

ZONING RESOLUTION Web Version

THE CITY OF NEW YORK



THE CITY OF NEW YORK
Bill de Blasio, Mayor

CITY PLANNING COMMISSION
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Article VI: Special Regulations Applicable To Certain Areas Chapter 4 - Special Regulations Applying in Flood Hazard Areas

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(10/9/13)

Chapter 4
Special Regulations Applying in Flood Hazard Areas

(7/23/15)

64-00
GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to encourage flood-resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the Federal government and the New York City Building Code;
- (b) to enable buildings to be constructed pursuant to flood-resistant standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;
- (c) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity;
- (d) to expedite the recovery of neighborhoods that experienced a high concentration of damage to single- and two-family residences from Hurricane Sandy within the Neighborhood Recovery Areas specified in Appendix A of this Chapter; and
- (e) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

(10/9/13)

64-10
GENERAL PROVISIONS

The provisions of this Chapter shall be in effect until one year

after the adoption by the City of New York of new final Flood Insurance Rate Maps superseding the Flood Insurance Rate Maps in effect on October 28, 2012.

(10/9/13)

64-11 Definitions

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Basement

For #buildings#, or portions thereof, that comply with #flood-resistant construction standards#, a "basement" is a #story# (or portion of a #story#) partly below #flood-resistant construction elevation#, with at least one-half of its height (measured from floor to ceiling) above #flood-resistant construction elevation#.

Cellar

For #buildings#, or portions thereof, that comply with #flood-resistant construction standards#, a "cellar" is a space wholly or partly below the #flood-resistant construction elevation#, with more than one-half its height (measured from floor to ceiling) below the #flood-resistant construction elevation#.

Flood-resistant construction elevation

The "flood-resistant construction elevation" is the greater of:

- (a) the "design flood elevation" determined pursuant to Appendix G of the New York City Building Code for a building's structural occupancy category; or
- (b) the base flood elevation indicated on the #flood maps#, plus the additional elevation required above base flood elevation for the applicable occupancy category when determining the Design Flood Elevation pursuant to Appendix G of the Building Code.

Flood-resistant construction standards

"Flood-resistant construction standards" shall:

- (a) comply with the standards of Appendix G of the Building Code for

"Post-FIRM Construction," whether construction voluntarily complies with standards for "Post-FIRM Construction" or is required to comply; and

- (b) utilize the higher base flood elevation and the more stringent flood hazard area designation, as applicable, of the #flood maps# or the Flood Insurance Rate Maps in effect on October 28, 2012.

Hurricane Sandy

"Hurricane Sandy" is a severe storm that occurred on October 28, 2012, causing heavy flooding, power outages, property damage, and disruption of public transportation and other vital services.

Lowest occupiable floor

The "lowest occupiable floor" shall be the finished floor level of the lowest floor that is not used solely for parking, storage, building access or crawl space, where any space below such #lowest occupiable floor# is wet flood-proofed in accordance with #flood-resistant construction standards# and used only for parking, storage or building access, or otherwise is not occupiable space.

Predominant or predominantly

"Predominant" or "predominantly" shall mean that a #use# or a group of #uses# comprises at least 75 percent of the total #floor area# of the #building# or of the area of the #zoning lot#, as applicable.

(7/23/15)

64-12

Applicability

The provisions of this Chapter shall apply only within the #flood zone#, as follows:

- (a) Except where otherwise stated, all #buildings#, or portions thereof, shall comply with #flood-resistant construction standards# as a condition of construction pursuant to the following optional provisions, as applicable, inclusive:

Section 64-10 GENERAL PROVISIONS

Section 64-20 SPECIAL USE REGULATIONS

Section 64-30 SPECIAL BULK REGULATIONS

Section 64-40 SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012

Section 64-50 SPECIAL PARKING REGULATIONS

Section 64-70 SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

Section 64-80 MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS

Section 64-90 SPECIAL APPROVALS

- (b) The provisions of Section 64-60 (DESIGN REQUIREMENTS) shall apply to all #developments#, all horizontal #enlargements# with new #street walls#, or alterations that increase the height of #street walls#, except that Section 64-65 (Screening Requirements for Parking Within or Below Buildings) shall apply to all #buildings# as provided therein.
- (c) Where a #zoning lot# is located partially within a #flood zone#, the regulations of this Chapter shall apply where any portion of a #building# on such #zoning lot# is within such #flood zone#.
- (d) In Neighborhood Recovery Areas, shown on maps in Section 64-A80 (NEIGHBORHOOD RECOVERY AREA MAPS) of this Chapter, optional provisions to expedite the vertical elevation or reconstruction of #single-# or #two-family residences# shall apply. These provisions are set forth in Appendix A and shall supplement, supersede or modify the provisions of this Chapter. The maps are hereby incorporated and made part of this Resolution, for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter may apply.

(10/9/13)

64-13

Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

(10/9/13)

64-131

Measurement of height

All measurements of height above #curb level#, #base plane#, #base flood elevation#, grade, or other similar ground related datum, shall be from the #flood-resistant construction elevation#. This provision shall not apply to #buildings# that are #accessory# to #single-# or #two-family residences#, or to fences, #signs# not affixed to #buildings#, or other structures that are not #buildings#.

In R3, R4A and R4-1 Districts within #lower density growth management areas#, the maximum perimeter wall height shall be 21 feet above the #flood-resistant construction elevation# or 26 feet above grade, whichever is greater.

Where different #flood-resistant construction elevations# apply to different portions of a #building#, the highest of such #flood-resistant construction elevations# may apply to the entire #building#.

For #buildings# located partially within and partially outside of the #flood zone#, all measurements of height shall be in accordance with only one of the following provisions:

- (a) the #flood-resistant construction elevation# shall apply to the entire #building#;
- (b) the height of the portion of the #building# within the #flood zone# shall be measured from the #flood-resistant construction elevation#, and the height of the portion of the #building# outside of the #flood zone# shall be measured from an elevation determined in accordance with the underlying applicable regulations; or
- (c) the elevation of each such portion of the #building# from where height is measured shall be multiplied by the percentage of the total #lot coverage# of the #building# to which such elevation applies. The sum of the products thus obtained shall be the elevation from which the height of the entire #building# is measured.

(10/9/13)

64-20

SPECIAL USE REGULATIONS

(10/9/13)

64-21

Ground Floor Use

- (a) In all districts, where compliance with the elevation and wet flood-proofing requirements of Appendix G of the New York City Building Code would result in a #lowest occupiable floor# that is above a level required by the Zoning Resolution without the relief provided by this Section, such requirements shall be modified so that the level of such ground floor shall be the lowest level permitted for #uses# other than parking, storage and building access as if it were "Post-FIRM Construction," as defined by Appendix G of the Building Code, using elevation and wet flood-proofing techniques.
- (b) In C1, C2 and C4 Districts in the Borough of Staten Island, where #flood-resistant construction elevation# is more than 10 feet above #curb level#, the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall be modified to allow enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, on the ground floor within 30 feet of the #street wall# of the #building#, provided that the standards of Section 64-641 (Design requirements) are met.

(10/9/13)

64-22

Transparency Requirements

In all districts, as an alternative to #street wall# transparency regulations, the following optional provisions may apply, except where #buildings# are governed by the provisions of Section 64-64 (Design Requirements for Non-Residential and Mixed Buildings in Commercial and Manufacturing Districts).

#Street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between the level of the first finished floor above #curb level# and a height 12 feet above such level.

(10/9/13)

64-30

SPECIAL BULK REGULATIONS

(10/9/13)

64-31

Special Floor Area Regulations

(10/9/13)

64-311

Entryways in single- and two-family residences

For #single-# and #two-family residences# with enclosed entryways below #flood-resistant construction elevation#, up to 10 square feet of such entryway may be excluded from the definition of #floor area# for each foot of difference between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area of ramps, stairs, lifts and elevators between grade and the first finished floor, plus an initial entry area of no more than 12 square feet.

(10/9/13)

64-312

Entryways in all other buildings

For all #buildings# other than #single-# and #two-family residences#, with enclosed publicly accessible entryways below #flood-resistant construction elevation#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the #lowest occupiable floor# and #curb level#. This area may be excluded from the definition of #floor area# provided it is not greater than the total area at each publicly accessible entryway of ramps, stairs, lifts and elevators plus an initial entry area of no more than 100 square feet for each entryway.

(10/9/13)

64-313

Mechanical systems in low density districts

Floor space used for #accessory# mechanical equipment in R1-2A, R2A, R2X, R3, R4 or R5 Districts may be excluded from the definition of #floor area# without the limitations provided in the definition of #floor area#, paragraphs (m) and (8) in Section 12-10 (DEFINITIONS).

(10/9/13)

64-32

Special Yard Regulations

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

(10/9/13)

64-321

Level of required yards

Underlying #yard# regulations shall be modified to allow #yards# to be higher than #curb level# but in no event higher than #flood-resistant construction elevation#. In addition, the following regulations shall apply:

- (a) in #Residence Districts# and C1 through C6 Districts, #yards# higher than #curb level# shall comply with the following standards:
 - (1) final grade shall not penetrate a plane that begins 30 inches above #curb level# at each #lot line# and has a slope extending perpendicular to #lot lines# of one foot vertical for each 2.5 feet horizontal;
 - (2) retaining walls shall be permitted above #curb level# in #yards# provided the maximum height of each wall above adjacent grade does not exceed 30 inches; and
 - (3) in #front yards# in Residence Districts, portions of fences greater than four feet above #curb level# shall be required to be no more than 50 percent opaque; and
- (b) in C7 and C8 Districts and in #Manufacturing Districts#, #yards#

shall be permitted to a maximum grade equal to #flood-resistant construction elevation#. However, for portions of #zoning lots# where Sections 33-29 and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) apply, #yards# are permitted above #curb level# only pursuant to paragraph (a) of this Section.

Nothing in this Section shall be construed so as to permit the creation of spaces sub-grade on all sides in a manner inconsistent with Appendix G of the Building Code.

(10/9/13)

64-322

Permitted obstructions in required yards, courts and open space

- (a) For #single-# and #two-family residences#, where #flood-resistant construction elevation# is five feet or more above #curb level#, roofed porches shall be permitted obstructions in any #open space# required on the #zoning lot# and in #yards#. Balconies for such #residences# may exceed the width and depth standards of Section 23-13 where such balconies are located directly above a porch.
- (b) For #single-# and #two-family residences#, lifts for persons with disabilities shall be permitted obstructions in any #open space# required on the #zoning lot# and in #courts#, #yards# and #rear yard equivalents#, provided that in #front yards#, such lifts are unenclosed.
- (c) For all #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be a permitted obstruction in #rear yards# and #rear yard equivalents#, provided that such equipment is:
 - (1) located above #flood-resistant construction elevation#;
 - (2) enclosed within a #building#, or portion thereof, or within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
 - (3) in R3, R4 or R5 Districts, limited to a height of 10 feet above #flood-resistant construction elevation#, including the apex of a pitched roof;
 - (4) in R6, R7, R8, R9 or R10 Districts, limited to a height of 14 feet above #flood-resistant construction elevation#; or

(5) in #Commercial# or #Manufacturing Districts#, limited to a height of 23 feet above #flood-resistant construction elevation#;

#Accessory# mechanical equipment located in #rear yards# or #rear yard equivalents# and meeting the standards of this Section shall be a permitted obstruction in any #open space# required on the #zoning lot#, provided that the total area occupied by a #building# used for both enclosed parking and such mechanical equipment does not exceed 20 percent of the total required #open space# on the #zoning lot#.

Decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard# or #rear yard equivalent#.

(10/9/13)

64-323

Flood panels in required yards and open space

Temporary flood control devices and associated emergency egress systems that are assembled prior to a storm and removed thereafter shall be permitted obstructions in #yards# and #rear yard equivalents#, #courts#, #open space#, #waterfront yards# as defined in Article VI, Chapter 2, #public plazas# and all other publicly accessible open areas during such storm event and for a reasonable period prior to and after such storm event, as determined by the Department of Buildings.

(10/9/13)

64-33

Special Height and Setback Regulations

(3/22/16)

64-331

Permitted obstructions for multi-family buildings in R3-2 and R4 Districts

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In R3-2 and R4 Districts, for all #buildings#, or portions thereof, subject to Section 23-60 (HEIGHT AND SETBACK REGULATIONS), except #single-# and #two-family residences#, elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, shall be considered permitted obstructions to height and setback regulations, provided that:

- (a) such obstructions shall be located not less than 10 feet from the #street wall# of a #building#;
- (b) all mechanical equipment shall be screened on all sides;
- (c) the #lot coverage# of all such obstructions and screening does not exceed 250 square feet or 10 percent of the #lot coverage# of the #building#, whichever is greater; and
- (d) such obstructions are limited to a height of 15 feet above the maximum height of perimeter walls.

(10/9/13)

64-332

Permitted obstructions for buildings in medium and high density districts

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in all #Commercial# and #Manufacturing Districts#, for all #buildings#, the underlying regulations governing permitted obstructions to height and setback shall be modified to increase the permitted volume for elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, from a maximum #lot coverage# of 20 percent of the #lot coverage# of the #building# to a maximum #lot coverage# of 30 percent of the #lot coverage# of the #building#, provided that where the maximum permitted height of a #building# is less than 120 feet, such obstructions are limited to a maximum height

of 25 feet, and where the maximum permitted height of a #building# is 120 feet or greater, such obstructions are limited to a maximum height of 40 feet.

(10/9/13)

64-333

Street wall location in certain districts

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In all districts, where underlying #street wall# location regulations require the ground floor of a #street wall# to extend along the entire #street# frontage of a #zoning lot# and be located on the #street line#, such regulations are modified as follows:

- (a) recesses, not to exceed five feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#; and
- (b) up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. However, no recesses shall be permitted within 30 feet of the intersection of two #street lines#.

(10/9/13)

64-334

Alternative height measurement for single- and two-family residences

R1 R2 R3 R4 R5

In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for #single-# and #two-family residences# where #flood-resistant construction elevation# is between six and nine feet above #curb level#, #building# height may be measured from a reference plane nine feet above #curb level#, provided that at least two mitigating elements are provided from the list in Section 64-61 (Design Requirements for Single- and Two-Family Residences).

(10/9/13)

64-335

Alternative height measurement for other buildings in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for all #buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-622 (Lobby or non-residential use) shall be met.

(10/9/13)

64-336

Alternative height measurement in Commercial and Manufacturing Districts

C1 C2 C3 C4 C5 C6

(a) In the districts indicated, as an alternative to Section 64-131 (Measurement of height), for all #residential buildings# other than #single-# and #two-family residences#, where #flood-resistant construction elevation# is between five and 10 feet above #curb level#, #building# height may be measured from a reference plane 10 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-622 (Lobby or non-residential use) shall be met.

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

(b) In the districts indicated, as an alternative to Section 64-131, for all #buildings# other than #residential buildings# and #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#, where #street walls# are within 50 feet of a #street line# and #flood-resistant construction elevation# is between five and 12 feet above #curb level#, #building# height may be measured from a reference plane 12 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. Where the provisions of this Section are utilized, the standards of Section 64-642 (Transparency requirements for

buildings utilizing alternative height measurement) shall be met.

(10/9/13)

64-40

SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012

The following provisions shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#.

(10/9/13)

64-41

Special Floor Area Regulations for Buildings Existing on October 28, 2012

(10/9/13)

64-411

Floors below the flood-resistant construction elevation

(a) Dry flood-proofing

In C1 and C2 Districts mapped within R1 through R6 Districts, and in C3, C4-1, C4-2 and C4-3 Districts, where the level of any finished floor above adjacent grade that existed on October 28, 2012, is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for dry flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been dry flood-proofed and must comply with the provisions of Appendix G of the New York City Building Code, and that the number of #dwelling units# or #rooming units# shall be limited to no more than the number existing on October 28, 2012.

In addition, the following provisions shall apply:

- (1) such floor space exempted from the definition of #floor area# shall not exceed 10,000 square feet;

- (2) such floor space exempted from the definition of #floor area# shall be used for a #community facility use# or #commercial use# permitted by the underlying zoning district;
- (3) no floor space shall be exempted if parking spaces within such #building# are located within 30 feet of the #street wall#; and
- (4) the #building# shall contain no more #dwelling units# or #rooming units# than existed on October 28, 2012.

(b) Wet flood-proofing

This paragraph shall not apply to #buildings# containing non-#residential uses# where the #flood-resistant construction elevation# is less than two feet above the level of the first finished floor above #curb level#.

Where the level of any finished floor above adjacent grade that existed on October 28, 2012, is below #flood-resistant construction elevation#, such floor space may be exempted from the definition of #floor area# provided that such floor space, as well as any space below such floor space, complies with the #flood-resistant construction standards# for wet flood-proofing. The certificate of occupancy, if required, shall note that such floor space has been wet flood-proofed and must comply with the provisions of Appendix G of the Building Code.

The #floor area# which has been flood-proofed pursuant to the provisions of this Section need not be rebuilt prior to sign-off by the Department of Buildings or issuance of a certificate of occupancy for such alteration to the flood-proofed floor space in order for such #floor area# to be preserved as long as an application for construction documents for the reconstruction of such #floor area# has been approved by the Department of Buildings prior to the issuance of such sign-off or certificate of occupancy for the alteration associated with the flood-proofing. Such construction documents shall acknowledge that the #non-complying floor area# is being preserved and shall depict its use within the same #building# in a manner complying with #flood-resistant construction standards#.

(10/9/13)

64-412

Lowest story of a residential building

In all districts, where the #floor area# of a #single#-or-#two-family

residence# existing on October 28, 2012, did not include the lowest #story# because such #story# complied with the criteria set forth in paragraph (9) of the definition of "floor area" in Section 12-10, any space used for dwelling purposes within such #story# shall continue to be exempt from the definition of #floor area#, notwithstanding such criteria, provided such #story# is elevated or reconstructed at or above the #flood-resistant construction elevation#.

(10/9/13)

64-42

Yards, Courts and Open Space for Buildings Existing on October 28, 2012

(10/9/13)

64-421

Permitted obstructions

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

- (a) For existing #single-# and #two-family residences#, and for the reconstruction of such #residences#, mechanical equipment including but not limited to #accessory# heating and cooling equipment and emergency generators, shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent#, and in #courts#, provided such equipment is:
- (1) located above #flood-resistant construction elevation#; and
 - (2) located at least five feet from any #lot line#; and
 - (3) screened on all sides by walls consisting of at least 50 percent opaque materials; and
 - (4) in compliance with the standards of either paragraph (a)(5) or (a)(6) of this Section; and
 - (5) the mechanical equipment and all structure and screening are located no more than seven feet from the wall of a #building# and limited to a height of no more than 10 feet above #flood-resistant construction elevation#; or

- (6) the mechanical equipment is located within a detached garage or on the roof of a detached garage, provided that:
 - (i) where covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance, no portion of the roof shall exceed a height of 14 feet above the adjoining grade, measured to the midpoint of a sloping roof; or
 - (ii) for all other conditions, no portion of the garage, screening or the mechanical equipment shall exceed a height of 12 feet above the adjoining grade.

- (b) For existing #buildings#, except #single-# and #two-family residences#, #accessory# mechanical equipment shall be permitted obstructions in #courts# and #open space#, provided such equipment is:
 - (1) located above #flood-resistant construction elevation#;
 - (2) within a #structure# that provides screening of such mechanical equipment on all sides by walls consisting of at least 50 percent opaque materials;
 - (3) limited to a height established in Section 64-322 (Permitted obstructions in required yards, courts and open space), paragraph (c), for mechanical equipment as permitted obstructions in a #rear yard#; and
 - (4) located at least 30 feet from any #legally required window#.

- (c) For existing #buildings#, except #single-# and #two-family residences#, lifts for persons with disabilities, where permitted pursuant to provisions of the New York City Building Code, shall be permitted obstructions in #yards#, #courts# and #open space#.

(10/9/13)

64-422

Front yard planting requirement

R1 R2 R3 R4 R5

In the districts indicated, the provisions of Section 23-451 (Planting requirement) are modified for existing #buildings#, where the distance between the #street wall# and the #street line# is six

feet or less, to allow stairs, ramps or lifts that access the #lowest occupiable floor# to be counted as planted area for the purposes of fulfilling the requirements of such provisions.

(10/9/13)

64-43

Special Height and Setback Regulations for Buildings Existing on October 28, 2012

(7/23/15)

64-431

For existing single- and two-family residences

#Single-# and #two-family residences# existing on October 28, 2012, may be vertically elevated, or reconstructed to a higher elevation, in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space, located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#, and in so doing may create a #non-compliance# as to height and setback to the extent that such lowest horizontal structural member is elevated or reconstructed to #flood-resistant construction elevation#.

This Section shall not preclude the construction of complying #enlargements# or other complying structures on the #zoning lot#.

#Buildings# that were complying on October 28, 2012, and vertically elevated or reconstructed to a higher elevation, pursuant to this Section, shall be considered legal #non-complying buildings#.

(10/9/13)

64-432

Permitted obstructions for certain existing buildings

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In R5 through R10 Districts, and in #Commercial# and #Manufacturing Districts#, for all existing #buildings#, the regulations for permitted obstructions to height and setback regulations shall be

modified to increase the permitted volume for elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, as follows:

- (a) where the maximum #building# height is less than 120 feet, the maximum permitted height of such volume may be increased from 25 feet to 33 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#; and
- (b) where the maximum #building# height is 120 feet or greater, the maximum permitted height of such volume may be increased from 40 feet to 55 feet, provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#.

(10/9/13)

64-44

Special Minimum Distance Regulations for Buildings Existing on October 28, 2012

For #single-# and #two-family residences# existing on October 28, 2012, if such #buildings# are elevated, relocated or reconstructed pursuant to Sections 64-131 (Measurement of building height), 64-722 (Single- and two-family residences in required front yards) and 64-331 (Special height and setback provisions for single- and two-family residences), the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply.

(10/9/13)

64-50

SPECIAL PARKING REGULATIONS

Sections 64-51 (For Residential Buildings with Below-Grade Parking) and 64-52 (For Elevated Buildings) shall apply to #buildings# existing on October 28, 2012, and to the reconstruction of such #buildings#. Section 64-51 shall apply without requiring a #building# to comply with #flood-resistant construction standards# provided in paragraph (a) of Section 64-12 (Applicability).

Section 64-53 (Surfacing) shall apply to all #zoning lots# within the

#flood zone#.

