

CITY PLANNING COMMISSION

April 9, 1984/Calendar No. 3

C 840236 ZMM

An amendment to the Zoning Map pursuant to Sections 197-a and 200 of the New York City Charter, involving Zoning Map Section Nos. 5d and 8a, changing from C4-7, C4-8, C2-8, C2-7, C1-9, C1-8, R10, R8, and R7-2 Districts to C4-7A, C1-8A, C2-8A, C2-7A, C1-9A, C1-8A, R10-A, and R8-B Districts, property within the area generally bounded by West 70th Street, Amsterdam Avenue, West 68th Street, a line 200 feet westerly of Central Park West, West 67th Street, a line 125 feet westerly of Central Park West, West 66th Street, a line 200 feet westerly of Central Park West, West 62nd Street, Central Park West, West 77th Street, Columbus Avenue, West 81st Street, Central Park West, West 97th Street, U.S. Pierhead Line of Hudson River, West 72nd Street, and the northerly prolongation of the centerline of Freedom Place, Borough of Manhattan, as shown on a diagram dated December 5, 1983.

The proposed rezoning of the area between West 59th Street and West 86th Street, Central Park West and the Hudson River was requested by the Department of City Planning to insure that new construction is compatible with the existing context, while not unduly restricting development potential.

RELATED ACTIONS

In addition to the amendment of the Zoning Map which is the subject of this report (840236 ZMM), the implementation of the proposal will require the approval of the City Planning Commission of an application (N 840235 ZRY) of the Department of City Planning for a Zoning Text Amendment concerning the following matters:

1. Proposed regulations for new "contextual" districts: R10A, R9A, R9X, R8A and R8B and equivalent zones.
2. Changes to the Special Lincoln Square District that would allow a maximum of 12 FAR, and no pedestrian oriented bonuses.

BACKGROUND

The West Side Zoning Study was initiated in November 1982 in response to concerns over increasing development pressures in Community District 7 in Manhattan. The objectives of the study were to identify and analyze impacts of potential growth on services and quality of life insofar as it is affected by zoning, and to propose revisions to the current land use regulations if

appropriate. The area selected for the first phase of work is bounded by 59th and 86th Streets, Central Park West and the Hudson River.

The analysis of the data collected led to the following conclusions:

- o In the last thirty years, the study area has experienced a 27% decline in population: from 133,000 inhabitants in 1950 to 97,000 in 1980. Changes in household composition are major factors in this decrease: the population is more affluent, and includes more singles and couples, fewer children, and fewer residents per dwelling unit. The area east of Lincoln Center has undergone the greatest population shifts, declining sharply between 1950 and 1970, and increasing its population by 153% during the last decade.
- o The housing stock in the Study Area has increased by 4,700 units since 1970, despite a loss of population during the same period. Low and moderate income housing, however, has declined sharply with the intensive activity in coop and condominium conversion, and renovation and demolition of lower-priced hotels. The proportion of rental units in the area has also decreased, and between W. 70th and 86th Streets median rents are up more than 120%.
- o Public services in most of the study area appear to have excess capacity. The schools are generally underutilized; the ratio of open space per inhabitant is high by Manhattan standards; there is adequate fire and police protection; and the area has a high number of health and social service-related facilities. The study area is also well served by local retail establishments - groceries, shoe repairs, dry cleaning -- except around Lincoln Square and Amsterdam Houses where services are more distant and less convenient.
- o The future population in the study area is not likely to surpass the 1950 levels given density restrictions imposed by current zoning.

If all 132 "soft sites" identified between 59th and 86th Streets were developed to their maximum residential FAR, the population would reach about 130,000. Judging from the rate of earlier development on the Upper East Side, the capacity development of all "soft sites" is not likely to occur in the foreseeable future.

- o The two areas with greatest redevelopment potential are the Special Lincoln Square District, where the population could increase by over 8,000 people, and along Broadway, where the potential increase is approximately 7,000. The analysis indicates that while the public services along Broadway above 68th Street can absorb the additional population, there is limited growth capacity in the Special Lincoln Square District.

Although the potential population increase does not appear to present major servicing problems for most of the study area, there are other effects of new development that must be considered in evaluating possible quality of life impacts. A major concern raised by the study was the effect of new construction on the scale and urban design characteristics of the West Side. The study area offers a special resource to the city - in its low-rise town-house midblocks, in the residential "boulevards" such as Broadway and Riverside Drive and in the highly identifiable profile of Central Park West. The Clarence True Houses, the Dorilton, the Apthorp, the Ansonia, the Dakota, the Kenilworth, the Majestic and the San Remo - these buildings and all the others that evidence a consistent scale and massing, have created a unique image for the study area. The Landmarks Preservation Commission in its recently completed analysis of the area concluded that over 50% of the buildings were of landmark quality or "architecturally significant". The majority of these buildings are located above 68th Street.

Even structures of lesser individual value reinforce the human scale and identifiable urban design characteristics with notable consistency. The study

identified three building types that define the distinctive "environments" on the West Side north of 68th Street:

- o On the residential avenues and wide streets, the 130 to 150 foot high 14 to 15-story, street wall building predominates; design details often include a limestone base, and setbacks above the cornice line (or, in a few significant cases on CPW, multiple towers); the same building type with retail uses on the ground floor predominates on Broadway;
- o On Columbus and Amsterdam Avenues, the characteristic building is the 5 to 7-story, 60 foot high tenement built to the street-line with retail uses on the ground floor and residential uses above;
- o The typical midblock building is the 3 to 6-story, 55 to 60 foot high "brownstone", limestone or, less frequently, tenement, usually not built to the street line but forming a wall of varying length with repeated setback and cornice lines;

The consistency with which these building types north of 68th Street repeat themselves is the key to the strength and clarity of the image of the West Side. Over 85% of the structures in the midblocks conform to the "mid-block" type, while on Columbus and Amsterdam Avenues, over three-quarters of the existing buildings are "typical". On the high-density avenues, most of the built-to-bulk buildings fit the "typical" characteristics. The least consistent, and thus least "imageable" area, is the Special Lincoln Square District where only 18% of the buildings conform to the predominant character.

There is warranted concern that new development will weaken the quality and "intactness" of the existing context by introducing buildings that are out-of-place. Unfortunately, many of the present zoning regulations encourage, low coverage buildings that have no precedent in the study area. For

instance, in the R7-2 midblocks, a developer must build at least a 14-story structure with less than 30% coverage to maximize his allowable FAR. Similarly, on Columbus and Amsterdam Avenues, the higher the building and the greater the open space on the lot, the greater the allowable FAR. The regulations discourage street wall buildings and encourage towers or slabs set back from the street.

In conclusion, the study revealed an area with a capacity for growth (limited only in the Special Lincoln Square District), an existing continuity and excellence of scale and design, and zoning regulations which are not sympathetic to or compatible with the existing context. The proposals that were certified on December 5, 1983 and are described below, are intended to direct new construction in a manner that will respect the existing character of the neighborhood, while not restricting development potential.

1. The Midblocks

The midblocks have a strong and identifiable sense of enclosure, scale and coherence. They form enclaves within the larger community and offer quiet refuge from the busier avenues. They are also an important housing resource for a range of income groups.

Present regulations on the midblocks encourage a building type that is incompatible with the existing context and out of scale with the narrow 60-foot-wide streets. The objective of the proposals is to protect the existing character and use by encouraging contextual building types. The proposal is to map a new district R8B in all R7-2 and R8 midblocks in the Study Area that evidence the brownstone or tenement scale.

The new district will mandate a street wall of 55'-60' to be located in line with either of the adjacent buildings or somewhere

between. A sky exposure plane of 1:1 will limit construction above the cornice line, causing it to set back to minimize the visual impact. The maximum FAR of the new District will be 4 which is somewhat higher than a typical brownstone FAR, but approximates the FAR of other walk-up buildings that maintain the same scale characteristics as a brownstone. There will be no height factor and open space ratio regulations.

The R8B zone will not be mapped on midblocks where the low scale does not predominate, such as south of 68th Street. On the other hand, it is proposed to be mapped in typical midblock areas which are presently zoned R10, such as 73rd to 77th Streets between West End and Broadway, and off Central Park West where the abnormally deep R10 mapping covers more than 40 brownstone structures. (Below the Museum of Natural History, the R10 zoning is mapped to a depth of 200' and above the Museum, to 150'.)

