R2 R3 R4	100
R5	85
R6	70
R5D	66

R7-1	60
R6A R6B R7-2 R7A R7B <u>R7D</u> R7X R8B*	50
R8 R9 R10	40

---

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

\* \* \*

**36-341**

**Reduced requirements in C1 or C2 Districts governed by surrounding 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, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

**REDUCED REQUIREMENTS FOR SMALL ZONING LOTS**

#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling Units#	District within which C1 or C2 District is Mapped
10,000 square feet or less	50	R6 R7B
	30	R7-1 R7A <u>R7D</u> R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8* R9 R10

---

\* In R8B Districts, the parking requirements may not be reduced.

\* \* \*

**36-351**

**In C1 or C2 Districts governed by surrounding 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 percentage of the total number of #dwelling units# in each category for which #accessory# off-street parking spaces shall be provided is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

PARKING SPACES REQUIRED FOR PUBLIC,  
PUBLICLY ASSISTED AND GOVERNMENT ASSISTED HOUSING  
DEVELOPMENTS  
OR NON-PROFIT RESIDENCES FOR THE ELDERLY  
(percent of total #dwelling units#)

Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing #Development s# or #Dwelling Units# for Low Income Tenants	#Non-profit Residences for the Elderly# or #Dwelling Units for the Elderly#	Gov't Assisted Housing	District
80	65	50.0	***	80	R1 R2
80	65	50.0	35.0	80	R3 R4
70	56	42.5	31.5	70	R5
55	45	35.0	22.5	55	R5D R6**
39	32	25.0	16.0	35	R6A R6B R7B
45	38	30.0	20.0	45	R7- 1**
30	23	15.0	12.5	25	R7-2 R7A <u>R7D</u> R7X R8B*
30	21	12.0	10.0	25	R8 R8A R8X R9 R10

\* \* \*

**36-352**

**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 percentage of the total number of #dwelling units# in each category for which #accessory# off-street parking spaces shall be provided is as set forth in the following table:

**PARKING SPACES REQUIRED FOR  
PUBLIC, PUBLICLY ASSISTED AND GOVERNMENT ASSISTED HOUSING  
DEVELOPMENTS OR NON-PROFIT RESIDENCES FOR THE ELDERLY  
(percent of total #dwelling units#)**

Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing #Developments # or #Dwelling Units# for Low Income Tenants	#Non-profit Residences for the Elderly# or #Dwelling Units for the Elderly#	Gov't Assisted Housing	District
80	65	50.0	35.0	80	C3
70	56	42.5	31.5	70	C4-1
55	45	35.0	22.5	55	C4-2* C4-3*
39	32	25.0	16.0	35	C4-2A C4-3A C4-4 C4-5* C6-1*
30	23	15.0	12.5	25	C1-6 C2-6 C4-4A C4-5A <b>C4-5D</b> C4-5X
30	21	12.0	10.0	25	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

\* For assisted housing projects #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program in C4-2, C4-3, C4-4, C4-5 or C6-1 Districts the applicable district parking requirements shall be as follows:

District	Applicable District Parking Requirement
C4-2 C4-3	C4-2A
C4-4 C4-5 C6-1	C4-4A

**36-361**

**For new development or enlargements in C1 or C2 Districts governed by surrounding 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, where such districts are mapped within R6, R7, R8, R9, or R10 Districts, the requirements set forth in Section 36-31 (General Provisions) for new #development# or #enlargements# shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table. The maximum number is determined by the #Residence District# within which the #Commercial District# is mapped.

**NUMBER OF SPACES FOR WHICH REQUIREMENTS ARE WAIVED**

#Residence District# within which C1 or C2 District is Mapped	Maximum Number of Spaces Waived
---	---------------------------------

R5D	1
R6 R7-1 R7B	5
R7A <u>R7D</u> R7X R7-2 R8 R9 R10	15

However, in C1 or C2 Districts mapped within R5D Districts, the provisions of this Section shall apply only to #zoning lots# existing both on June 29, 2006, and on the date of application for a building permit.