The underlying parking location, curb cut spacing, permitted obstruction and surfacing regulations are modified in accordance with the provisions of this Section.

(10/9/13)

64-51

For Residential Buildings with Below-Grade Parking

R1 R2 R3 R4 R5

In the districts indicated, other than R4B and R5B Districts, where below-grade garages within #residential buildings# are eliminated in order to comply with Appendix G of the New York City Building Code, #accessory# off-street parking spaces may be relocated from such garages to the side or rear of such #buildings#, or to the #front yard# driveway that accessed the former garage, or to a shared driveway along a common #side lot line#. Where such parking spaces are so relocated, each such space shall have a dimension at least 18 feet long and eight feet wide, and such spaces shall be allowed without regard to underlying parking location, curb cut spacing or permitted obstruction regulations. No modifications of the number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut shall be allowed. Where eliminated garages were accessed by a driveway less than 18 feet long, such driveway and curb cut shall be eliminated, and the former driveway planted to the extent necessary to comply, or increase compliance, with the provisions of Section 23-451 (Planting requirement) as if the #building# on the #zoning lot# was constructed after April 30, 2008.

In the event there is no way to arrange relocated required parking spaces on the #zoning lot# in compliance with the provisions of this Section, given that existing #buildings# will remain, the Commissioner of Buildings may waive such spaces.

(10/9/13)

64-52

For Elevated Buildings

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to #single-# or #two-family

residences# with a #flood-resistant construction elevation# at least nine feet above #curb level#, and to other #single-# or #two-family residences# utilizing the provisions of Section 64-334 (Alternative height measurement for single- and two-family residences). For such #residences#, where at least two #accessory# off-street parking spaces are provided beneath the #lowest occupiable floor#, such spaces shall be allowed without regard to the underlying parking location, curb cut spacing or permitted obstruction regulations. However, no modification of the number of curb cuts on a #zoning lot# or the minimum or maximum width of a curb cut shall be allowed.

(10/9/13)

64-53 Surfacing

R1 R2 R3 R4 R5

In the districts indicated, Section 25-65 (Surfacing) shall be modified to allow dustless gravel driveways that access one #single-# or #two-family residence# on a #zoning lot#, provided that all portions of such driveway located between the curb and the #front lot line# shall be surfaced with asphaltic or Portland cement concrete, or other hard-surfaced dustless material, at least four inches thick, and public sidewalks shall be constructed to Department of Transportation standards.

(10/9/13)

64-60 DESIGN REQUIREMENTS

The following Sections shall apply to all #developments# and to all horizontal #enlargements# with new #street walls# or alterations increasing the height of #street walls#, or as otherwise referenced within this Chapter:

Section 64-61 Design Requirements for Single- and Two-family Residences

Section 64-62 Design Requirements for Other Buildings in Residence Districts

Section 64-63 Design Requirements for Residential Buildings in Commercial Districts

Section 64-64 Design Requirements for Non-Residential and Mixed Buildings in Commercial and Manufacturing Districts

Section 64-65 (Design Requirements for Parking Areas Within or Below Buildings) shall apply to any #zoning lot# occupied by a #building#, other than a #single-# or #two-family residence# constructed after October 9, 2013. Any #zoning lot# occupied by a #building# constructed prior to such date shall not be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of Section 64-65.

(10/9/13)

64-61

Design Requirements for Single- and Two-Family Residences

R1 R2 R3 R4 R5 R6

In R1, R2, R3, R4 and R5 Districts, for #single-# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, and in R6 Districts, for #detached# and #semi-detached single# and #two-family residences# that have a #street wall# within 50 feet of the #street line#, where the level of the #lowest occupiable floor# is five feet or more above #curb level#, at least one of the following visual mitigation elements shall be provided. For such #residences# where the level of the #lowest occupiable floor# is nine feet or more above #curb level#, at least two of the following visual mitigation elements shall be provided.

(a) Porch

Where provided as a mitigating element, a porch shall have a finished floor at least six inches below the #lowest occupiable floor# and have a width at least 70 percent of the aggregate width of all #street walls# within 25 feet of the #street line#. The depth of the porch must be at least five feet, and the porch may not be closer to the #street line# than five feet. Open porches shall count as one mitigating element and roofed porches shall count as two mitigating elements, provided that for such roofed porches, all structural elements shall have a minimum width or depth of at least three inches, and such roof shall have a depth of at least five feet measured perpendicular to the #street wall# and extend along at least 70 percent of the width of the #street wall#. A balcony directly above a porch and a trellis or arbor with structural members spaced no further than 30 inches on center that cover such porch may be considered a porch roof for the purposes of this Section.

(b) Stair direction change

Where provided as a mitigating element, stairs shall be constructed between grade and the #lowest occupiable floor# or porch, as applicable, which shall change direction at least 90 degrees in plan at a point no lower or higher than two feet from the beginning and end of the stair run.

(c) Raised front yard

Where provided as a mitigating element, the grade between the #street line# and #street walls# within 25 feet of the #street line#, and their prolongations, shall be elevated above #curb level# so that a line drawn midway between the #street line# and such #street walls# and prolongations is at least 18 inches above #curb level# at all points, except for pedestrian ways, vehicular access and off-street parking spaces permitted pursuant to Section 64-50 (SPECIAL PARKING REGULATIONS). The area with final grade above #curb level# must be greater than 50 percent of the total area between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Such raised #yards# shall be planted to comply with Section 23-451.

(d) Trees or shrubs at least three feet high

Where provided as a mitigating element, trees or shrubs that attain a height of at least three feet shall be provided between the #street line# and #street walls# within 25 feet of the #street line# and their prolongations. Planting beds shall be at least three feet wide in plan, measured parallel and perpendicular to the #street line#. The length of each planted area shall be measured by inscribing each planted area within a rectangle and measuring the longest dimension of such rectangle. The total length of planted areas shall be greater than 60 percent of the #lot width#, and be planted to screen at least 50 percent of the length of the #street wall#.

However, no mitigation shall be required where more than 50 percent of the #street wall# of a #building# is within three feet of the #street line#.

(10/9/13)

64-62

Design Requirements for Other Buildings in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, for all #buildings#, except #single-# and #two-family residences#, where #street walls# are within 50 feet of the #street line#, the provisions of this Section, inclusive, shall apply.

(10/9/13)

64-621

Planting requirement

Where the level of the #lowest occupiable floor# is five or more feet above #curb level#, the area between the #street line# and all #street walls# of the #building# shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground. Such planting shall consist of trees or shrubs within six feet of the #street wall# that attain a height of at least three feet. Such planting shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. Any such planted area shall have a depth of at least three feet. Where ramps or stairs are located parallel to a #street wall# and within six feet of such #street wall#, minimum planting beds shall be provided between such ramps or stairs and the #street line#.

However, where #street wall# location rules would require a #street wall# to be located such that planting beds would be less than three feet in width, the provisions of this Section shall not apply.

(10/9/13)

64-622

Lobby or non-residential use

Where the #flood-resistant construction elevation# is ten or more feet above #curb level#, a lobby with a minimum width of 20 feet shall be provided along the #street wall# at the level of the adjoining sidewalk or other publicly accessible open area, with a depth of at least 20 feet. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such lobby width shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet. For #zoning lots# with less than 25 feet of frontage along a #street#, a five-foot wide service corridor may be exempted from the requirements of this Section. Transparent glazing materials shall occupy at least 40 percent of the surface

area of the #street wall# of the lobby, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height ten feet above the level of the first finished floor above #curb level#.

Any permitted #non-residential use#, other than #accessory# off-street parking or storage, may be substituted for lobby area required pursuant to this Section, provided that the required width, depth and transparency shall apply to such #use#.

However, where #flood-resistant construction standards# prohibit glazing due to the location of the #building# in a zone subject to wave action as indicated on #flood maps#, the glazing requirements of this Section shall not apply.

(10/9/13)

64-63

Design Requirements for Residential Buildings in Commercial Districts

C1 C2 C3 C4 C5 C6

In the districts indicated, and in #Special Mixed Use Districts#, for all #residential buildings#, except #single-# and #two-family residences#, where #street walls# are within 50 feet of the #street line#, and where the level of the #lowest occupiable floor# is five feet or more above #curb level#, the provisions of Section 64-62 (Design Requirements for Other Buildings in Residence Districts) shall apply.

(10/9/13)

64-64

Design Requirements for Non-Residential and Mixed Buildings in Commercial and Manufacturing Districts

(10/9/13)

64-641

Transparency requirements

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

In the districts indicated, the provisions of this Section shall

apply to all #buildings#, other than:

- (a) #residential buildings#; and
- (b) in C8 Districts and #Manufacturing Districts#, other than #Special Mixed Use Districts#, #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#.

Where #street walls# are within 50 feet of the #street line#, and where #flood-resistant construction elevation# is ten feet or more above #curb level#, a portion of the #street wall# with a minimum of 20 feet in width shall provide transparent glazing materials occupying a minimum of 50 percent of the surface area of such #street wall# portion, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent glazing materials shall not exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#. For #buildings# with an #aggregate width of street wall# of more than 65 feet, such transparent portion of the #street wall# shall be at least 30 percent of the #aggregate width of street wall#, but need not be wider than 35 feet.

However, where #flood-resistant construction standards# prohibit glazing due to the location of the #building# in a zone subject to wave action as indicated on #flood maps#, the glazing requirements of this Section shall not apply.

(10/9/13)

64-642

Transparency requirements for buildings utilizing alternative height measurement

C1 C2 C3 C4 C5 C6 C7 C8 M1 M2 M3

In the districts indicated, for all #buildings# utilizing the provisions of Section 64-336 (Alternative height measurement in Commercial and Manufacturing Districts), paragraph (b), #street walls# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Furthermore, such transparent glazing materials shall occupy at least 50 percent of the surface area of such #street wall#, measured between a height of two feet above the level of the adjoining sidewalk or other publicly accessible open area and a height of 12 feet above the level of the first finished floor above #curb level#. The floor level behind such transparent glazing materials shall not

exceed the level of the window sill for a depth of at least four feet, as measured perpendicular to the #street wall#.

(10/9/13)

64-65

Screening Requirements for Parking Within or Below Buildings

The provisions of this Section shall apply to all #buildings#, other than:

- (a) #single# or #two-family residences#; and
- (b) in C8 Districts and #Manufacturing Districts#, other than #Special Mixed Use Districts#, #buildings# containing #predominantly# Use Group 16, 17 or 18 #uses#.

#Buildings# in existence prior to October 9, 2013, shall not be altered in any way that will create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

Where the #flood-resistant construction elevation# is five or more feet above #curb level# and the #street wall# of a #building# is within 50 feet of the #street line#, for any level where off-street parking is provided within or below a #building#, such parking shall be screened from the #street line# with a #street wall# that is at least 50 percent opaque. Each one-foot square portion of such #street wall# shall comply individually with this requirement.

In case of a conflict between the provisions of this Section and the provisions of another Chapter, the more restrictive provisions shall apply.

(10/9/13)

64-70

SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS

(10/9/13)

64-71

Non-Conforming Uses

(10/9/13)

64-711

Reconstruction of buildings damaged more than 50 percent

Section 52-53 (Buildings or Other Structures in All Districts) shall be modified to allow the reconstruction of a #non-conforming use# where a #building# containing such #use# is damaged to the extent of 50 percent or more due to the effects of #Hurricane Sandy#, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year following the City's adoption of new final Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

However, this provision shall not apply to #non-conforming residences# in C8 Districts or #Manufacturing Districts#, or to #non-conforming manufacturing uses# located in #Residence Districts# or #Commercial Districts# other than C8 Districts.