2. Columbus and Amsterdam Avenues

Development on Columbus and Amsterdam Avenues has been restrained by a number of factors including the greater development potential of nearby R10 sites and, to a lesser extent, the relative difficulty of building under the R9 regulations given the open space ratio. Nevertheless, there are a number of potential development sites, particularly along Amsterdam Avenue, where new construction could occur. Present regulations would encourage towers that set back from the street and break the retail continuity. The purpose of the proposed R9A and C1-8A district is to encourage buildings that are more likely to complement the existing scale and character than buildings designed under present regulations.

The proposed R9A/C1-8A/C2-7A district will differ from the existing regulations by eliminating the open space ratio and the height factor. A street wall of 60' - 100' will be mandated with development above 100' controlled through a sky exposure plane of $1\frac{1}{2} : 1$. Recess provisions will allow for articulation of the facade above 23', and continuous ground floor retail use in commercial districts will be mandated. There will be no change in the presently permitted FAR of 7.5.

3. High Density Avenues and Wide Streets

On the R10 Avenues: Riverside Drive, West End Avenue, Broadway and Central Park West and on the wide streets, the existing R10 Infill regulations (which apply to all R10 or equivalent zones in the Study Area with the exception of the Special Lincoln Square District and the Lincoln Square Urban Renewal Area) mandate a streetwall on the street line 125 to 150 feet high. Above 150', after a mandated 10' setback, a tower may rise without restriction, which is a of most of the high-density built-to-bulk buildings on the West Site.

The new R10A zone, which will replace R10 Infill zones (except in the Lincoln West development and below the Special Lincoln Square District) mirrors the R9A and R8B districts in mandating a street wall of 125 to 150 feet (as is presently required) and introducing a sky exposure plane of $2\frac{1}{2} : 1$ above maximum street wall height. The resulting envelope does not restrict zoning lot mergers, but by setting the bulk back above 150', reinforces the strong cornice line characteristics and emphasises the base of the building as the primary element. Above the base, a number of architectural solutions are possible including single towers, twin towers, and variable setbacks with terraces. No change in the presently permitted FAR of 10 is proposed.

4. Special Lincoln Square District , ,

The Special Lincoln Square District is a national center for the arts. It has developed rapidly within the last twenty years, both as the result of the massive urban renewal efforts of the '50's and '60's and the more recent special regulations governing the district. Two of the objectives of the regulations have been achieved: the extra 4.4 FAR bonus has helped attract considerable development in the area, and sufficient number of pedestrian amenities (many of which caused enforcement problems) have been provided. However, growth has brought problems, including a strain on local commercial services and transportation systems.

The objective of the proposed zoning is to insure balanced and appropriate growth that will maintain a high quality of life for residents and visitors alike, while continuing to meet the original goals of the district -- to promote the area as a unique cultural and architectural complex, to attract appropriate shops and restaurants, to create an integrated urban design with Broadway as the principal street and to encourage socio-economic diversity among residents of the District.

The proposed changes to the District are: to eliminate bonuses for non mandatory arcades, pedestrian malls, as-of-right plazas and covered pedestrian spaces, allowing a bonus only for provision of low and moderate income housing, the mandatory arcade (for a bonus of up to 1 FAR) and subway-related improvements. Within this last category, (Section 82-10(b)), on the basis of discussions with the MTA, the only improvement that will be entertained by the Commission, is construction of a stair located between Broadway and Columbus Avenue to provide access to the north platform of the 66th Street Station. It is also proposed to reduce the allowable bonused floor area ratio from 4.4 to 2, thus

reducing maximum allowable area from 14.4 times lot coverage to 12. All bonuses would be by special permit.

See accompanying report N 840235 ZRY for the new regulations for R8B, R9A and R10A, and the Special Lincoln Square District text changes.

ENVIRONMENTAL QUALITY REVIEW

This application (840236 ZMM) has also been reviewed by the Department of Environmental Protection and the Department of City Planning pursuant to the New York State Environmental Quality Review (SEQR) regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. (6 NYCRR 617.00) and the New York City Environmental Quality Review (CEQR) regulations set forth in Mayoral Executive Order No. 91 of 1977. It was determined that the action will not have a significant effect on the environment, and a negative declaration was issued on December 5, 1983 (Q83-275M).

UNIFORM LAND USE REVIEW

The application (840236 ZMM) was certified by the City Planning Commission on December 5, 1983, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) and referred to Community Board No. 7.

Community Board Hearing

On February 1, 1984, the Community Board held a public hearing on the matter and voted in favor of the proposal, but recommended modifications to the proposed zoning regulations for the midblocks (R8), Columbus and Amsterdam Avenues (R9A), and the Special Lincoln Square District. (See attached resolution.)

City Planning Commission Public Hearing

On February 22, 1984 (Calendar No. 9) the Commission scheduled a PUBLIC HEARING on the proposed amendment of the Zoning Map. The hearing was duly

held on March 7, 1984 in conjunction with the related text change proposal (N 840235 ZRY) Calendar No's 40 and 47). There were several speakers including representatives of Community Boards 7 and 8, the New York Chapter of the American Institute of Architects (AIA), the Citizen's Housing and Planning Council (CHPC), the Neighborhood Coalition for Open Space and the Municipal Arts Society. Subsequent communications were also received from the Real Estate Board and the Women's City Club.

Most speakers supported the proposals in concept but recommended modifications to specific regulations. The major concerns included R8B midblock envelope, the midblock mapping of Central Park West, the lack of incentives for local retail uses, the recess and side street return provisions for the R9A and R10A districts, the sky exposure plane on the high density avenues, and the bonuses in the Special Lincoln Square District.

CONSIDERATION

The objectives and concepts underlying the "contextual" zoning proposals for the West Side Study area received widespread support during the public review and comment process. The incompatibility between the 1961 "tower-in-the park" regulations and the existing context of the West Side and in other parts of the City has long been problematic, and the introduction into the Zoning Resolution of a set of new tools that address that conflict is viewed as a positive step. In addition, there is support for the planning strategy for the West Side, which seeks to decrease development pressures on the midblocks, encourage appropriately-scaled development on the avenues and wide streets, and eliminate pedestrian bonuses and reduce bonused FAR in the Special Lincoln Square District.

However, while there was support for the objectives, a number of recommendations were made on how the goals could best be achieved.

1. Midblocks - R8B

Many of the professional and civic groups who commented on the proposals (including the AIA, Citizen's Housing and Planning Council, and Community Board 7) expressed concern that the envelope proposed for the midblock was too generous and that the FAR 4 exceeded that of the characteristic brownstones. It was felt that the elimination of the open space ratio and height factor made midblock development more feasible, and could have the effect of encouraging zoning lot merger development rights and possible demolition of townhouses. The Commission has asked the staff of the Department of City Planning to do an immediate follow up analysis of R8B in order to determine if regulations that more closely approximate the existing midblock bulk characteristics are warranted.

The proposal to modify the R10 district boundary line to within 125' of Central Park West was commented on by Community Board 7 (who recommended a depth of 100' off Central Park West), and by representatives of real estate interests (who recommended a depth of 150"). The Commission believes that the proposed demapping appropriately rezones the majority of brownstones currently zoned R10, while minimizing the amount of non-compliance of large apartment houses built deeper than 125' from the avenue.

Community Board 7, also recommended that the south side of W. 68th Street between Central Park West and Columbus Avenue be mapped R8B, after the proposed JASA project at 48 W. 68th Street is vested. The Commission has requested that the staff consider the merits of this mapping action as a part of the follow-up analysis of R8B mentioned above.

2. Columbus and Amsterdam Avenues (R9A/C1-8A)

Issues raised regarding the proposals for Columbus and Amsterdam Avenues addressed both the street wall return and recess provisions (which will be discussed in relation to R10A), as well as the proposed bulk and street wall height. The Community Board proposed that FAR on the two avenues be lowered from 7.5 to 6.5, and that the maximum street wall height be reduced from 100' to 85'. The Commission believes that a reduced FAR would unjustifiably limit potential residential construction and that the proposed provisions will allow for development within an envelope that complements the existing character and scale.

3. High Density Avenues and Wide Streets (R10A/C1-9A/C4-6AA)

The R10A proposals are designed to encourage development that complements the consistent scale characteristics of the built-to-bulk buildings on Riverside Drive, West End Avenue, Broadway, Central Park West and the wide crosstown streets. The envelope will not restrict zoning lot mergers but causes the excess bulk to set back above the 125-150' street wall in such a way that its visual impact is reduced. Within the envelope, a number of architectural solutions are possible (including single and twin towers) as long as the street wall, which is the dominant characteristic of most high bulk buildings, is maintained. Alternatives were proposed to the sky exposure plane which included a tower option limited to 250' in height (A1A) and a 340' height limit on Broadway and 240' on the other avenues (CHPC). The Commission believes that these options do not meet the objectives of the rezoning in that they would not encourage buildings in keeping with the dominant characteristics of the high-density avenues.