\* \* \*

### 36-363

#### For conversions in C1 or C2 Districts governed by surrounding 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\*, where such districts are mapped within R6, R7A, R7B, R7D, R7X, or R7-1 Districts, the requirements set forth in Section 36-311 (Application of requirements to conversions in C1 or C2 Districts) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is 20 spaces or less, provided that the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 78-46 (Waiver of Requirements for Conversions).

\* No #accessory# off-street parking is required for additional #dwelling units# created by conversions in C1 or C2 Districts mapped within R7-2, R8, R9, or R10 Districts. See Section 36-311 (Application of requirements to conversions in C1 or C2 Districts).

\* \* \*

### 36-52

#### Size and Location of Spaces

\* \* \*

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

(b) Location of parking spaces in certain districts

In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A and R10X Districts, #accessory# off-street parking spaces shall not be located between the #street wall# of a #building# and any #street line# that is coincident with the

boundary of a #Commercial District# mapped along an entire blockfront. Where a #zoning lot# is bounded by more than one #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire blockfront, this provision need not apply along more than one #street line#.

\* \* \*

**ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

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

\* \* \*

**62-322  
Residential development in R1, R2, R6, R7, R8, R9 and R10 Districts**

For #residential buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) through Section 23-15 (Maximum Floor Area Ratio in R10 Districts) shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# for any #building or other structure# on a #zoning lot# within a #waterfront block# shall be as specified in the following table, except as provided for in Sections 62-323 (Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

**MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE  
FOR RESIDENTIAL BUILDINGS**

District	Maximum #Floor Area Ratio#	Maximum #Lot coverage# (in percent)	#Lot
* * *			
R6B	2.00	60	
R6	2.43	65	
R6A R7B	3.00	65	
R7-1 R7-2	3.44	65	
R7A R8B	4.00	70	
<u>R7D</u>	<u>4.20</u>	<u>70</u>	
R7-3 R7X	5.00	70	

\* \* \*

\* \* \*

**62-323**

**Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts**

R3 R4 R5 R6 R7

In the districts indicated, the maximum #floor area ratio# and #lot coverage# for #non-profit residences for the elderly# on a #zoning lot# within a #waterfront block# shall be as specified in the following table:

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE FOR NON-PROFIT RESIDENCES FOR THE ELDERLY IN R3, R4, R5, R6 AND R7 DISTRICTS

District	Maximum #Floor Area Ratio#	Maximum Coverage# (in percent)	#Lot
R3	.95	55	
R4	1.29	55	
R5	1.95	60	
R5D R6B	2.00	60	
R6 R6A R7B	3.90	65	
R7 R7A <u>R7D</u> R7X	5.01	70	

**62-324**

**Non-residential buildings in Residence Districts**

In #Residence Districts#, for any #community facility building# or any #building# used partly for #community facility use# on a #zoning lot# within a #waterfront block#, the following regulations shall apply:

\* \* \*

MAXIMUM LOT COVERAGE FOR COMMUNITY FACILITY BUILDINGS

District	Maximum Coverage# (in percent)	#Lot
----------	--------------------------------	------

R1 R2 R3 R4 R5	60
R6B	65
R6 R6A R7B R7-1	70
R7-2 R7-3 <u>R7A R7D R7X</u> R8 R9A (R7A was missing from chart.)	75
R9 R9-1 R9X R10	80

**62-341  
Developments on land and platforms**

\* \* \*

(d) Medium and High Density Contextual Districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A

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

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Sections 23-60, 24-50 and 35-24 shall not apply. In lieu thereof, the following regulations shall apply:

TABLE C  
HEIGHT AND SETBACK FOR ALL BUILDINGS  
IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
R6B C1 or C2 mapped within R6B	30	40	50
R6A C1 or C2 mapped within R6A C4-2A C4-3A	40	60	70
R7B C1 or C2 mapped	40	60	75

within R7B

R7A C1 or C2 mapped within R7A C1-6A C2-6A C4-4A C4-5A	40	65	80
--	----	----	----

<u>R7D</u> <u>C1 or C2 mapped</u> <u>within R7D</u> <u>C4-5D</u>	<u>60</u>	<u>85</u>	<u>100</u>
---	-----------	-----------	------------

R7X C1 or C2 mapped within R7X C4-5X	60	85	125
---	----	----	-----

\* \* \*

**62-352  
Inclusionary Housing**

The provisions of Section 23-90 (INCLUSIONARY HOUSING) shall apply in R7-3 Districts in Community District 1, Borough of Brooklyn, and in R6, R7D and R8 Districts within Waterfront Access Plan BK-1, as modified in this Section.