(10/9/13)

64-712

Single- and two-family buildings

For #non-conforming single-# and #two-family residences#, except #non-conforming residences# in C8 Districts or #Manufacturing Districts#, reconstruction shall be permitted, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than six years following the City's adoption of new final Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date ten years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

(10/9/13)

64-72

Non-Complying Buildings

(10/9/13)

64-721

Reconstruction of buildings damaged more than 75 percent

Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS) shall be modified to allow the reconstruction of a #non-complying building# where such #building# is damaged to the extent of 75 percent or more due to the effects of #Hurricane Sandy#, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year following the City's adoption of new final Flood Insurance Rate Maps that superseded the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

(10/9/13)

64-722

Single- and two-family residences in required front yards

The provisions of Article V, Chapter 4, shall be modified in order to accommodate stair access in a #front yard#. #Single-# and #two-family residences# with #non-complying front yards# existing on October 28, 2012, may be relocated or reconstructed in a location further from the #front lot line# on the same #zoning lot#, and thereby create or increase an encroachment in a #side yard#, #rear yard# or #rear yard equivalent#, provided that:

- (a) any encroachment or further encroachment into a required #side# or #rear yard# or #rear yard equivalent# at the rear of the original #building# location is limited to a depth equal to the reduction of encroachment of the #building#, excluding stairs in the #front yard#;

- (b) a distance of at least eight feet shall be maintained between the rear wall of the #building# and all other #residences# on the same or adjoining #zoning lots#; and
- (c) at least four feet of a #rear yard# shall be free of any encroachment, measured perpendicular to the #rear lot line#, or, in a #rear yard equivalent#, at least eight feet shall be free of encroachment.

(7/23/15)

64-723

Non-complying single- and two-family residences

- (a) The provisions of Article V, Chapter 4, shall be modified to permit #single-# and #two-family residences# that are #non-complying# and existing on October 28, 2012, to be vertically elevated, or reconstructed to a higher elevation in order to raise the lowest horizontal structural member supporting the lowest floor containing habitable space that was located at or above the adjoining grade as of October 28, 2012, to #flood-resistant construction elevation#.

Such vertical elevation or reconstruction may create a new #non-compliance# as to height and setback, or increase any existing #non-compliances# as to height and setback, required #open space# and #yard# regulations to the extent that such lowest floor level is elevated or reconstructed to #flood-resistant construction elevation#. However, all other provisions of Article V, Chapter 4, shall apply without modification.

This Section shall not preclude the construction of complying #enlargements# or other complying #buildings or other structures# on the #zoning lot#.

Furthermore, the provisions of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) shall not apply to such elevated, relocated or reconstructed #buildings#.

- (b) For #non-complying single-# and #two-family residences#, reconstruction shall be permitted, provided such reconstruction is the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than six years following the City's adoption of new final Flood Insurance Rate Maps that supersede the Flood Insurance Rate Maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date ten years

after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

(10/9/13)

64-724

Special provisions for other buildings within flood zones

#Non-complying buildings# may be elevated or reconstructed to an increased height, which at all points does not exceed the difference between #flood-resistant construction elevation# and the applicable datum from which height is measured pursuant to the underlying regulations. Such elevation or reconstruction may create a new #non-compliance# or increase the degree of an existing #non-compliance#.

(10/9/13)

64-80

MODIFICATION OF SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS

The following regulations shall apply in #flood zones# and shall modify regulations set forth in Article VI, Chapter 2 (Special Regulations Applying in Waterfront Areas).

(10/9/13)

64-81

Modification of Waterfront Public Access and Visual Corridor Regulations for Substantially Damaged Buildings

Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-811 shall not apply to the reconstruction of #buildings# that sustained substantial damage, as defined in Appendix G of the New York City Building Code, due to the effects of #Hurricane Sandy#, provided that:

- (a) such #buildings# had no more than 20,000 square feet of #floor area# prior to October 28, 2012;
- (b) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012;

- (c) if such #building# is repositioned on the #zoning lot#, such repositioning does not newly encroach, or further encroach, into a required #yard#, #rear yard equivalent#, #visual corridor# or existing #public access area#, as defined in Article VI, Chapter 2; and
- (d) the reconstruction does not result in a change of #use# from that existing on October 28, 2012.

The provisions of this Section shall apply to #buildings# that are the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year after the adoption of new final Flood Insurance Rate Maps that supersede the maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

(10/9/13)

64-82

Modification of Waterfront Regulations Relating to Level of Yards, Visual Corridors and the Ground Floor

The provisions of paragraphs (a) and (b) of this Section shall apply to all #zoning lots#, without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

Within the area that has a one percent chance of flooding in a given year, as determined by the Federal Emergency Management Agency (FEMA) in #flood maps# or by earlier adopted Flood Insurance Rate Maps, certain provisions regarding #waterfront yards# and #visual corridors#, as defined in Section 62-11, and ground floor #uses#, are modified as follows:

- (a) #Waterfront yards#

Section 62-332 (Rear yards and waterfront yards) shall be modified to allow the level of a #waterfront yard# to be raised above the elevation of the top of the adjoining existing bulkhead, existing stabilized natural shore or mean high water line, as applicable, provided that:

- (1) where a #waterfront yard# terminates at a #lot line#, the grade of the #waterfront yard# shall be no higher than the grade of the adjacent #street# or #zoning lot#, except that natural grade need not be disturbed to comply with this requirement;
- (2) for #zoning lots# without a #shore public walkway#, as defined in Section 62-11, the maximum grade of the #waterfront yard#, measured parallel to the #shoreline#, shall not exceed three percent; and
- (3) for #zoning lots# with a #shore public walkway#, as defined in Section 62-11, the maximum grade shall be determined by the maximum permitted grade of the circulation path and the provisions of Section 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS).

(b) #Visual corridors#

Section 62-512 (Dimensions of visual corridors) shall be modified so that the lowest level of a #visual corridor# shall be determined by establishing a plane connecting the two points along the #street lines# from which the #visual corridor# emanates at an elevation three feet above #curb level# with the two points where the prolonged #street lines# intersect the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (a) of this Section, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first. Such plane shall then continue horizontally seaward from the line of intersection. #Visual corridors# that are not prolongations of mapped #streets# shall be determined by establishing a plane connecting an elevation three feet above #curb level# at the two points along the #lot line# from which the #visual corridor# emanates with the two points of intersection at the #shoreline#, stabilized natural shore, bulkhead, upland edge of a #waterfront yard# raised pursuant to the provisions of paragraph (a) of this Section, or the #base plane# of a #pier# or #platform#, whichever intersection occurs first.

(c) Ground floor #uses#

Section 62-341 (Developments on land and platforms), paragraph (c)(6), shall be modified so that "ground floor level" shall mean the lowest level permitted for habitable use as if it were "Post-FIRM Construction" as defined by Appendix G of the New York City Building Code, using elevation and wet flood-proofing techniques, provided that where such lowest permitted level would be less than five feet above the finished level of the adjacent sidewalk, such level need not be lower than five feet

above the finished level of the adjacent sidewalk.

(10/9/13)

64-90
SPECIAL APPROVALS

(10/9/13)

64-91
Modification of Certain Certification Requirements in the Special South Richmond Development District

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In the #Special South Richmond Development District#, Sections 107-22 (Designated Open Space), inclusive, and 107-23 (Waterfront Esplanade) shall not apply to the reconstruction or repair of #buildings# that were damaged due to the effects of #Hurricane Sandy#, provided that:

- (a) the dimensions of the #building# footprint are no greater than the footprint that existed on October 28, 2012; and
- (b) there is no increase in impervious surfaces on the #zoning lot#.

In addition, the provisions of Section 107-22, inclusive, shall not apply to a #site alteration# that is not a #development# or #enlargement# where the Commissioner of Buildings determines it is the minimum necessary to enable the reconstruction of a #building#.

These provisions shall not affect the terms of a certification previously made by the City Planning Commission. The provisions of this Section shall apply to #buildings# that are the subject of an application for approval of construction documents that has been approved by the Department of Buildings no later than one year after the adoption of new final Flood Insurance Rate Maps that supersede the maps in effect on October 28, 2012. Construction pursuant to such approval may continue until a date six years after the adoption of such superseding Flood Insurance Rate Maps. After such date, the vesting provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) shall apply as if the change in #flood map# were a change in provisions of the Zoning Resolution.

(10/9/13)

64-92

Special Permit for Modification of Certain Zoning Regulations

In order to allow for the alteration of existing #buildings# in compliance with #flood-resistant construction standards# and for #developments# and #enlargements# in compliance with #flood-resistant construction standards#, the Board of Standards and Appeals may permit modification of Section 64-60 (DESIGN REQUIREMENTS), the #bulk# regulations of Sections 64-30, 64-40 (SPECIAL BULK REGULATIONS FOR BUILDINGS EXISTING ON OCTOBER 28, 2012) and 64-70 (SPECIAL REGULATIONS FOR NON-CONFORMING USES AND NON-COMPLYING BUILDINGS), as well as all other applicable #bulk# regulations of the Zoning Resolution, except #floor area ratio# regulations, provided the following findings are made:

- (a) that there would be a practical difficulty in complying with #flood-resistant construction standards# without such modifications, and that such modifications are the minimum necessary to allow for an appropriate #building# in compliance with #flood-resistant construction standards#;
- (b) that any modification of #bulk# regulations related to height is limited to no more than 10 feet in height or 10 percent of permitted height as measured from #flood-resistant construction elevation#, whichever is less; and
- (c) the proposed modifications will not alter the essential character of the neighborhood in which the #building# is located, nor impair the future use or development of the surrounding area in consideration of the neighborhood's potential development in accordance with #flood-resistant construction standards#.

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

(7/23/15)

Appendix A

Special Regulations for Neighborhood Recovery

(7/23/15)

64-A00

GENERAL PROVISIONS

The provisions of this Resolution shall apply as modified by this Chapter and by the special regulations set forth in this Appendix. The provisions of this Appendix are optional, but when utilized, shall be applied in their entirety. This Appendix shall be in effect until July 23, 2020, at which time it shall automatically expire.

(7/23/15)

64-A01

Applicability of Special Regulations for Neighborhood Recovery

The provisions of this Appendix shall only be applicable to #buildings# containing #residential use# whose vertical elevation or reconstruction will result in a #single-# or #two-family residence# that complies with #flood-resistant construction standards#, where such #building# is located in a Neighborhood Recovery Area (Section 64-A80), inclusive.

(7/23/15)

64-A02

Special Requirements for Application

Prior to the approval of any application to the Department of Buildings pursuant to this Appendix, an applicant shall submit the following documents in order to establish that there was a #building# on the subject lot that contained a #residential use# on October 28, 2012:

- (a) an aerial photograph taken up to one year prior to October 28, 2012, establishing that a #building# existed on the subject lot on October 28, 2012; and
- (b) a 2012 tax bill or assessment roll for the subject lot stating that such #building# contained a #residential use#.

Where the documents specified in this Section are unavailable or inconclusive, the Department of Buildings may accept alternative documentation to satisfy the requirements of paragraphs (a) or (b).