Concerns were also raised that the recess provisions for both the proposed R10A and R9A Districts were too restrictive. Consequently,

the text has been modified to allow the developer to choose between three options: The original proposed regulations, a mandatory street wall, or recesses of up to 10 feet for 50% of the front wall provided that the length of any such recess does not exceed 25% of the aggregate length of the street walls at each story.

Community Board 7 and the AIA also suggested modifications to the R9A and R10A regulations governing the height and location of the street wall on the side streets beyond 50' of the avenue, in order to minimize the possibility of a gap in the street wall and to provide for more design flexibility in the building layout.

In response, the Commission modified the proposal by reducing the minimum height of the street wall in this location from 55' to 23' and requested DCP staff to study further modifications in a follow-up. Possible alternatives include, in commercial districts, mandating the street wall, restricting professional offices, and mandating first and second floor commercial use. For residential districts, staff will study an alternative which allows a gap beyond 50' but only if it is landscaped. (Its use by the public will also be explored.)

Portions of the West Side Urban Renewal Area were inadvertently included in the new R10A District. The Commission has modified the certified application by deleting these sites.

4. Special Lincoln Square Text Modifications

The reduction in bonusable FAR and the elimination of pedestrian amenities as bonusable improvements received widespread support.

The value of some of the bonuses that would be permitted - specifically the 66th Street subway improvement and the mandatory arcade - was questioned. The Commission has directed the staff to further explore the bonuses to evaluate their usefulness (in the case of the subway and arcade bonuses), and to develop criteria for the low and moderate income housing bonus.

The issue was also raised as to whether the Commission intended to allow existing bonused amenities to be eliminated or reduced in size since they were no longer recognized as amenities by the new text. The Commission, in response, has clarified its intent by adding a new Section 82-14 which states that no existing plaza or other public amenity which generated a floor area bonus can be eliminated or reduced except by authorization of the City Planning Commission and the Board of Estimate.

5. Other Issues

As an immediate follow-up to the present action, the Commission has directed DCP staff to develop regulations that mandate only local retail uses on commercial avenues, mandate these uses for 100' on the side street return, and define the minimum depth of the uses within the new building and the frontage available for lobbies.

The West Side Study in this phase covered only a part of Community Board 7. The Commission has requested that the second phase of the study focusing on the area between 86th and 110th Streets be initiated as soon as possible.

The accommodation for open space within the new regulations was also a concern, despite the high ratio of park space per person in the West Side Study Area. Alternatives such as landscaped areas behind avenue buildings, and rooftop gardens will be considered in the follow-up analyses.

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14.

The AIA also expressed concern over the effect of the streetwall regulations on existing buildings on the zoning lot that do not meet the height and/or location requirements. Under the advertised proposal, the City Planning Commission may authorize modifications to the streetwall requirements when compliance will have an adverse impact on the existing building or on open spaces serving the building. In response to the concern that the authorization would make treatment of existing buildings on a zoning lot unpredictable and could encourage their demolition, additional text was developed to exempt existing buildings from the streetwall requirements on an as-of-right basis, when the building is to remain as is with no reduction or increase. The modification will be included in the R9A regulations, and will be proposed for the R10A districts in a follow-up action.

SUMMARY

Below is a summary of the modifications to the West Side Zoning proposal adopted by the Commission, and made subsequent to the Community Board vote and the CPC public hearings:

- o Deletion of R10A mapping within West Side Urban Renewal Area.
- o Provision of additional options in R9A and R10A for recesses.
- o Revised street wall return in R9A and R10 districts and their commercial equivalents that sets minimum street wall height beyond 50 feet of avenue at 23' but must rise to 55' if it goes higher than 23'.
- o Addition to R9A regulations that exempts existing buildings from streetwall requirements, if the building remains as is.

- o Text to allow modifications to existing bonused plazas and pedestrian spaces in the Special Lincoln Square District.

The Commission also identified items for follow-up:

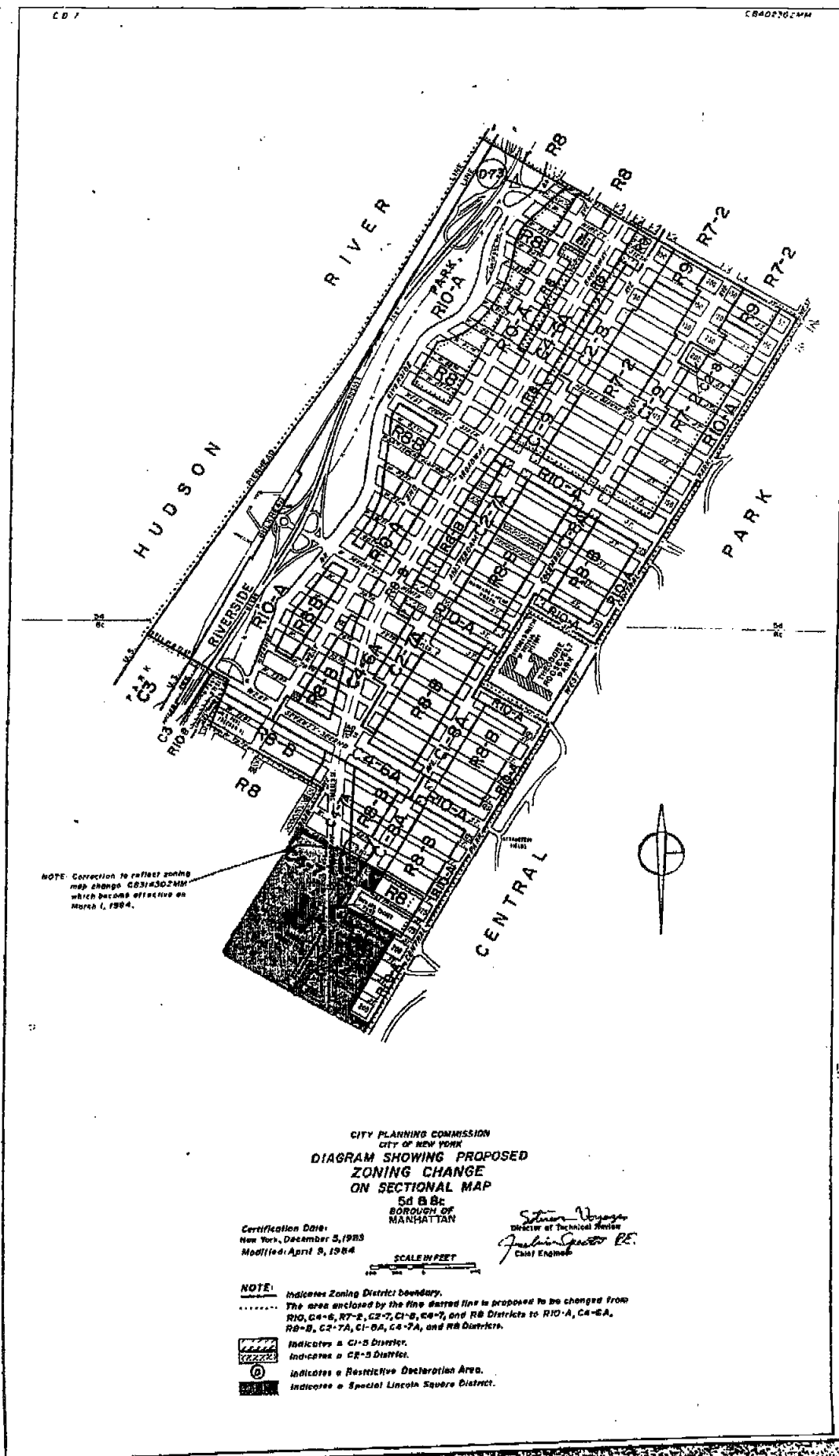
- o Revision of C1-8A, C2-7A, C2-8A, C4-6A and C4-7A to limit mandatory ground floor uses in commercial districts to only retail or service oriented activities, specifying depth of such uses within new developments, and extending regulations to within 100' of the avenue on the side streets.
- o Further refinements to street wall return in order to:
 - o mandate 23' street wall in commercial districts.
 - o restrict professional offices in this location and consider mandatory first and second story commercial.
 - o permit open space in residential districts but only if landscaped; additional issue as to whether space would be public or private.
- o Review of RBB to consider regulations that more closely approximate bulk characteristics of existing midblocks.
- o Review of Special Lincoln Square District bonuses to consider the usefulness of the subway and arcade bonuses and to develop criteria for the low and moderate income housing bonus.
- o Inclusion in R10A regulations of text regarding treatment of on-site existing buildings in R10A.
- o Second phase of study to cover 86th to 110th Streets on the West Side

RESOLUTION

The City Planning Commission therefore considers the proposed rezoning as modified appropriate and adopted the following resolution on April 9, 1984 (Calendar No. 3) which is herewith filed with the Secretary of the Board of Estimate, in accordance with the requirements of Section 197-c and 200 of the City Charter.