**62-415  
Requirements for supplemental public access areas**

\* \* \*

WATERFRONT PUBLIC ACCESS AREA REQUIREMENTS

#Developments# Following Districts	in the	#Zoning Threshold	Lot#	Total Waterfront Public Access Requirement	Public Area
In R3, R4, R5 Districts; C1 or C2 in R1 thru R5 Districts; C3, C4-1 Districts		#Lot area# of 1.5 acres and #shoreline# length of 600 ft.	1.5	15% of #lot area#	
In R6, R7-1, R7-2, R7A, R7B, <u>R7D</u> , and R8B Districts and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#		#Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft.		15% of #lot area#	

---

In all other #Commercial# or #Manufacturing Districts# with a permitted commercial FAR of 4.0 or less

---

In other R7, R8, R9 and R10 Districts and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts# #Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft. 20% of #lot area#

---

In all other #Commercial# or #Manufacturing Districts# with a permitted commercial FAR above 4.0

---

\* \* \*

**62-53  
Parking Requirements for Commercial Docking Facilities**

\* \* \*

REQUIRED PARKING SPACES FOR DOCKING FACILITIES

Docking Serving	Facilities Districts	Number of Required Parking Spaces
Non-commercial pleasure boats	C1 thru C8 M1 M2 M3	1 per 2 berths or moorings
Rental boats		
Ferries	R3** thru R5** C1-1 C2-1 C3 C4-1	0.30 x p*
Sightseeing, excursion or sport fishing vessels	R6** R7-1** R7A** R7B** <u>7D**</u> C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M2-1 M2-2 M3-1	0.20 x p*
	R7-2** R7-3** R7X** C1-3 C2-3 C4-3 C7 C8-2 M1-3	0.15 x p*

R8\*\* R9\*\*  
C1-4 C2-4 C4-4 C8-3

0.10 x p\*

R10\*\*  
C1-5 thru C1-9  
C2-5 thru C2-8  
C4-4A C4-5 C4-6  
C5 C6 C8-4  
M1-4 M1-5 M1-6  
M2-3 M2-4 M3-2

None Required

\* \* \*

**ARTICLE VII  
ADMINISTRATION**

**Chapter 3  
Special Permits by the Board of Standards and Appeals**

\* \* \*

**73-67  
Additional Floor Space of Public Parking Garages**

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C-7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, for #public parking garages# with a total of 150 spaces or less, the Board of Standards and Appeals may permit floor space on one or more #stories# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), provided that all floor space so exempted is located not more than 23 feet above #curb level# and provided that the following findings are made:

\* \* \*

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

\* \* \*

**74-512  
In other Districts**

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 or 44-43 (Location of Access to

the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

\* \* \*

**74-52  
Parking Garages or Public Parking Lots in High Density Central Areas**

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, and in C2-5, C2-6, C2-7, C2-8, C4-5, ~~C4-5A, C4-5X~~, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, and in C5 and C6-1A Districts, the Commission may permit #public parking garages# or #public parking lots# with any capacity, provided that the applicable regulations set forth in Sections 36-53 or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

\* \* \*

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 3  
Special Mixed Use Districts**

\* \* \*

**123-63  
Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts**

\* \* \*

However, in ~~designated R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable~~ #Inclusionary Housing designated areas#, as listed ~~below in the following table~~, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In ~~R6, R7 and R8 Districts~~ Inclusionary Housing designated areas). The locations of such

districts are specified in Section 23-922 (~~Certain R6, R7 and R8 Districts~~ Inclusionary Housing designated areas).

#Special Mixed Use District#	Designated #Residence District#
MX 8 Community District 1, Brooklyn	R6 R6A R6B R7A

\* \* \*

**123-64**

**Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings**

(a) Maximum #floor area ratio#

\* \* \*

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# in #Special Mixed Use Districts# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in the #Inclusionary Housing designated areas# set forth in Section 23-922 (~~Certain R6, R7 and R8 Districts~~ Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, the #floor area ratios# of Section 23-942 shall apply.