(7/23/15)

64-A03

Zoning Lots in Neighborhood Recovery Areas

The definition of #zoning lot# set forth in Section 12-10 (DEFINITIONS) shall apply in this Appendix. However, as an option, where a tax lot contained one or more #buildings# on October 28, 2012, or where a #building# or #buildings# occupied more than one tax lot on October 28, 2012, such tax lot may be provisionally considered a #zoning lot# for the sole purpose of demonstrating compliance with the #bulk# requirements of this Resolution, and shall be referred to as a #zoning lot# in this Appendix, provided that the proposed application will not affect compliance with any applicable provisions of the New York City Building Code or Fire Code with respect to access to the same or other #zoning lots# on the same #block#, unless a waiver or modification is obtained from the Department of Buildings or the Fire Department, respectively.

(7/23/15)

64-A10

SPECIAL REGULATIONS FOR ESTABLISHING NON-CONFORMANCE AND NON-COMPLIANCE

(7/23/15)

64-A11

Special Regulations for Establishing Non-conformance of Residences

In all #districts#, for a #zoning lot# that contained two or more #dwelling units# on October 28, 2012, and does not have lawful documentation indicating that more than one #dwelling unit# existed on the #zoning lot# on such date, the Board of Standards and Appeals may permit the vertical elevation or reconstruction of #buildings# containing such #dwelling units# and may establish #non-conformance# of such #buildings#, pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

(7/23/15)

64-A12

Special Regulations for Establishing Non-compliance of Existing Buildings

In all districts, a #building# containing #residences#, and any other structure that is attached to such #building#, including porches, stairs, terraces or balconies, that existed both on October 28, 2012, and on the date of application for a building permit, may be considered #non-complying# for the purpose of utilizing the applicable provisions of Article V, Chapter 4 and Article VI, Chapter 4 of this Resolution relating to #non-complying buildings or other structures# provided that:

- (a) a survey, prepared by a licensed land surveyor, specifying the location and height of such #building# and any other structures that are attached to such #building#, is submitted as documentation of such #non-compliance#; and
- (b) such #building# shall either be vertically elevated in compliance with the #bulk# provisions of Section 64-A20 (SPECIAL BULK REGULATIONS FOR THE VERTICAL ELEVATION OF EXISTING BUILDINGS), or be reconstructed in compliance with the #bulk# provisions of Section 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012).

Upon completion and sign-off of work completed pursuant to the provisions of this Appendix, the #building# shall be considered #non-complying#.

(7/23/15)

**64-A20
SPECIAL BULK REGULATIONS FOR THE VERTICAL ELEVATION OF EXISTING
BUILDINGS**

The provisions of this Section shall apply to the vertical elevation of #buildings# containing #residences# that existed on October 28, 2012. Except as specifically modified by the provisions of this Section, inclusive, the applicable #bulk# regulations of this Chapter, the regulations of Article V of this Resolution and the applicable zoning district shall remain in effect.

No #building# that is vertically elevated pursuant to this Section shall subsequently be #enlarged# pursuant to paragraph (b) of Section 54-313 (Single- or two-family residences with non-complying front yards or side yards) or Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences).

(7/23/15)

64-A21

Special Regulations for Rebuilt Portions of Vertically Elevated Buildings

A portion of a #building# that is being vertically elevated pursuant to this Appendix may be rebuilt, provided that:

- (a) the rebuilt portion does not exceed 75 percent of the existing #floor area# of such #building#; and
- (b) except as specifically allowed by this Chapter, no new #non-compliance# shall be created, nor shall the degree of any existing #non-compliance# be increased beyond that established pursuant to Section 64-A10 (SPECIAL REGULATIONS FOR ESTABLISHING NON-CONFORMANCE AND NON-COMPLIANCE).

If the rebuilt portion of a #building# exceeds 75 percent of the existing #floor area# of the #building#, such #building# shall be subject to the regulations of 64-A30 (SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012).

(7/23/15)

64-A22

Special Regulations for Space Partially Below Grade

For a #building# where the lowest floor containing habitable space is partially below adjoining grade, and at least one-half of the floor-to-ceiling height of such floor is above adjoining grade, such #building# may be vertically elevated in order to raise the lowest floor containing habitable space to the #flood-resistant construction elevation#, provided that:

- (a) the elevated #building# does not exceed two #stories#, except that attic space providing structural headroom of less than eight feet shall not be considered a #story# for the purposes of this Section; and
- (b) the height of such elevated #building#, including the apex of a pitched roof, does not exceed 25 feet, as measured from the #flood-resistant construction elevation#.

Any floor space that becomes #floor area# in excess of the maximum permitted #floor area ratio# for such #zoning lot#, as a result of the vertical elevation, shall be considered #non-complying floor area#. Such vertical elevation may increase any existing #non-compliances# with respect to required #open space# and #yard#

regulations to the extent that such #non-compliance# results from the elevation of the lowest floor to the #flood-resistant construction elevation#. All other provisions of Article V, Chapter 4 (Non-complying Buildings), shall apply without modification.

The level of the adjoining grade shall be the average elevation of the grade adjoining the building, before it is elevated, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation.

(7/23/15)

64-A23

Special Regulations for Existing Buildings Located Over Water

For a #building# that will be vertically elevated and is located either partially or entirely seaward of the #shoreline#, such #building# may be relocated landward of the #shoreline# on the same #zoning lot#. Such relocation may create a new #non-compliance# or increase the degree of any existing #non-compliance# as to #side yards#, waterfront yards, #rear yards# or #rear yard equivalents#, provided that:

- (a) an open area of at least three feet shall be maintained between the exterior wall of the #building# and any #lot line#; and
- (b) except as specifically allowed by this Chapter, no new #non-compliance# shall be created, nor shall the degree of any existing #non-compliance# be increased, beyond that established pursuant to Section 64-A12 (Special Regulations for Establishing Non-compliance of Existing Buildings).

(7/23/15)

64-A24

Permitted Obstructions in Required Open Space, Yards and Courts

The provisions of Sections 23-12 (Permitted Obstructions in Open Space), 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 64-421 (Permitted obstructions) shall be modified such that:

- (a) mechanical equipment including, but not limited to, #accessory# heating and cooling equipment, fuel oil tanks and emergency generators shall be permitted obstructions in #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or

#rear yard equivalent# and in #courts#, provided such equipment is:

- (1) located at least three feet from any #lot line#;
 - (2) screened on all sides by walls consisting of at least 50 percent opaque materials; and
 - (3) in compliance with the standards of either of the following provisions:
 - (i) all structures and screening are located no more than ten feet from the wall of a #building# and limited to a height of no more than 12 feet above #flood-resistant construction elevation#; or
 - (ii) is located on the roof of a #building or other structure#, provided that the height of such equipment and screening does not exceed six feet, as measured from the finished level of a flat roof or, for a sloping roof, as measured from the midpoint of such roof. Such equipment shall be located not less than 15 feet from any #street wall# of a #building or other structure#.
- (b) visual mitigation elements, provided pursuant to Section 64-A50 (SPECIAL DESIGN REQUIREMENTS) shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#.

(7/23/15)

64-A30

SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012

The #bulk# regulations of this Section shall apply only to the permitted reconstruction of a #building# that existed on October 28, 2012, and results in a #single-# or #two-family detached residence#. Except as specifically modified by the provisions of this Section, inclusive, the #bulk# regulations of this Chapter and the applicable zoning district shall remain in effect. #Buildings# reconstructed pursuant to this Section shall not be considered #developments# or #enlargements#.

No #building# that is reconstructed pursuant to this Section shall subsequently be #enlarged# pursuant to paragraph (b) of Section 54-313 (Single- or two-family residences with non-complying front yards

or side yards) or Section 73-622 (Enlargements of single- and two-family detached and semi-detached residences).

(7/23/15)

64-A31

Special Regulations for Minimum Required Open Space, Maximum Lot Coverage and Maximum Floor Area

(7/23/15)

64-A311

Lot coverage and open space

R1-2A R2A R3-1 R3-2 R4 R4-1 R4A

In the districts indicated, for #zoning lots# that do not meet the required minimum #lot area# or #lot width# of the applicable district, #lot coverage# and #open space# shall be governed by the #yard# requirements set forth in Section 64-A35 (Special Yard Regulations).

(3/22/16)

64-A312

Floor area

R2X R3 R4 R4-1 R4A

In the districts indicated, the #floor area ratio# set forth in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) may be increased by 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.

(7/23/15)

64-A313

Special open space, lot coverage and floor area regulations for small

lots

R1 R2 R3 R4 R5 R6

In the districts indicated, for #zoning lots# with a #lot area# of less than 1,800 square feet, #open space#, #lot coverage# and #floor area ratio# regulations shall not apply. In lieu thereof, the #yard# requirements set forth in Section 64-A35 (Special Yard Regulations) and the height and setback requirements of Section 64-A36 (Special Height and Setback Regulations) shall govern.

(7/23/15)

64-A32

Special Regulations for Maximum Number of Dwelling Units and Minimum Size of Dwelling Units

(3/22/16)

64-A321

Maximum number of dwelling units

R1 R2 R3 R4 R5 R6

In the districts indicated, the provisions of Section 23-22 (Maximum Number of Dwelling Units) shall not apply. In lieu thereof, not more than one #single-family detached residence# or, where permitted in the applicable zoning district pursuant to Section 22-12 (Use Group 2), one #two-family detached residence#, may be reconstructed. However, any #two-family detached residence# may only be reconstructed if such #zoning lot# contained two or more #dwelling units# on October 28, 2012, as indicated on the certificate of occupancy or upon approval by the Board of Standards and Appeals pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

(7/23/15)

64-A322

Minimum size of dwelling units

R3 R4-1 R4A

In the districts indicated, the minimum size of a #dwelling unit# as set forth in paragraph (b) of Section 23-23 shall not apply to the permitted reconstruction of a #two-family detached residence#.

(7/23/15)

64-A33

Special Regulations for Minimum Lot Area or Lot Width for Residences

In all districts, including #lower density growth management areas#, either one #single-family detached residence# or, where permitted in the applicable zoning district pursuant to Section 22-12 (Use Group 2) one #two-family detached residence#, may be reconstructed upon a #zoning lot# that:

- (a) has less than the prescribed minimum #lot area# or #lot width# as required by the applicable district regulations; and
- (b) if reconstructed as a #two-family detached residence#, either:
 - (1) complies with the maximum number of #dwelling units# requirement of the applicable zoning district; or
 - (2) such #zoning lot# contained two or more #dwelling units# on October 28, 2012, as indicated on the certificate of occupancy or upon approval by the Board of Standards and Appeals pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

(7/23/15)

64-A34

Permitted Obstructions in Required Open Space, Yards and Courts

The provisions of Sections 23-12 (Permitted Obstructions in Open Space), 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) and 64-421 (Permitted obstructions) shall be modified as follows:

- (a) mechanical equipment, including, but not limited to, #accessory# heating and cooling equipment, fuel oil tanks and emergency generators, shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #side yard#, #rear yard# or #rear yard equivalent# and in #courts#, provided that such equipment is:

- (1) located at least three feet from any #lot line#;
 - (2) screened on all sides by walls consisting of at least 50 percent opaque materials; and
 - (3) in compliance with the standards of either of the following provisions:
 - (i) all structures and screening are located no more than 10 feet from the wall of a #building# and limited to a height of no more than 12 feet above #flood-resistant construction elevation#; or
 - (ii) is located on the roof of a #building# or other structure, provided that the height of such equipment and screening does not exceed six feet, as measured from the finished level of a flat roof or, for a sloping roof, as measured from the midpoint of such roof. Such equipment shall be located not less than 15 feet from any #street wall# of a #building or other structure#.
- (b) eaves, gutters or downspouts shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#, provided that such eave, gutter or downspout does not project further than 16 inches into such required #open space#, #yard# or #court#.
- (c) visual mitigation elements, provided pursuant to Section 64-A50 (SPECIAL DESIGN REQUIREMENTS) shall be permitted obstructions in any #open space# required on the #zoning lot#, in any #yard# and in #courts#.