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 5d and 8c, changing from C4-7, C4-6, C2-7, C1-8, R10, R8, and R7-2 Districts to C4-7A, C4-6A, C2-7A, C1-8A, R10-A, and R8-B Districts, property within the area generally bounded by West 70th Street, Amsterdam Avenue, West 68th Street, a line 125 feet westerly of Central Park West, West 67th Street, a line 125 feet westerly of Central Park West, West 66th Street, a line 200 feet westerly of Central Park West, West 62nd Street, Central Park West, West 77th Street, Columbus Avenue, West 81st Street, Central Park West, West 97th Street, U.S. Pierhead Line of Hudson River, West 72nd Street, and the northerly prolongation of the centerline of Freedom Place, Borough of Manhattan, as shown on a diagram dated December 5, 1983, and modified April 9, 1984.

HERBERT STURZ, Chairman
MARTIN GALLENT, Vice Chairman
MAX BOND, JOHN P. GULINO, R. SUSAN MOTLEY,
DENISE M. SCHEINBERG, THEODORE E. TEAH, Commissioners



February 8, 1984

WEST SIDE ZONING RESOLUTIONI. PREAMBLE

Community Board 7 commends the chairman of the New York City Planning Commission for responding to community concern over inappropriate development on the West Side by assigning staff members of the Department of City Planning to work with Community Board 7's Zoning Task Force and by inviting proposed mapping and zoning text changes. The Zoning Task Force has reported that Department of City Planning staff members have lent their expertise to this joint effort in a spirit of shared concern and with the common objective of discovering rational and equitable means of insuring contextual development on the West Side. On behalf of the Zoning Task Force, Community Board 7 wishes to express its gratitude to those individual Department of City Planning staff members.

With regard to the substance of the mapping and zoning text changes proposed by the Department of City Planning on December 14, 1983, and revised January 17, 1984, Community Board 7 is in general agreement with the proposed mapping and zoning text changes but finds the proposed zoning text changes to be compromised, in that the vital citywide issues of zoning lot mergers, transfer of development rights, and Housing Quality remain unresolved.

Community Board 7's formal resolutions on the proposed changes are as follows:

II. MAPPING CHANGES

BE IT RESOLVED that Community Board 7 recommends approval of the mapping changes as shown in the January 17, 1984 proposal of the New York City Planning Department, provided, however, that the following specific revisions be included:

Resolution Vote:
9-2- passed]

- A. The R8-B zone shall be extended to include the south side of 68th Street between Central Park West and Columbus Avenue on condition that such proposed zoning changes not be enacted before the JASA site is vested.

Resolution Vote:
14-1- passed]

- B. The R8-B zone, further, shall extend to the point 100 feet rather than 125 feet west of Central Park West.

III. ZONING TEXT CHANGES

Resolution Vote: 21-11-0- passed

A. MIDBLOCKS

WHEREAS the proposed maximum FAR for the new R-8B zone of 4.0 would represent an overall 1.0 FAR, over the predominant existing midblock buildings,

AND WHEREAS this differential would permit a significant opportunity for midblock development right transfers, which is in conflict with the intent of the new R-8B zone,

THEREFORE, BE IT RESOLVED that CB7 approves the proposed R-8B zoning text with the following specific revisions:

1. Maximum FAR in the R-8B zone shall be 3.0
2. The recommended sky exposure plane shall be eliminated and shall be replaced by a height limitation of (1) 65 feet or (2) the lower of the adjacent buildings.

B. R-9A (COLUMBUS AND AMSTERDAM AVENUES) Resolution Vote: 31-0-3- passed

WHEREAS the existing R-9 zoning permits a maximum 6.5 FAR for a high-coverage building, and allows 7.5 FAR for a low coverage building,

AND WHEREAS the zoning changes throughout the CB7 district are intended to ensure contextual, high coverage buildings,

AND WHEREAS the zoning changes throughout the CB7 district are intended to ensure that the typical streetwall configuration is maintained,

THEREFORE, BE IT RESOLVED that CB7 approves the proposed R-9A zoning with the following specific revisions:

- a) Maximum FAR shall be 6.5
- b) The mandatory streetwall height shall be 60-85'.
- c) The mandatory streetwall shall extend the length of side street frontages up to a mandatory 10 foot side yard to a height of at least 23'.

C. R10A (RIVERSIDE DRIVE, WEST END AVENUE, BROADWAY, CENTRAL PARK WEST, AND MAJOR CROSS STREETS) Resolution Vote: 31-0-1- passed

WHEREAS Community Board 7 agrees with the proposed new zoning for R-10 and R-10 equivalent zones within the CB7 district,

AND WHEREAS the zoning changes throughout the CB7 district are intended to ensure that the typical streetwall configuration is maintained.

THEREFORE BE IT RESOLVED that CB7 approves the proposal of the City Planning Department for the new R-10A zone, with the following revisions:

The mandatory streetwall shall extend the length of side street frontages up to a mandatory 10 foot side yard to a height of at least 23'.

D. LINCOLN SQUARE SPECIAL DISTRICT Resolution Vote: 27-1-2- passed

WHEREAS CB7 agrees with the proposed zoning text changes which retain the Lincoln Square Special District boundaries,

AND WHEREAS CB7 agrees with the proposed zoning text change to reduce the total potential building area on a site (including bonuses) from 14.4 to 12.0,

AND WHEREAS the wording for the eligibility for amenities in exchange for FAR bonuses is not sufficient to positively encourage provision of low/moderate income housing,

THEREFORE BE IT RESOLVED that CB7 approves the proposal of the City Planning Department for zoning text changes for the Square Special District with the following revisions:

The wording of the acceptable amenities in exchange for bonus FAR shall be changed to limit such amenities exclusively provision of low/moderate income housing on site in consultation with the Community Board.

E. C1-7, C1-9, C2-7 (COMMERCIAL ZONES EQUIVALENT TO R-9)
C4-6, C4-7, (COMMERCIAL ZONES EQUIVALENT TO R-10) Resolution Vote: 31-0-1- passed

WHEREAS in existing C4-6 and C4-7 zones, replacement of existing taxpayers with new high - rise buildings is resulting in a net loss of commercial space within the CB7 district,

AND WHEREAS the need for more commercial space than now exists within the district is generally acknowledged,

AND WHEREAS there is a particular need for commercial service establishments serving the resident community,

THEREFORE, BE IT RESOLVED, in those zones where second floor commercial occupancy is now permitted (C1-7, C2-7, C4-6, C4-7), that such commercial occupancy be limited to a new use group containing service establishments exclusively in consultation with the Community Board.

AND BE IT FURTHER RESOLVED that, for the purposes of FAR count, such second floor commercial areas be counted at one half (50%) of actual gross floor area.

F. ZONING LOT MERGERS, DEVELOPMENT RIGHTS Resolution Vote: 32-4-0- passed
TRANSFER, AND HOUSING QUALITY

WHEREAS the zoning text changes before us do not address the city-wide questions of as-of-right development rights transfers, zoning lot merger special permits, or Housing Quality special permits and thus leave major loopholes in the implementation of the proposed zoning text changes,

THEREFORE BE IT RESOLVED that Community Board 7 demands a moratorium on any and all development rights transfers, zoning lot merger special permits, and Housing Quality special permits until the completion of current and requested studies by mayoral and agency task forces resulting in the solution of these problems by amendment of present law.

Amendments pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of the City of New York, relating to various sections concerning the establishment of new zoning districts with new bulk regulations.

Introduction

The proposed amendments to the Zoning Resolution establish new contextual zoning districts: R8A, R8B, R9A, R9X, R10A and several commercial equivalent districts. In addition, the proposed amendments modify the provisions of the Special Lincoln Square District. The Commission is also adopting three zoning map changes (C 840236 ZMM, C 840364 ZMM and C 840260 ZMM) which apply the new zoning districts to three separate areas in Manhattan: the Upper West Side; Lexington Avenue on the Upper East Side; and a portion of the West Village. The issues raised by these mapping actions are discussed in greater detail in the other reports. This report explains the rationale and general concepts of contextual zoning.