\* \* \*

**123-662**

**All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, except an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height of a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance

with paragraph (c) of this Section. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum building height specified in Table A. However, a #building or other structure# may exceed such maximum building height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum building height does not exceed 80 percent of the gross area of that #story# directly below it.

\* \* \*

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, no #building or other structure# shall exceed the maximum building height specified in Table B of this Section.

\* \* \*

TABLE B

HEIGHT AND SETBACK FOR ALL BUILDINGS  
IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS  
(in feet)

District	Minimum base height	Maximum height	base	Maximum building height
R6B	30	40		50
R6A	40	60		70
R7B	40	60		75
R7A	40	65		80
<u>R7D</u>	<u>60</u>	<u>85</u>		<u>100</u>
R7X	60	85		125
R8A	60	85		120
R8B	55	60		75
R8X	60	85		150

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

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

\* \* \*

#Special Mixed Use District# - 9:  
Northern Hunters Point Waterfront, Queens

The #Special Mixed Use District# - 9 is established in the Northern Hunters Point Waterfront in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 10:  
Atlantic and Howard Avenues, Brooklyn

The #Special Mixed Use District# - 10 is established on Atlantic and Howard Avenues in Brooklyn as indicated on the #zoning maps#.

(On July 25, 2007, Cal. No. 3, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 41, the hearing was continued. On August 22, 2007, Cal. No. 21, the hearing was closed.)

**For consideration.**

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**BOROUGH OF STATEN ISLAND**

**No. 21**

***RATHBURN AVENUE***

**CD 3**

**N 050523 RAR**

**IN THE MATTER OF** an application submitted by the Marilena Development Corporation for grant of authorizations pursuant to Sections 107-64 and 107-65 of the Zoning Resolution for the removal of trees and the modification of existing topography to facilitate the construction of eight two-family dwellings on eight zoning lots at 900-930 Rathbun Avenue, (Block 6924, Lots 60, 61, 62, 63, 64, 65, 66, and 67) 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, 6<sup>th</sup> floor, Staten Island, New York, 10301.

**For consideration.**

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**No. 22**

***40, 48 CEDARCLIFF ROAD***

**CD 1**

**N 070061 ZAR**

**IN THE MATTER OF** an application submitted by Elizabeth Steigert for the grant of authorizations pursuant to Sections 119-311, 119-314, and 119-318 of the Zoning Resolution involving the development and site alteration on a zoning lot having a steep slope, modification of lot coverage controls, and modification of certain bulk regulations to allow for the construction of two single family detached houses at 40, 48 Cedarcliff Road (Block 618, Lot 361 (Tentative Lots 361, 362)) 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, 6<sup>th</sup> floor, Staten Island, New York, 10301.

**For consideration.**

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**III. PUBLIC HEARINGS**

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**BOROUGH OF BROOKLYN**

**Nos. 23 & 24**

***CENTURY 21***

**No. 23**

**CD 10**

**C 070203 ZMK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Century 21 Department Stores LLC and Michael Sonnaband LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b changing from a C8-2 District to a C4-2A District property bounded by 87th Street, a line 200 feet northwesterly of 5<sup>th</sup> Avenue, 88<sup>th</sup> Street, and a line 200 feet southeasterly of 4<sup>th</sup> Avenue as shown on a diagram (for illustrative purposes only) dated July 9, 2007.

(On August 22, 2007, Cal. No. 1, the Commission scheduled September 5, 2007 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 24**

**CD 10**

**C 070204 ZSK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Century 21 Department Stores LLC and Michael Sonnaband LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a seven-level unattended public parking garage with a maximum capacity of 279 spaces and to permit floor space on three levels (part of 1<sup>st</sup> and 3<sup>rd</sup> levels and the 2<sup>nd</sup> level) up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (Definitions) of the Zoning Resolution and to permit public parking spaces to be located on the roofs (part of 5<sup>th</sup> level and 7<sup>th</sup> level) of the public parking garage to facilitate the enlargement of a commercial development at 416 to 450 87<sup>th</sup> Street and 415 to 435 88<sup>th</sup> Street (Block 6050, Lots 15, 19, 51 and 59), in a C4-2A District\*.