(7/23/15)

64-A35

Special Yard Regulations

(7/23/15)

64-A351

Special provisions for front yards

R1 R2 R3 R4 R5

- (a) In the districts indicated, the #front yard# provisions of the

applicable district shall apply, except that in R4 and R5 Districts, a #front yard# may have a depth of any dimension equal to or exceeding ten feet.

- (b) In the districts indicated, where an enclosed garage fronts upon a #street#, there shall be an unobstructed area at ground level, between the garage door and the #street line#, which is at least eight and one half feet in width by 18 feet in depth, except no such space shall be required in R5D Districts. Where an unenclosed #accessory# off-street parking space is provided in an open area on a #zoning lot#, or provided beneath an elevated #building#, an unobstructed area at ground level which is at least eight and one half feet in width by 18 feet in depth shall be provided between the #street line# and such space.
- (c) For #buildings# that are reconstructed pursuant to this Section 64-A30, inclusive, the provisions regulating the depth of #front yards# in relation to adjacent #buildings#, set forth in paragraphs (b) and (c) of Section 23-45, shall not apply.

(7/23/15)

64-A352

Special provisions for narrow lots

R1 R2 R3 R4 R5 R6

- (a) In the districts indicated, the #side yard# provisions of the applicable district shall apply, except that the required total width of #side yards# for a #single-# or #two-family detached residence# may be reduced by four inches for each foot by which the width of a #zoning lot# is less than that required under the provisions of Section 23-32 (Minimum Lot Area or Lot Width for Residences). In no event shall the required width of a #side yard# be less than three feet. For #zoning lots# with less than 21 feet in #lot width#, the required total width of #side yards# shall be six feet.
- (b) In the #Special South Richmond Development District#, the provisions of Sections 107-42 (Minimum Lot Area and Lot Width for Residences) and 107-462 (Side yards) shall not apply. In lieu thereof, the regulations of the applicable underlying #Residence District# shall apply pursuant to Section 23-32 (Minimum Lot Area or Lot Width for Residences) and Section 23-46 (Minimum Required Side Yards) and may be modified, as applicable, by the regulations of this Appendix.
- (c) For the permitted reconstruction of #detached buildings# the

provisions of paragraph (c) of Section 23-461 (Side yards for single- or two-family residences) shall not apply, provided such open area does not serve as access to required #accessory# off-street parking.

(7/23/15)

64-A353

Special provisions for shallow lots

R1 R2 R3 R4 R5 R6

In the districts indicated, if at any point the depth of a #zoning lot# is less than 95 feet, the depth of a required #rear yard# or waterfront yard may be reduced by six inches for each foot by which the mean lot depth is less than 95 feet. In no event shall the required depth of a rear yard be less than ten feet.

(7/23/15)

64-A354

Special provisions for corner lots

For #corner lots# in R1-2 Districts, if one #front yard# has a depth of 20 feet, then the other #front yard# may have a depth of 15 feet. For #corner lots# in R3 Districts, if one #front yard# has a depth of 15 feet, then the other #front yard# may have a depth of ten feet.

In all districts, for #corner lots# with less than the minimum #lot area# required pursuant to the applicable district regulations, the following provisions shall apply:

- (a) one #front yard# shall be provided along the full length of either #front lot line#;
- (b) the remaining #front lot line# shall be treated as a #side lot line#; and
- (c) any #side lot line# that is parallel to, or within 45 degrees of being parallel to the #front lot line# selected pursuant to paragraph (a) of this Section, shall be treated as a #rear lot line# and a #rear yard# shall be provided along the full length of such #lot line#.

The #rear# and #side yards# provided pursuant to this Section may be reduced pursuant to Sections 64-A352 (Special provisions for narrow

lots) and 64-A353 (Special provisions for shallow lots).

(3/22/16)

64-A36

Special Height and Setback Regulations

R1 R2 R3 R4 R5 R6

In the districts indicated, the height and setback regulations of the applicable district shall not apply. In lieu thereof, all #buildings# shall be subject to the height and setback provisions set forth in paragraph (b) of Section 23-631 (General provisions), except that the maximum height of a perimeter wall before setback shall be 19 feet, the maximum height of a ridge line shall be 25 feet and all heights shall be measured from the #flood-resistant construction elevation#. In no event shall any #building# exceed two #stories#, except that attic space providing structural headroom of less than eight feet shall not be considered a #story# for the purposes of this Section.

(7/23/15)

64-A40

SPECIAL PARKING PROVISIONS

(7/23/15)

64-A41

Waiver of Requirements for Certain Zoning Lots

R1 R2 R3 R4 R5 R6

In the districts indicated, the requirements set forth in Section 25-22 (Requirements Where Individual Parking Facilities Are Provided) shall be waived for a #single-# or #two-family residence# on an #interior zoning lot# that has a #lot width# along a #street# of less than 25 feet, and where the #flood-resistant construction elevation# is less than six feet above #curb level#.

(7/23/15)

64-A42

For Elevated Buildings

The provisions of Section 64-52 (For Elevated Buildings) shall be modified to allow the #accessory# off-street parking spaces, required pursuant to that section, to be located anywhere on the #zoning lot#.

(7/23/15)

64-A50

SPECIAL DESIGN REQUIREMENTS

R1 R2 R3 R4 R5 R6

In the districts indicated, the provisions of Section 64-61 (Design Requirements for Single- and Two-Family Residences) shall apply, except as expressly modified by this Section. Visual mitigation elements shall be required unless more than 50 percent of the #street wall# is within 18 inches of the #street line#.

(7/23/15)

64-A51

Special Regulations for Corner Lots

The design requirements set forth in Section 64-61 shall apply separately along each #street frontage# of a #corner lot#, except as modified below:

- (a) For #corner lots#, where the level of the #lowest occupiable floor# is nine feet or more above #curb level#, and more than 50 percent of the #street wall# of a #building# is within six feet of a #street line#, only one visual mitigation element shall be required along such #street# frontage.
- (b) For #corner lots#, where trees or shrubs are provided as visual mitigation elements along both #street frontages# pursuant to paragraph (d) of Section 64-61, the required total length of planted areas shall be reduced to a minimum of 45 percent of the aggregate length of #street walls#, provided that the planting bed is continuous for the minimum required length, measured along such #street walls#, and at least six feet of planting bed is provided facing each #street#.

(7/23/15)

64-A52

Special Regulations for Narrow Lots

For #interior zoning lots# that have a #lot width# less than 25 feet, the design requirements of paragraph (d) of Section 64-61 shall be modified to require the total length of planted areas to be greater than 40 percent of the #lot width# and to be planted to screen at least 40 percent of the length of the #street wall#.

(7/23/15)

64-A53

Special Regulations for Zoning Lots with Shallow Yards

For #zoning lots# where more than 50 percent of the #street wall# of a #building# is located within six feet of a #street line#, one or more of the following visual mitigation elements may be provided in lieu of paragraph (d) of Section 64-61:

(a) Climbing vines

Where provided as a visual mitigation element, climbing vines shall be planted along 40 percent of the aggregate width of #street walls# in a planting bed that is at least 18 inches in width, measured perpendicular to the #street wall# and allows a soil depth of at least two feet. A framework for the climbing vines shall be provided for the full length of the planting bed to a height of at least four feet. Such framework may be freestanding or attached to the #building#.

(b) Green wall

Where provided as a visual mitigation element, a green wall or landscaped fence shall extend along 40 percent of the aggregate width of #street walls# to a height of at least four feet. Hanging plants, potted plants or plant material shall be distributed along the entire length of such green wall or landscaped fence. The supporting structure may be freestanding or attached to the #building# and shall be considered a permitted obstruction in any required #yard#, #court# or #open space#.

(c) Planter box or raised planting bed

Where provided as a visual mitigation element, planter boxes or raised planting beds may be used in place of planting beds at grade. The top of such planter boxes shall be located between 18 and 36 inches above adjacent grade. Raised planting beds shall

be at least 18 inches in height and shall not exceed 36 inches above adjacent grade. For planter boxes and raised planting beds, the minimum soil width shall be at least one foot, measured perpendicular to the street line, and the minimum soil depth shall be 18 inches. The planted area may be comprised of any combination of groundcover, perennials, annuals, shrubs, trees or other living plant material, and must attain a height of at least six inches. Planter boxes may be freestanding or attached to the #building#.

(7/23/15)

64-A60

NON-CONFORMING AND NON-COMPLYING BUILDINGS

(7/23/15)

64-A61

Special Regulations for Non-conforming Single- or Two-Family Residences in Manufacturing Districts

The provisions of Section 64-712 (Single- and two-family buildings), shall be modified to allow the vertical elevation or reconstruction of a #non-conforming single-# or #two-family residence# in a #Manufacturing District#. Reconstructions of such #residences# shall utilize the applicable #bulk# regulations of an R4-1 District, as modified by Section 64-A30 of this Appendix.

(7/23/15)

64-A70

SPECIAL APPROVALS

The special permit and variance provisions of this Resolution shall apply to properties in the Neighborhood Recovery Areas.

(7/23/15)

64-A71

Special Permit for Establishing Non-conformance

In all districts, for a #zoning lot# that contained two or more #dwelling units# on October 28, 2012, and does not have a certificate of occupancy, or other lawful documentation, indicating that more than one #dwelling unit# existed on the #zoning lot# on such date, the Board of Standards and Appeals may permit the vertical elevation or reconstruction of up to two #dwelling units# on such #zoning lot# in accordance with this Appendix, and all applicable requirements of the New York City Construction Codes, provided that the Board of Standards and Appeals determines that more than one #dwelling unit# existed on the site on October 28, 2012, based on evidence submitted to the Board of Standards and Appeals, which may include, but shall not be limited to, Department of Finance tax records, utility bills or an affidavit from a licensed architect or engineer that documents an on-site inspection of the #zoning lot# performed under the auspices of a governmental agency.

Such #buildings# which are vertically elevated shall comply with the #bulk# provisions of Section 64-A20, and such #buildings# that are reconstructed shall comply with the #bulk# provisions of Section 64-A30.

Upon completion and sign-off of work completed under the provisions of this Appendix, such #building# shall be considered #non-conforming#.