Background

As the result of a City Planning Department study of Manhattan's Upper West Side the City Planning Commission proposes to incorporate into the Zoning Resolution new zoning districts to encourage development that reinforces and complements the existing scale and character of that neighborhood. This type of zoning is referred to as "contextual" and addresses the incompatibility between current zoning regulations, which encourage tall, low-coverage buildings, and the existing context of the West Side, which is consistently characterized by shorter buildings occupying a greater portion of the lot. This problem was identified on the Upper West Side, but exists in other areas of the City. With this in mind, the Commission has drafted the new zoning districts in such a way that they could be used in other locations, if future planning studies lead to the conclusion that this particular "contextual" zoning is appropriate.

To understand the need for these new zoning districts it is necessary to analyze the objectives of the 1961 zoning regulations.

Among the major goals of the re-zoning of the city in 1961 was the provision of open space. The trade-off of increased floor area and density for additional open space was strongly encouraged in the bulk

formulas, and incentives for towers, plazas, and open space encouraged the "tower in the park" building.

Consideration of existing architectural fabric was not ignored, but the bulk controls were skewed toward providing as much open space as possible on the zoning lot. This resulted in higher buildings with less coverage that would permit open space, light, and air at the ground level and would allow sunlight and air in the apartments as well.

Although the new building form encouraged by the 1961 zoning worked well in some areas, it clearly did not work in others.

The requirements for open space, which were intended to create a more livable city, unfortunately brought with them a whole new set of issues and concerns that had not been anticipated by the authors of the 1961 ordinance. New development under the 1961 Resolution drastically contrasted with the existing forms of some neighborhoods; appreciation of our urban architectural heritage intensified; and consensus grew that too often new development was insensitive to the traditional streetscape and the scale and character of existing neighborhoods.

Communities involved were distressed that new development was out of context with the prevalent building both on the avenues and in the midblocks. On streets lined with stores, plazas were perceived as breaking retail continuity and detracting from street interest and vitality. The tall buildings constructed under the 1961 regulations appeared inappropriate and obtrusive in built environments characterized by under-20-story structures.

Designation by the Landmarks Preservation Commission of historic landmarks and historic districts has been used since 1965 to ensure the preservation of many of the city's important historic structures and neighborhoods. Yet, there are other neighborhoods with an established or valued character which have not been designated as historic districts. Zoning controls were needed to address the scale and appropriateness of new development in these areas.

For more than a decade, amendments to the Zoning Resolution have been adopted which recognize: that the existing scale, character and

context of certain neighborhoods would be disrupted if tower-in-the park development were permitted; that in other situations sufficient open space already existed; and that lower-rise buildings with a street wall can sometimes be an important urban design element. Overlaying the traditional districts, a variety of special zoning districts were mapped.

More recently, amendments to the Zoning Resolution have tried to recognize the existing scale and character of streets by adopting "generic" zoning text, i.e. zoning designations that could be mapped in more than one area, after appropriate study. However, some examples of these text changes - such as R9A and C1-8A on Lexington Avenue, and R10 Infill in Manhattan Community Board 7 - were not suited for other areas in their present form. In addition, because these zoning amendments were neither special districts nor traditional districts with height and setback regulations, they did not fit well into the organizational structure of the Zoning Resolution.

When the Department of City Planning studied the Upper West Side and concluded that certain new zoning tools were needed for that area, it was decided to draft the appropriate zoning text in such a way as to make it possible to be utilized again, elsewhere in the City, and to place the new text in a logical order within the Zoning Resolution. The potential further applicability of this zoning text will depend on identification and individual study of areas of the City which have similar characteristics and planning goals as the Upper West Side, which is the genesis of this proposal.

The various zoning districts resulting from the West Side study share several common themes. New developments will have higher coverage than typical post-1961 zoning would permit. The street wall of new development must meet mandatory street wall location and height regulations which respect the street wall of neighboring buildings. None of the districts have open space ratios, utilize height factors or plazas, mechanisms which led to the development of towers. The new controls will not restrict the potential for development on the avenues where it is appropriate.

Highlights of the Proposed Districts

The proposed contextual districts seek to ensure that new buildings fit into the scale and character of the existing neighborhood. This is done through regulations which are designed to lower the height of buildings and to maintain the street wall continuity where existing buildings form a distinct streetscape. Consequently those bulk controls of the existing R8, R9 and R10 districts which encourage tall, low coverage buildings set back from the street can no longer be used in the new districts. The following paragraphs summarize the most important features of the contextual districts and compare them with the existing R8, R9 and R10 district regulations.

Location of Street Walls

The new controls require the front walls of new buildings on wide streets to locate on the street line and extend the entire width of the zoning lot, and along narrow streets the front walls of new buildings must be aligned with those of adjacent existing buildings. These requirements maintain street wall continuity to the greatest extent possible and lead a developer to utilize the other bulk regulations which result in lower bulkier buildings.

Height of Street Walls

The new controls also mandate a minimum height before setback for any construction more than 23 feet high on wide streets. This height varies according to zoning district and is designed with the floor area and lot coverage controls to allow most of the permitted floor area to be placed in the building before setbacks are required. While the maximum permitted height of a front wall has been increased in most districts, the sky exposure plane has been reduced. The combination of increased street wall height and reduced sky exposure plane results in buildings lower than those permitted under the existing R8, R9 and R10 controls.

Setbacks and Sky Exposure Planes

The alternate setback, tower and sky exposure plane provisions of the existing R8, R9 and R10 districts encourage higher buildings if they are set back from the street line and permit greater floor area within the zoning envelope. The contextual district controls remove this incentive and substitute a building envelope which reinforces the existing scale and character of the street wall.

In each new zoning district there is only one maximum floor area ratio and the maximum lot coverage is determined solely by whether the development is on a corner or interior lot. As noted above these closely relate to the maximum permitted height of the front wall without a setback in each district. Contrasting with the existing R8, R9 and R10 districts where height factor and open space ratios reward taller, lower coverage buildings with more permitted floor area, there is no incentive to construct such buildings in contextual districts.

Density Controls

In the contextual districts a lot area per dwelling unit density control replaces the current lot area per room control in the R8, R9 and R10 districts without changing existing density standards. Rather, it provides both developer and occupant with more flexibility as to where the internal walls may be placed within the apartment and should eliminate problems caused by controlling the number of rooms instead of the number and size of dwelling units. This change has already been achieved in the Housing Quality Program.

Commercial Districts

The proposed amendments establish several commercial districts with residential bulk controls equivalent to the contextual residence districts, as show in the table below:

<u>Commercial Districts</u>	<u>Equivalent Residence Districts</u>
C6-2A	R8A
C1-8A C2-7A	R9A
C1-8X C2-7X	R9X
C1-9A C2-8A C4-6A C4-7A	R10A

In R9A and R10A commercial district equivalents, uses on the ground floor of developments on wide streets shall be limited to non-residential uses and lobby space.

Special Lincoln Square District

The proposed amendment reduces the maximum allowable floor area ratio (FAR) from 14.4 to 12.0 and eliminates bonuses for non-mandatory arcades, pedestrian malls, as-of-right plazas and covered pedestrian spaces. The amenities for which bonuses may be granted by special permit of the Commission are reduced to three:

1. a mandatory arcade for which a maximum bonus of 1.0 FAR may be granted;
2. for provision of low or moderate income housing;
3. for subway and/or pedestrian related improvements, the Commission has specified only one allowable improvement under this section which is the construction of a stair to the north end of the northbound platform of the 66th Street IRT subway station.
The latter two amenities may generate a maximum bonus of 2.0 FAR.

The reasons for these modifications are set forth in the report on the Upper West Side zoning map changes (C 840236 ZMM).

Environmental Quality Review

This application (N 840235 ZRY) has been reviewed by the Department of Environmental Protection and the Department of City Planning pursuant to the New York State Environmental Quality Review (SEQR) regulations as set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. (6 NYCRR 617.00) and the New York City Environmental Quality Review (CEQR) regulations set forth in Mayoral Executive Order No. 91 of 1977. It was determined that the action will not have a significant effect on the environment, and a negative declaration was issued on December 5, 1983. (Q83-328M).