\*Note: C4-2A District is proposed to be mapped under a related application for an amendment of the Zoning Map ( C 070203 ZMK ).

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 August 22, 2007, Cal. No. 2, the Commission scheduled September 5, 2007 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**BOROUGH OF MANHATTAN**

**Nos. 25 & 26**

***61<sup>ST</sup> STREET-YORK AVENUE REZONING/GARAGE***

**No. 25**

**CD 8**

**C 000198 ZMM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by 1113 York Avenue Realty Company, L.L.C. and 60<sup>th</sup> Street Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8c and 8d:

- 1) changing from a C6-2 District to a C6-3 District property bounded by East 61<sup>st</sup> Street, a line 100 feet westerly of York Avenue, a line midway between East 61<sup>st</sup> Street and East 60<sup>th</sup> Street, and a line 300 feet easterly of First Avenue; and
- 2) changing from a C8-4 District to a C4-7 District property bounded by East 61<sup>st</sup> Street, York Avenue, East 60<sup>th</sup> Street, and a line 100 feet westerly of York Avenue;

as shown on a diagram (for illustrative purposes only) dated May 21, 2007, and subject to the conditions of CEQR Declaration E- 187.

(On August 22, 2007, Cal. No. 3, the Commission scheduled September 5, 2007 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**No. 26**

**CD 8**

**C 070441 ZSM**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by 1113 York Avenue Realty Company, LLC and 60<sup>th</sup> Street Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 195 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 1113 York Avenue a.k.a. 420 East 61<sup>st</sup> Street (Block 1455, Lots 13, and 21), in C6-3\* and C4-7\* Districts.

\* Note: Portions of the site are proposed to be rezoned from C6-2 and C8-4 Districts to C6-3 and C4-7 Districts under a concurrent related application (C 000198 ZMM).

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 August 22, 2007, Cal. No. 4, the Commission scheduled September 5, 2007 for a public hearing which has been duly advertised.)

**Close the hearing.**

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**IV. CITY PLANNING COMMISSION 2007 SCHEDULE OF MEETINGS**  
**July 1 to December 31**

	SUN	MON	TUE	WED	THU	FRI	SAT
<b>JULY</b>	1	2	3	4 INDEPENDENCE DAY	5	6	7
	8 REVIEW SESSION	9	10	11 CPC PUBLIC MEETING	12	13	14
	15	16	17	18	19	20	21
	22 REVIEW SESSION	23	24	25 CPC PUBLIC MEETING	26	27	28
	29	30	31				
<b>AUGUST</b>				1	2	3	4
	5 REVIEW SESSION	6	7	8 CPC PUBLIC MEETING	9	10	11
	12	13	14	15	16	17	18
	19 REVIEW SESSION	20	21	22 CPC PUBLIC MEETING	23	24	25
	26	27	28	29	30	31	
<b>SEPTEMBER</b>							1
	2	3 LABOR DAY	4 REVIEW SESSION	5 CPC PUBLIC MEETING	6	7	8
	9	10	11	12	13 ROSH HASHANAH	14	15
	16 REVIEW SESSION	17	18	19 CPC PUBLIC MEETING	20	21	22
	23 30	24	25	26	27	28	29 YOM KIPPUR
<b>OCTOBER</b>		1 REVIEW SESSION	2	3 CPC PUBLIC MEETING	4	5	6
	7	8 COLUMBUS DAY OBSERVED	9	10	11	12	13
	14 REVIEW SESSION	15	16	17 CPC PUBLIC MEETING	18	19	20
	21	22	23	24	25	26	27
	28 REVIEW SESSION	29	30	31 CPC PUBLIC MEETING			
<b>NOVEMBER</b>					1	2	3
	4	5	6 ELECTION DAY	7	8	9	10
	11	12 VETERANS DAY OBSERVED	13 REVIEW SESSION	14 CPC PUBLIC MEETING	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29 THANKSGIVING	30	
<b>DECEMBER</b>							1
	2 REVIEW SESSION	3	4	5 CPC PUBLIC MEETING	6	7	8
	9	10	11	12	13	14	15
	16 REVIEW SESSION	17	18	19 CPC PUBLIC MEETING	20	21	22
	23 30	24 31	25 CHRISTMAS	26 1ST DAY KWANZAA	27	28	29

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