(7/23/15)

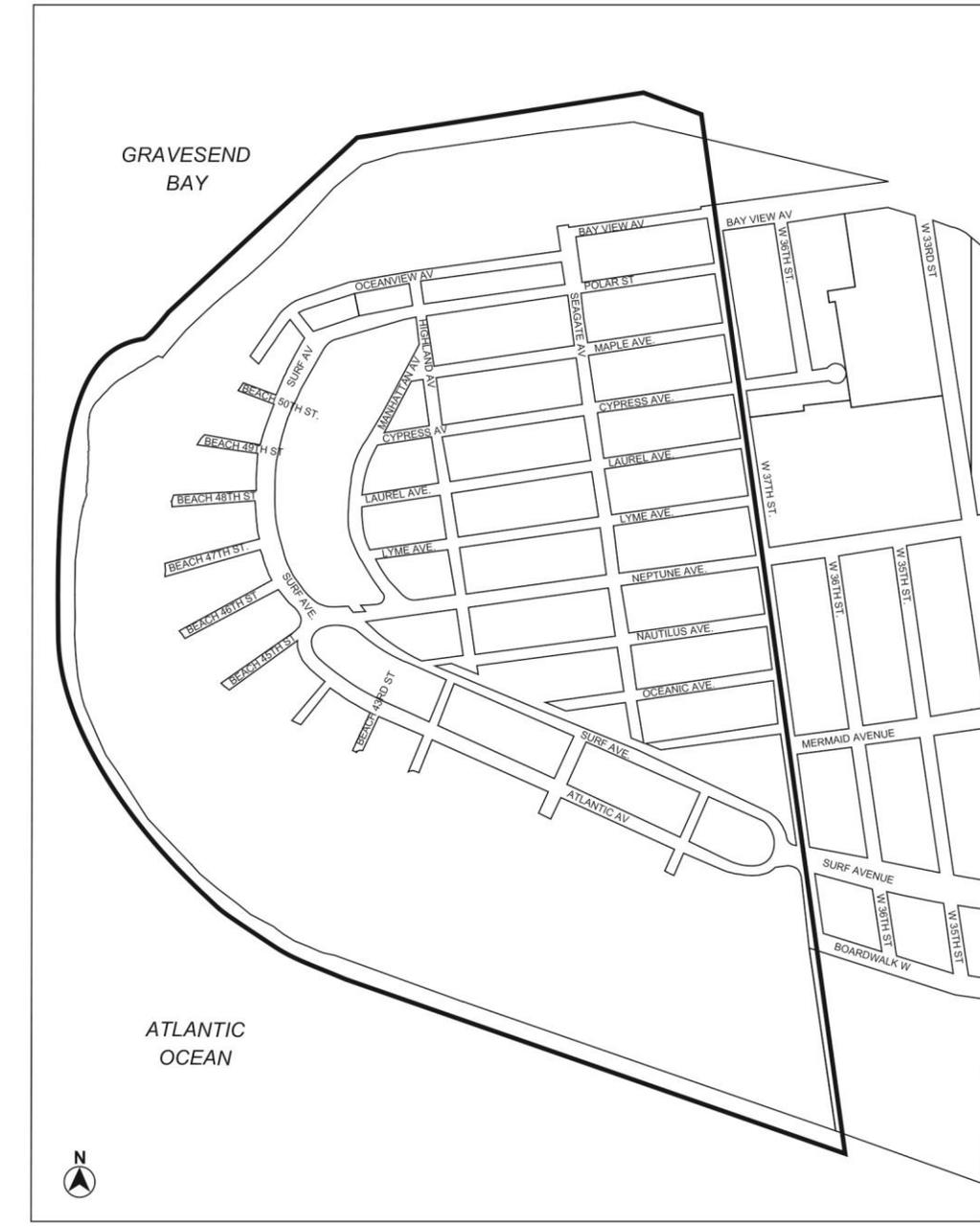
64-A80
NEIGHBORHOOD RECOVERY AREA MAPS

Neighborhoods that experienced a high concentration of damage to #single#- and #two-family residences# from Hurricane Sandy are defined as Neighborhood Recovery Areas.

(7/23/15)

64-A81
Neighborhood Recovery Areas in Brooklyn

(a) within Community District 13



Neighborhood Recovery Area Blocks within Community District 13:

6955, 6956, 6957, 6958, 6959, 6960, 6971, 6972, 6973, 6974, 6975, 6976, 6977, 6998, 6999,

7000, 7001, 7002, 7003, 7024, 7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044.

(b) within Community Districts 13 and 15



Neighborhood Recovery Area Blocks within Community Districts 13 and 15:

7220, 7222, 7223, 7224, 7239, 7242, 7243, 7244, 7245, 7260, 7261, 7262, 7263, 7264,

7430, 7431, 7433, 7434, 7435, 7436, 7437, 7438, 7439, 7440, 7441, 7442, 7443, 7444, 7445, 7446, 7447, 7449, 7452, 7454, 7455, 7456, 7457, 7458, 7459, 7460, 7462, 7463, 7464, 7465, 7466, 7467, 7468, 7469, 7470, 7471, 7472, 7473, 7474, 7475, 7476, 7477, 7478, 7479, 7481,

8590, 8661, 8662, 8663, 8664, 8665, 8666, 8667, 8668, 8669, 8670, 8671, 8672, 8673, 8674, 8675, 8676, 8677, 8678, 8679, 8680, 8682, 8683, 8684, 8685, 8686, 8687, 8688, 8689, 8690, 8691, 8692, 8693,

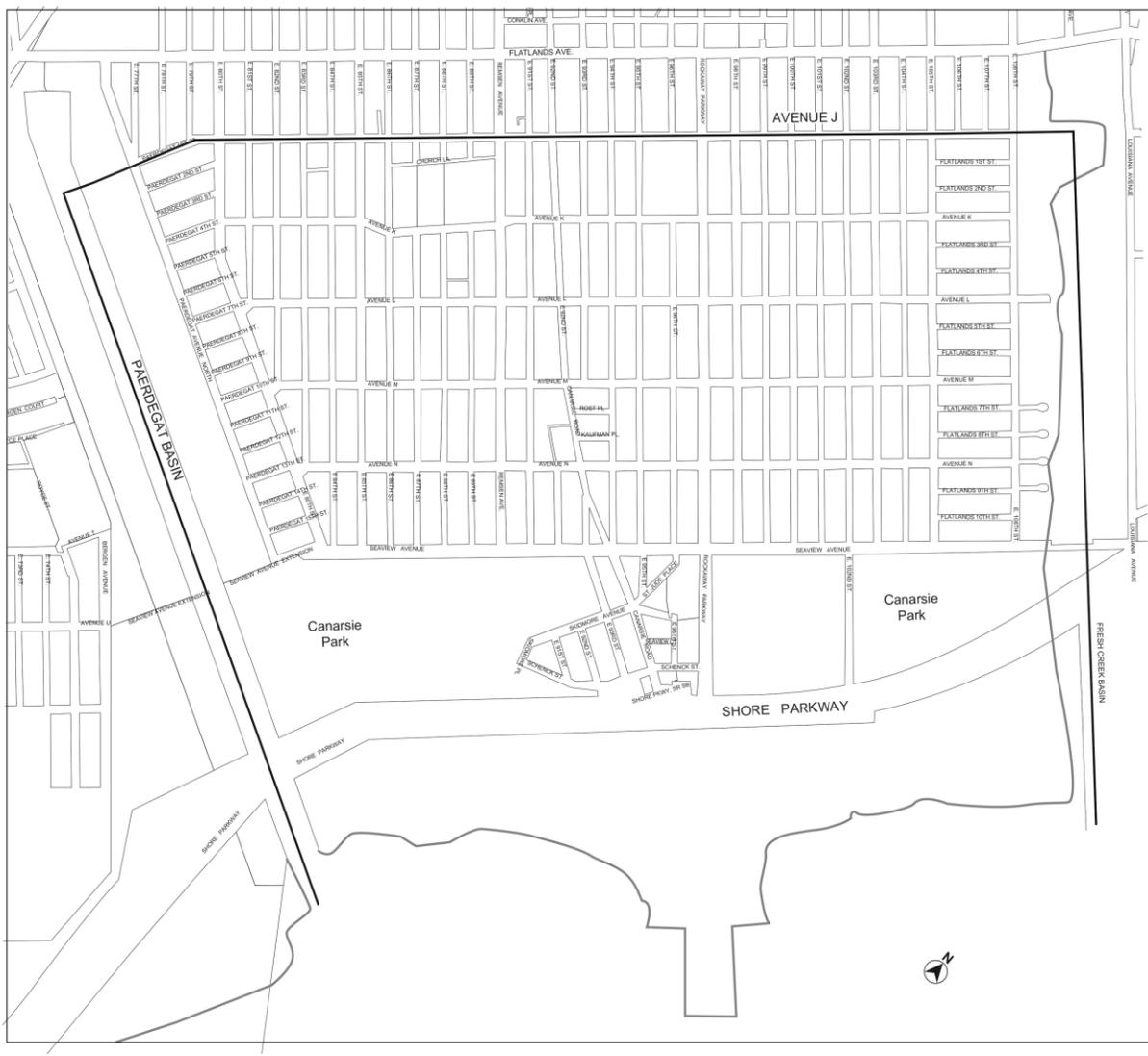
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8800, 8801, 8802, 8803, 8804, 8805, 8806, 8807, 8808, 8809, 8810,

8811, 8812, 8813, 8815, 8830, 8833, 8834, 8835, 8837, 8839, 8840,
8841, 8842, 8843, 8844, 8845, 8856, 8866, 8876, 8883, 8885, 8891,
8896,

8900, 8907, 8914, 8923, 8925, 8932, 8939, 8946, 8955.

(c) within Community District 18



Neighborhood Recovery Area Blocks within Community District 18:

8012, 8029, 8030, 8031, 8032, 8033, 8034, 8035, 8036, 8037, 8038,
8039, 8040, 8041, 8043, 8044, 8046, 8047, 8048, 8049, 8050, 8051,
8052, 8053, 8054, 8055, 8056, 8057, 8058, 8059, 8060, 8061, 8062,
8063, 8064, 8065, 8066, 8067, 8068, 8069, 8070, 8071, 8072, 8073,
8074, 8075, 8076, 8077, 8078, 8079, 8080, 8081, 8082, 8083, 8084,
8085, 8086, 8088, 8089, 8090,

8217, 8218, 8219, 8220, 8221, 8222, 8224, 8225, 8226, 8227, 8228,
8229, 8230, 8231, 8232, 8233, 8234, 8235, 8236, 8237, 8238, 8239,
8240, 8241, 8242, 8243, 8244, 8245, 8246, 8247, 8248, 8249, 8250,
8251, 8252, 8253, 8255, 8256, 8257, 8258, 8259, 8260, 8261, 8262,
8263, 8264, 8265, 8266, 8267, 8268, 8269, 8270, 8271, 8272, 8273,
8274, 8275, 8277, 8278, 8279, 8280, 8281, 8282, 8283, 8284, 8285,
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8298, 8299,

8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8309, 8310,
8312, 8316, 8317, 8318, 8321, 8322, 8323, 8324, 8326, 8327, 8328,
8329, 8330, 8331, 8334.