Public Review and Hearing Process

The proposed amendments were submitted to the community boards for a 60 day review period. On February 22, 1984 (Cal. #16) the Commission scheduled a public hearing on the proposed amendments. The public hearing was held on March 7, 1984 (Cal. #47). A summary of the testimony at the public hearing and additional comments which the Commission received are set forth in the concurrent reports on the three zoning map changes.

Consideration

In response to the comments received at and subsequent to the public hearing the Commission decided to modify two provisions of the proposed amendment.

Reflecting the desire to control the ultimate height of buildings in the contextual districts, the proposal as heard imposed certain limits on the amount of recesses allowed in the mandatory street walls for articulation purposes. This was done because any floor area removed from those lower walls would probably be placed on top of the building. However, upon further consideration the Commission decided to add an optional method of providing recesses in the front wall. While this alternative may result in somewhat higher buildings it has the advantages of providing more design flexibility and street wall articulation within the basic concepts of contextual zoning. The optional method is a restricted version of the recess provisions in the current R10 Infill regulations.

The proposal as heard sought to relate the front wall height of a corner building to the height of mid-block buildings on a narrow street. This was done by requiring the portion of the corner building beyond 50 feet from the wide street to be at least 55 feet high before a setback was permitted. As a result of the discussions with various groups the Commission determined that this result could be achieved by requiring a 23 foot high front wall provided that such a wall could not be set back for the first 55 feet in height in order to match the mid-block scale.

The proposed amendment to the Special Lincoln Square District, as heard, eliminated the special permit bonus provisions relating to a variety of amenities. The question was raised as to whether the Commission intended to allow existing bonused amenities to be eliminated or reduced in size since they were no longer recognized as amenities by the new text. The Commission, in response, has clarified its intent by adding a new Section 82-14 which states that no existing plaza or other public amenity which generated a floor area bonus can be eliminated or reduced except by authorization of the City Planning Commission and the Board of Estimate after public notice and hearings.

authorize modifications to the street wall requirements when compliance will have an adverse impact on existing buildings or on open spaces serving the buildings which will remain on the zoning lot of a new development or enlargement. In response to the concern that the authorization would make treatment of existing buildings on a zoning lot unpredictable and could encourage their demolition, additional text was developed to exempt existing buildings from the street wall requirements as-of-right, when the building is to remain as is, with no reduction or increase. The modification will be included in the regulations for R8A, R9A, R9X districts and their commercial equivalents, and will be proposed for the R10A districts and their commercial equivalents in a follow-up action.

The Commission determined that the amendments as modified are appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate, pursuant to Section 200 of the New York City Charter.

RESOLVED, by the City Planning Commission that the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changes relating to sections concerning the establishment of new zoning districts with new bulk regulations as follows:

Matter in **Bold Type** is new;

Matter in brackets [], is old, to be omitted;

Matter in *italics* is defined in Section 12-10

Article I

General Provisions

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

* * *

11-12

Establishment of Districts

In order to carry out the purposes and provisions of this resolution, the following districts are hereby established:

Residence Districts

* * *

R6A General Residence District
R6B General Residence District

* * *

R9A General Residence District
R9X General Residence District

* * *

R10A General Residence District

Commercial Districts

* * *

C1-6A Local Retail District
C1-6X Local Retail District

* * *

C1-9A Local Retail District

* * *

C2-7A Local Service District
C2-7X Local Service District

* * *

C2-8A Local Service District

* * *

C4-6A General Commercial District

* * *

C4-7A General Commercial District

* * *

C6-2A General Commercial District

* * *

Article II

Residence District Regulations

* * *

Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts.

23-00 APPLICABILITY AND GENERAL PURPOSES

23-01 Applicability of this Chapter

The *bulk* regulations of this Chapter apply to any *building or other structure*, other than a *community facility building* or a *building* used partly for *community facility use*, on any *zoning lot* or portion of a *zoning lot* located in any *Residence District*, including all new *development, enlargements*, and, where so specified, *extensions* or conversions. As used in this Chapter, the term "any *building*" shall therefore not include a *community facility building* or a *building* used partly for *community facility uses*, the *bulk* regulations for which are set forth in Article II, Chapter 4. In addition, the *bulk* regulations of this Chapter or of specified Sections thereof also apply in other provisions of this resolution where they are incorporated by cross reference.

All districts in Column A shall comply with the regulations for districts indicated in Column B except as set forth in the Sections indicated in Column C.

Column A	Column B	Column C
R6A	R6	23-142, 23-143, 23-145, 23-22
R6B		23-233, 23-25, 23-533, 23-632, 23-633, 23-71
		23-142, 23-143, 23-145, 23-22, 23-223
R9A	R9	23-533, 23-632, 23-633, 23-71
		23-142, 23-143, 23-145, 23-22, 23-223, 23-25, 23-533, 23-632, 23-71
R9X	R9	
R10A	R10	23-145, 23-15, 23-22, 23-223, 23-533, 23-632, 23-633, 23-71
		* * *

23-142

In R6, R7, R8 or R9 Districts

Except as otherwise provided in Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) and Section 23-145 (in R8A, R8B, R9A and R9X Districts), in the districts indicated the minimum required *open space ratio* and the maximum *floor area ratio* for any building on a zoning lot shall be as set forth in the following table for buildings with the *height factor* indicated in the table.

R6 R7 R8 R9

* * *

23-143

For high buildings in R6, R7, R8 or R9 Districts.

Except as otherwise provided in Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) and Section 23-145 (in R8A, R8B, R9A and R9X Districts), in the districts indicated, for buildings with *height factors* greater than 21, the minimum required *open space ratio* shall be as set forth in the following table:

R6 R7 R8 R9

* * *

23-145

In R8A, R8B, R9A, R9X or R10A Districts

In the districts indicated, the *height factor* and *open space ratio* regulations shall not apply.

R8A R9A
R8B R9X

The maximum permitted *floor area ratio* and the maximum permitted *lot coverage* on a zoning lot shall be as set forth in the following table:

Maximum Lot Coverage (in percent)		Maximum Floor Area Ratio	
Corner Lot	Interior Lot		
80	70	6.02	R8A
80	70	4.0	R8B
80	70	7.52	R9A
80	70	9.6	R9X
100	70	10.0	R10A

For the purposes of this Section any obstructions on a zoning lot permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not count as *lot coverage*.

* * *

23-15

Maximum Floor Area Ratio in R10 Districts

(a) In the district indicated, the *floor area ratio* for any building on a zoning lot shall not exceed 10.0, except as provided in the following Sections:

R10

- Section 23-16 (Floor Area Bonus for a Plaza)
- Section 23-17 (Floor Area Bonus for a Plaza-Connected Open Area)
- Section 23-18 (Floor Area Bonus for Arcades)
- Section 23-19 (Special Provisions for Zoning Lots Divided by District Boundaries).
- Section 82-08 (Modification of Bulk and Height and Setback Requirements)

Notwithstanding any other provision of this resolution, the maximum *floor area ratio* shall not exceed 12.0.

Any *building*, in addition to complying with the provisions of this Section, shall be subject to the provisions set forth in Section 23-22 (Required Lot Area per Dwelling Unit or per Room), as well as to all other applicable *bulk* regulations as set forth in this Chapter.

All *developments* or *enlargements* located within the boundaries of Community Board #7 in the Borough of Manhattan shall be subject to the requirements of Section 23-151 (R10 Infill) and no *floor area* bonus shall be granted for such *developments* or *enlargements*, except as otherwise set forth in Section 23-151.

However, notwithstanding this or any other provisions of this resolution, R10 Infill regulations shall not apply in R10A Districts.

(b) In the R10A Districts the *floor area ratio* for any *building* on a *zoning lot* shall not exceed 10.0 except as provided in Section 74-95 (Housing Quality Developments).

* * *

23-22

Required Lot Area per Dwelling Unit

Lot Area per Room or Floor Area per Room

* * *

(d) In the R8A, R8B, R9A, R9X or R10A Districts the *lot area* requirement is expressed in terms of *dwelling units* or *rooming units* and the *lot area per dwelling unit* or *rooming unit* shall not be less than as set forth in this Section, except as provided in the following Sections:

Section 23-24 (Adjustment for Lot Area Remainder)

Section 23-25 (Special Provisions for Buildings Used Partly for Non-Residential Uses)

Section 23-27 (Special Provisions for Existing Small Zoning Lots)

Section 23-28 (Special Provisions for Zoning Lots Divided by District Boundaries)

* * *

23-223

In R6, R7, R8, R9 or R10 Districts

* * *

(3) In districts indicated the *lot area per dwelling unit* or *rooming unit* shall not be less than as set forth in the following table:

Required Lot Area (in square feet)

Per Dwelling Unit	Per Rooming Unit	
110	85	R8A
130	104	R8B
98	78	R9A
83	66	R9X
75	60	R10A

* * *

23-25

Special Provisions for Buildings Used Partly for Non-Residential Uses.

In all districts, as indicated, if a *building* is used partly for *residences* and partly for *non-residential uses* (other than *community facility uses*, the provisions for which are set forth in Article II, Chapter 4), for each 100 square feet of *floor area* used for such *non-residential use*, at least the amount of *lot area* set forth in the following table shall be provided. Such *lot area* shall be in addition to that required for the *residential uses* under the provisions of Section 23-22 (Required Lot Area per Dwelling Unit or per Room).

R1 R2 R3 R6 R7 R8 R9 R10

Required Lot Area

Per 100 Square Feet of Floor Area (in square feet)

200	R1	R2	R3	
45				R6
30				R7
25				R8B
20				R8
17				R8A
15				R9
				R9A
11				R9X
10				R10
				R10A

* * *

23-533

Required rear yard equivalents

In the districts indicated, on any *through lot* 110 feet or more in maximum depth from *street* to *street*, one of the following *rear yard equivalents* shall be provided:

R4 R5 R6 R7 R8 R9 R10

(a) An open area with a minimum depth of 60 feet, linking adjoining *rear yards*, or if no such *rear yards* exist, then an open area, with a minimum depth of 60 feet, midway (or within five feet of being midway) between the two *street lines* upon which such *through lot* fronts.

(b) Two open areas each adjoining and extending along the full length of a *street line*, and each with a minimum depth of 30 feet measured from such *street line*; except that in R7, R8, R9 or R10 Districts the depth of such required open area along one *street line* may be decreased provided that a corresponding increase of the depth of the open area along the other *street line* is made.

(c) An open area adjoining and extending along the full length of each *side lot line*, with a minimum width of 30 feet measured from each such *side lot line*.

(d) In R8A, R8B, R9A, R9X and R10A Districts the provisions of paragraphs (b) and (c) above shall not apply.

23-632

Front setbacks in districts where front yards are not required.

R6 R7 R8 R9 R10

(a) In the districts indicated, where *front yards* are not required, if the front wall or other portion of a *building* or *other structure* is located at the *street line* or within the *initial setback distance* set forth in the following table, the height of such front wall or other portion of a *building* or *other structure* shall not exceed the maximum height above *curb level* set forth in the following table.

Above such specified maximum height and beyond the *initial setback distance*, the *building* or *other structure* shall not penetrate the *sky exposure plane* set forth in the following table.

(b) In R8A, R8B, R9A, R9X and R10A Districts the maximum height of a *street wall* or any other portion of a *building* or *other structure* shall be as set forth in Section 23-633 (Street wall and height and setback regulations in certain districts).

* * *

23-633

Street wall and height and setback regulations in certain districts.

In the districts indicated, *street wall*, height and setback regulations are set forth in this Section. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply.

R8A R9A R10A
R8B R9X

1. Location of Street Wall

(a) In the districts indicated, on a *wide street* the *street wall* of any *development* or *enlargement* for the first two *stories* or 23 feet, whichever is greater, shall be located on the *street line* and extend the entire width of the *zoning lot* fronting on a *wide street* except as provided in (b) below.

R8A R9A R10A
R9X

However, at the intersection of two *street lines* the *street wall* may be located within five feet of the *street line*, measured perpendicular to the *street*. Recesses are permitted only for entrances and windows.

Except as provided in (b) below, for any *development* or *enlargement* fronting on a *wide street* the *street walls* above the level of the second *story* or 23 feet, whichever is greater, shall comply with one of the following options. Under all options, at the intersection of two *street lines*, the mandatory *street wall* may be located within five feet of the *street line*, measured perpendicular to the *street*.

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire width of the *zoning lot* fronting on a *wide street*.

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each *story*.

Option 3

A minimum of 75% of the aggregate area of the mandatory street walls at each story shall be within five feet of the street line provided that the mandatory street walls shall abut the street line at least once every 25 feet.

These location provisions shall apply to all developments or enlargements on zoning lots along a narrow street within 50 feet of its intersection with a wide street.

(b) In the districts indicated, on a narrow street beyond a distance of 50 feet from its intersection with a wide street, the street wall of any development or enlargement shall be located no further from the street line than the front wall of the nearest building on an adjacent zoning lot fronting on the same street line. If the mandatory street wall is located within five feet of the street line it shall comply with one of the following options.

R8A R9A R10A
R9X

Option 1

A maximum of 50% of the aggregate length of the mandatory street wall at each story may be recessed from the street line to a depth not exceeding ten feet provided that the length of any such recess does not exceed 25% of the aggregate length of the street wall at each story.

Option 2

A minimum of 75% of the aggregate area of the street wall at each story shall be within five feet of the street line.

(c) In the district indicated the street wall of any development or enlargement on a wide street shall be located no further from the street line than the front wall of the nearest building on an adjacent zoning lot fronting on the same street line; and on a narrow street the street wall of any development or enlargement shall be neither closer to nor further from the street line than the front wall of the nearest building on an adjacent zoning lot fronting on the same street line and shall extend the entire width of the zoning lot except as provided in (s) below. Recesses and projections are permitted provided that the aggregate length of all recesses or projections at the level of any story does not exceed 50 percent of the length of the mandatory street wall. The depth of such recesses or projections shall not exceed four feet and balconies shall not project more than two feet from the mandatory street wall of a building. Recesses shall comply with the applicable outer court regulations of Section 23-84 (Outer Court Regulations).

R8B

(d) In the districts indicated a vertical enlargement in excess of one story or 15 feet to an existing building is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing street wall.

R8A R9A R10A
R8B R9X

2. Height of Street Wall

In the districts indicated the mandatory minimum height above curb level of a street wall, without a setback, shall be as set forth in Column A, or the height of the building, whichever is less; the maximum permitted height of a street wall without a setback at the street line shall be as set forth in Column B; and above such specified maximum height the building or other structure shall not penetrate the sky exposure plane as set forth in Column B in the table below:

R8A R9A R10A
R8B R9X

Column A		Column B		District		
		Sky exposure plane**				
Mandatory minimum height of street wall (in feet)		Maximum permitted height of street wall lot (expressed as a ratio of vertical to the street line without setback at horizontal distance) (in feet)				
Wide street*	Narrow street*			Vertical	Horizontal	
60	23	85	1.5	to	1	R8A
55	23	60	1.0	to	1	R8B**
60	23***	100	1.5	to	1	R9A
110	23***	110	2.0	to	1	R9X
125	23***	150	2.5	to	1	R10A

*The mandatory minimum height of a street wall on wide streets shall apply to all developments or enlargements on zoning lots on narrow streets within 50 feet of the intersection with a wide street.

**The sky exposure plane shall begin at the maximum permitted height of the street wall at the street line except that in an R8B District a setback of 20 feet from the street wall is required at a height of 60 feet.

***No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(d) above.

23-71

Minimum Distance between Buildings on a Single Zoning Lot

(e) in R8A, R8E, R9A, R9X or R10A Districts, except that on any zoning lot if a development or enlargement results in two or more buildings detached from one another at any level, such buildings shall at no point be less than eight feet apart.

Chapter 4 Bulk Regulations for Community Facility Buildings in Residence Districts

24-00 APPLICABILITY, GENERAL PURPOSES, AND DEFINITIONS

24-01

Applicability of this Chapter

The bulk regulations of this Chapter apply to any community facility building or any building used partly for a community facility use on any zoning lot located in any Residence District in which such building is permitted. As used in this Chapter, the term "any building" shall therefore not include a residential building, the bulk regulations for which are set forth in Article II, Chapter 3. In addition, the bulk regulations of this Chapter or of specified Sections thereof also apply in other provisions of this resolution where they are incorporated by cross reference.

All districts indicated in Column A shall comply with the regulations for districts indicated in Column B except as set forth in the Sections indicated in Column C.