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64-A82
Neighborhood Recovery Areas in Queens

(a) within Community District 10



Neighborhood Recovery Area Blocks within Community District 10:

11469, 11472,

11572, 11583, 11588, 11589, 11590, 11591,

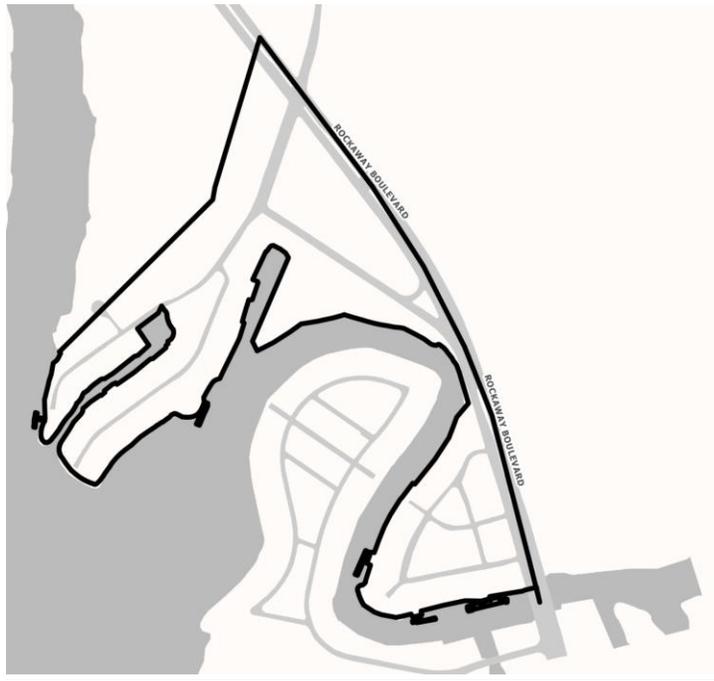
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13983, 13984, 13985, 13986, 13987, 13988, 13989, 13990, 13991, 13999,
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14010, 14011, 14012, 14013, 14016, 14017, 14018, 14019, 14020, 14021,
14022, 14023, 14024, 14025, 14026, 14027, 14028, 14029, 14030, 14039,
14040, 14041, 14042, 14043, 14044, 14045, 14046, 14047, 14048, 14057,
14058, 14059, 14060, 14061, 14062, 14063, 14064, 14065, 14066, 14067,
14068, 14069, 14070, 14071, 14072, 14073, 14074, 14075, 14076, 14077,
14078, 14079, 14080, 14081, 14082, 14083, 14084, 14085, 14086,

14140, 14141, 14142, 14143, 14145, 14147, 14148, 14149, 14150, 14151,
14152, 14154, 14155, 14156, 14158, 14159, 14160, 14161, 14162, 14163,
14165, 14166, 14167, 14168, 14169, 14170, 14171, 14172, 14173, 14175,
14176, 14177, 14178, 14179, 14180, 14181, 14182, 14183, 14185, 14186,
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14199,

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14212, 14225, 14228, 14231, 14234, 14238, 14239, 14240, 14241, 14242,
14243, 14244, 14245, 14246, 14247, 14248, 14249, 14250, 14251, 14252,
14253, 14254, 14255, 14260.

(b) within Community District 13



Neighborhood Recovery Area Blocks within Community District 13:
13895, 13910, 13911, 13912, 13913, 13914, 13921, 14260.

(c) within Community District 14



Neighborhood Recovery Area Blocks within Community District 14:

15100,

15300, 15301, 15302, 15303, 15304, 15305, 15306, 15308, 15311, 15312,
15313, 15314, 15315, 15316, 15317, 15318, 15319, 15320, 15321, 15322,
15323, 15324, 15325, 15326, 15327, 15350, 15375, 15376,

15400, 15450, 15451, 15452, 15453, 15454, 15455, 15456, 15457, 15458,
15459, 15460, 15461, 15462, 15463, 15464, 15465, 15466, 15475, 15476,
15477, 15478, 15479, 15480, 15481, 15482, 15483, 15484, 15485, 15486,

15500, 15501, 15502, 15503, 15504, 15505, 15506, 15507, 15508, 15509,
15510, 15511, 15512, 15513, 15514, 15515, 15516, 15525, 15526, 15527,
15528, 15529, 15530, 15531, 15532, 15533, 15534, 15535, 15536, 15537,
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15595, 15596, 15597, 15598, 15599,

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15654, 15655, 15656, 15657, 15658, 15659, 15660, 15661, 15662, 15663,

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15770, 15771, 15772, 15773, 15774, 15775, 15776, 15780, 15781, 15782,
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16310, 16311, 16312, 16313, 16314, 16315, 16316, 16317, 16318, 16319,
16320, 16321, 16322, 16323, 16324, 16325, 16340.

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64-A83

Neighborhood Recovery Areas in Staten Island

In Staten Island, any areas designated by New York State as part of the NYS Enhanced Buyout Area Program are excluded from a Neighborhood Recovery Area.

(a) within Community District 2



Staten Island Expressway

Fort Wadsworth

Ocean Breeze Park

Miller Field



Neighborhood Recovery Area Blocks within Community District 2:

3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118,
3119, 3120, 3121, 3122, 3123, 3124, 3125, 3128,

3220, 3221, 3222, 3223, 3224, 3235, 3236, 3237, 3238, 3239, 3243,
3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256,
3257, 3263, 3264, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273,
3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3284,

3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3358,
3359, 3360, 3361, 3362, 3368, 3369, 3370, 3371, 3372, 3373, 3374,
3375, 3376, 3377, 3378, 3379, 3380, 3389, 3390, 3391, 3392, 3393,
3394, 3395, 3396, 3397, 3398,

3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3410, 3411,
3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3422, 3423,
3427, 3472, 3475, 3478, 3481, 3491,

3500, 3525, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546,
3547, 3548, 3549, 3550, 3551, 3555, 3556, 3557, 3558, 3559, 3560,
3561, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3583,
3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591,

3603, 3604, 3605, 3608, 3609, 3610, 3613, 3614, 3615, 3650, 3651,
3652, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664,
3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3679,
3680, 3681, 3682, 3683, 3684, 3685, 3686, 3687, 3688, 3689, 3690,
3691, 3692, 3696, 3697, 3698, 3699,

3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710,
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3735, 3736, 3737, 3738, 3739, 3740, 3741, 3742, 3743, 3744, 3745,
3746, 3747, 3748, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757,
3758, 3759, 3760, 3761, 3762, 3763, 3764, 3765, 3766, 3767, 3768,
3769, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799,

3800, 3801, 3802, 3803, 3804, 3805, 3806, 3807, 3808, 3809, 3810,
3811, 3812, 3813, 3814, 3815, 3816, 3817, 3818, 3819, 3820, 3821,
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3847, 3848, 3849, 3850, 3851, 3856, 3859, 3860, 3861, 3864, 3868,
3871, 3873, 3875, 3879, 3881, 3882, 3883, 3884, 3885, 3886, 3887,
3888, 3889, 3891, 3893,

3930,

4031, 4033, 4035, 4037, 4038, 4039, 4040, 4041, 4043, 4045, 4046,
4047, 4048, 4049, 4050, 4064, 4065, 4066, 4067, 4068, 4069, 4076,

4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087,
4088, 4089, 4091, 4092, 4093, 4105.

(b) within Community District 3



Neighborhood Recovery Area Blocks within Community District 3:

3983,

4000, 4001, 4002, 4007, 4015, 4016, 4017, 4018, 4019, 4020, 4021,
4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4049, 4051,
4052, 4053, 4054, 4055, 4056, 4057, 4058, 4063, 4070, 4071, 4073,
4074,

4105, 4108, 4130, 4131, 4160,

4668, 4669, 4672, 4673, 4674, 4675, 4676, 4678, 4679, 4680, 4681,
4682, 4683, 4684, 4685, 4686, 4687, 4688, 4689, 4690, 4691, 4692,
4693, 4694, 4695,

4717, 4718, 4719, 4720, 4721, 4722, 4723, 4724, 4725, 4726, 4728,
4736, 4737, 4738, 4739, 4740, 4746, 4754, 4758, 4759, 4760, 4761,
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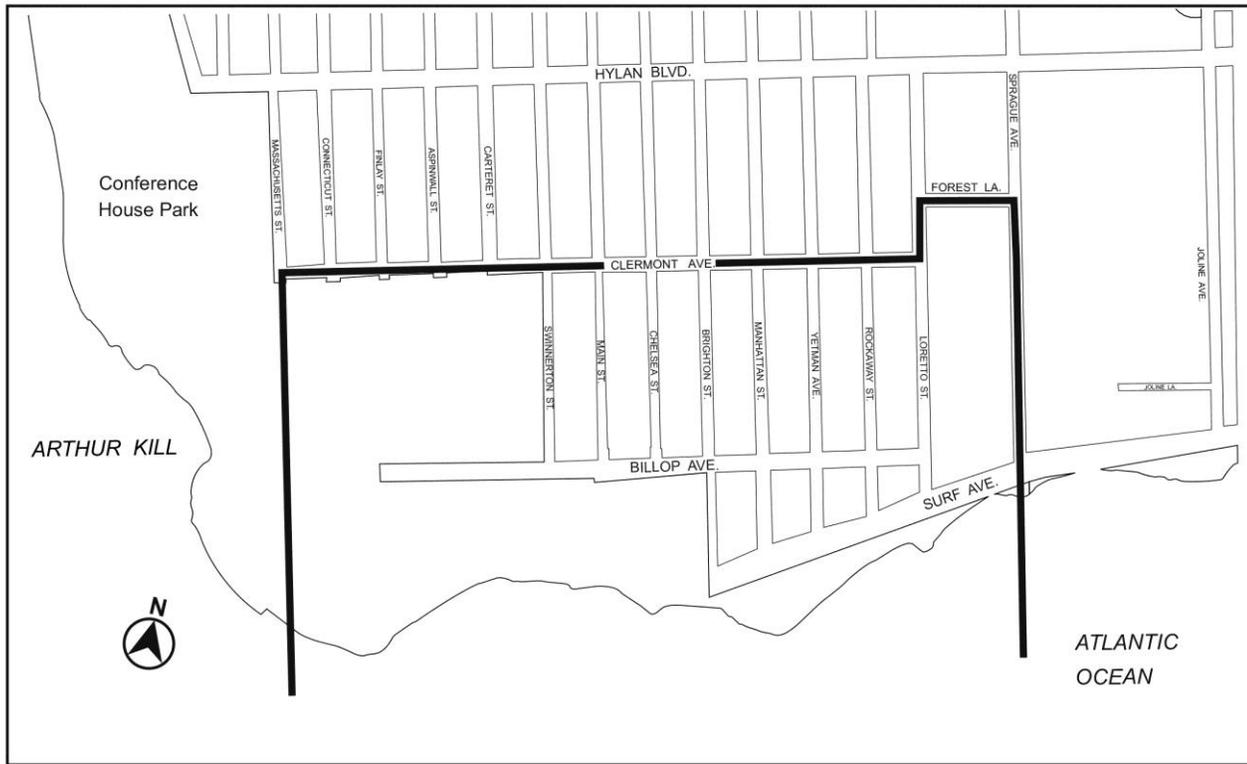
4802, 4803, 4805, 4994,

5067, 5190, 5195, 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207,
5208, 5209, 5212, 5298, 5299,

5302, 5303, 5306, 5307, 5308, 5309, 5310, 5311, 5312, 5313, 5314,
5315, 5316, 5317, 5318, 5319, 5320, 5321, 5322,

5409, 5410, 5411, 5412, 5415, 5418.

(c) within Community District 3



Neighborhood Recovery Area Blocks within Community District 3:

7722,

7857, 7858, 7859, 7860, 7861, 7862, 7863, 7880, 7881, 7883, 7884,
7885,

7905, 7906.