Column A R8A	Column B R8E	Column C 24-11, 24-382, 24-52, 24-523
R8E	R8	24-11, 24-21, 24-382, 24-52, 24-523
R9A	R9	24-11, 24-21, 24-22, 24-382, 24-52, 24-523
R9X		
R10A	R10	24-11, 24-22, 24-382, 24-52, 24-523

24-11

Maximum Floor Area Ratio and Percent of Lot Coverage

In all districts, as indicated, for any community facility building or any building used partly for a community facility use on any zoning lot, the maximum floor area ratio and maximum percent of lot coverage shall not exceed the floor area ratio and lot coverage set forth in the table at the end of this Section except as otherwise provided in the following Sections:

- Section 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards)
- Section 24-14 (Floor Area Bonus for a Plaza)
- Section 24-15 (Floor Area Bonus for a Plaza-Connected Open Area)
- Section 24-16 (Floor Area Bonus for Arcades)
- Section 24-18 (Special Provisions for Zoning Lots Divided by District Boundaries).

Any given lot area shall be counted only once in determining the floor area ratio. Notwithstanding any other provision of this resolution, the maximum floor area ratio in an R9 or R10 District shall not exceed 12.00.

In R9A, R9X and R10A Districts the bonus provisions of Sections 24-14 (Floor Area Bonus for a Plaza), 24-15 (Floor Area Bonus for a Plaza-Connected Open Area) and 24-16 (Floor Area Bonus for Arcades) shall not apply and the maximum floor area ratio shall not exceed that set forth in the table below.

(Maximum Floor Area Ratio and Maximum Lot Coverage Table)

However, the floor area ratios listed in this table shall not apply to community facility uses which are subject to the provisions of Section 24-111 (Bulk regulations for certain community facility uses).

All developments or enlargements located within the boundaries of Community Board #7 in the Borough of Manhattan shall be subject to the requirements of Section 23-151 (R10 Infill) and no floor area bonus shall be granted for such developments or enlargements, except as otherwise set forth in Section 23-151. However, notwithstanding this or any other provision of this resolution, R10 infill regulations shall not apply in R10A Districts.

Maximum Floor Area Ratio and Maximum Lot Coverage

<i>Lot coverage (percent of lot area)</i>			
<i>Floor area ratio</i>	<i>Corner Lot</i>	<i>Interior lot or through lot</i>	
1.00	60	55	R1
1.00	60	55	R2
1.00	60	55	R3
2.00	60	55	R4
2.00	60	55	R5
4.80	70	65	R6
4.80	70	65	R7-1
6.50	70	65	R7-2
6.50	75	65	R8
6.50	80	70	R8A
4.00	80	70	R8B
10.00	75	65	R9
7.50	80	70	R9A
9.00	80	70	R9X
10.00	75	65	R10
10.00	100	70	R10A

* * *

24-20 LOT AREA REQUIREMENTS FOR BUILDINGS USED PARTLY FOR RESIDENTIAL USES**24-21****Required Lot Area**

* * *

Required Lot Area
Per 100 Square Feet of Floor Area
Used For Community Facility Use
(in square feet)

100	R1	R2	R3		
20				R6	R7-1
15					R7-2
					R-8
25					R8A
					R8B
10					R9
13					R9A
11					R9X
10					R10
					R10A

* * *

24-22**Lot Area Bonus for a Plaza, Plaza Connection Open Area, or Arcade**

* * *

These provisions shall not apply in R9A, R9X and R10A Districts.

* * *

24-382**Required rear yard equivalents**

* * *

(d) In R8A, R8B, R9A, R9X and R10A Districts the provisions of paragraphs (b) and (c) above shall not apply.

* * *

24-52**Maximum Height of Front Wall and Required Front Setbacks**

(a) In all districts, as indicated, the maximum height of a front wall or of any other portion of a building or other structure shall be as set forth in this Section, except as otherwise provided in Section 24-51 (Permitted Obstructions), Section 24-53 (Alternate Front Setbacks), or Section 24-54 (Tower Regulations).

(b) In R8A, R8B, R9A, R9X and R10A Districts the maximum height of a street wall or of any other portion of a building or other structure shall be as set forth in Section 24-523 (Street wall and height and setback regulations in certain districts).

* * *

24-523

Street wall and height and setback regulations in certain districts

In the districts indicated, *street wall*, height and setback regulations are set forth in this Section. The provisions of Sections 24-53 (Alternate Front Setbacks) and 24-54 (Tower Regulations) shall not apply.

R8A R9A R10A
R8B R9X

1. Location of Street Wall

(a) In the districts indicated, on a *wide street* the *street wall* of any *development* or *enlargement* for the first two *stories* or 23 feet, whichever is greater, shall be located on the *street line* and extend the entire width of the *zoning lot* fronting on a *wide street* except as provided in (a) below.

R8A R9A R10A
R9X

However, at the intersection of two *street lines* the *street wall* may be located within five feet of the *street line*, measured perpendicular to the *street*. Recesses are permitted only for entrances and windows.

Except as provided in (3) below, for any *development* or *enlargement* fronting on a *wide street* the *street walls* above the level of the second *story* or 23 feet, whichever is greater, shall comply with one of the following options. Under all options, at the intersection of two *street lines*, the mandatory *street wall* may be located within five feet of the *street line*, measured perpendicular to the *street*.

Option 1

Mandatory *street walls* shall be located on the *street line* and extend the entire width of the *zoning lot* fronting on a *wide street*.

Option 2

At least 50% of the aggregate length of the *street walls* shall comply with Option 1. The remainder of the aggregate length of the mandatory *street walls* at each *story* may be recessed from the *street line* to a depth not exceeding 10 feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street walls* at each *story*.

Option 3

A minimum of 75% of the aggregate area of the mandatory *street walls* at each *story* shall be within five feet of the *street line* provided that the mandatory *street walls* shall abut the *street line* at least once every 25 feet. These provisions shall apply to all *developments* or *enlargements* on *zoning lots* along a *narrow street* within 50 feet of its intersection with a *wide street*.

(b) In the districts indicated, on a *narrow street* beyond a distance of 50 feet from its intersection with a *wide street*, the *street wall* of any *development* or *enlargement* shall be located no further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line*. If the mandatory *street wall* is located within five feet of the *street line* it shall comply with one of the following options.

R8A R9A R10A
R9X

Option 1

A maximum of 50% of the aggregate length of the mandatory *street wall* at each *story* may be recessed from the *street line* to a depth not exceeding ten feet provided that the length of any such recess does not exceed 25% of the aggregate length of the *street wall* at each *story*.

Option 2

A minimum of 75% of the aggregate area of the *street wall* at each *story* shall be within five feet of the *street line*.

(c) In the district indicated the *street wall* of any *development* or *enlargement* on a *wide street* shall be located no further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line*; and on a *narrow street* the *street wall* of any *development* or *enlargement* shall be neither closer to nor further from the *street line* than the front wall of the nearest *building* on an adjacent *zoning lot* fronting on the same *street line* and shall extend the entire width of the *zoning lot* except as provided in (3) below. Recesses and projections are permitted provided that the aggregate length of all recesses or projections at the level of any *story* does not exceed 50 percent of the length of the mandatory *street wall*. The depth of such recesses or projections shall not exceed four feet and balconies shall not project more than two feet from the mandatory *street wall* of a *building*. Recesses shall comply with the applicable *outer court* regulations of Section 23-84 (Outer Court Regulations).

R8B

(d) In the districts indicated a vertical *enlargement* in excess of one *story* or 15 feet to an existing *building* is permitted only pursuant to the mandatory requirements of the above provisions or as a vertical extension of the existing *street wall*.

R8A R9A R10A
R8B R9X

2. Height of Street Wall

In the districts indicated the mandatory minimum height above curb level of a street wall without a setback shall be as set forth in Column A, or the height of the building, whichever is less; the maximum permitted height of a street wall without a setback at the street line shall be as set forth in Column B; and above such specified maximum height the building or other structure shall not penetrate the sky exposure plane as set forth in Column B in the table below:

R8A R9A R10A
R8B R9X

Column A		Column B		District	
		Sky exposure plane**			
Mandatory minimum height of street wall (in feet)		Maximum permitted height of street wall without setback at the street line (in feet)	Slope over zoning lot (expressed as a ratio of vertical to horizontal distance)		
Wide street*	Narrow street*				
60	23	85	1.5 to 1		R8A
55	23	60	1.0 to 1		R8B
60	23***	100	1.5 to 1		R9A
110	23***	110	2.0 to 1		R9X
125	23***	150	2.5 to 1		R10A

*The mandatory minimum height of a street wall on wide streets shall apply to all developments or enlargements on zoning lots on narrow streets within 50 feet of the intersection with a wide street.

**The sky exposure plane shall begin at the maximum permitted height of the street wall at the street line except that in an R8B District a setback of 20 feet from the street wall is required at a height of 60 feet.

***No setback shall be permitted below a height of 55 feet except as provided in paragraph 1(d) above.