

# ZONING RESOLUTION Web Version

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## THE CITY OF NEW YORK



THE CITY OF NEW YORK  
Michael R. Bloomberg, Mayor

CITY PLANNING COMMISSION  
Amanda M. Burden, Director

### Article VIII: Special Purpose Districts Chapter 7: Special Harlem River Waterfront District

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(6/30/09)

## **Article VIII - Special Purpose Districts**

### **Chapter 7**

#### **Special Harlem River Waterfront District**

(6/30/09)

#### **87-00**

##### **GENERAL PURPOSES**

The "Special Harlem River Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) maintain and reestablish physical and visual public access to and along the waterfront;
- (b) create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;
- (c) promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;
- (d) encourage well-designed new development that complements the built character of the neighborhood;
- (e) take advantage of the Harlem River waterfront and provide an open space network comprised of parks, public open space and public access areas;
- (f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus to encourage more attractive and economic building forms; and
- (g) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront.

(6/30/09)

**87-01**  
**Definitions**

Parcel 1 building line

The "Parcel 1 building line" shall be:

- (a) in the event that the portion of the Major Deegan Expressway traversing Parcel 1 has been widened after June 30, 2009, a line 22 feet west of and parallel to the as-built western edge of such Expressway structure; or
- (b) in the event that the portion of the Major Deegan Expressway traversing Parcel 1 has not been widened after June 30, 2009, a line connecting:
  - (1) a point located on the southern #street line# of East 149th Street that is 47 feet west of its intersection with the western edge of such Expressway structure; and
  - (2) a point on the southern boundary of Parcel 1 that is 107 feet west of its intersection with the western edge of such Expressway structure.

Shore public walkway

A "shore public walkway" is a linear public access area running alongside the shore or water edges of a #platform#, as defined in Section 62-11, on a #waterfront zoning lot#.

Supplemental public access area

A "supplemental public access area" is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements.

A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.

### Upland connection

An "upland connection" is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, #public park# or other accessible public place.

### Visual corridor

A "visual corridor" is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, #public park# or other public place.

### Waterfront block or waterfront zoning lot

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

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

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

### Waterfront public access area

A "waterfront public access area" is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or, as

defined in Section 62-11, a public access area on a #pier# or #floating structure#.

(6/30/09)

## **87-02**

### **General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special Harlem River Waterfront District#, except as otherwise provided in this Chapter. 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.

(6/30/09)

## **87-03**

### **District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into parcels consisting of tax blocks and lots as established on June 30, 2009, as follows:

Parcel 1: Block 2349, Lot 112

Parcel 2: Block 2349, Lot 100

Parcel 3: Block 2349, Lots 46, 47, 146

Parcel 4: Block 2349, Lot 38

Parcel 5: Block 2349, Lots 15, 20

Parcel 6: Block 2349, Lots 3, 4

Parcel 7: Block 2323, Lot 43

Parcel 8: Block 2323, Lot 28

Parcel 9: Block 2323, Lots 5, 13, 18

The District Plan includes Map 1 (Special Harlem River Waterfront District and Parcels) and Map 2 (Waterfront Access Plan: Public Access Elements).

(6/30/09)

**87-04**

**Applicability of Article I, Chapter 1**

Within the #Special Harlem River Waterfront District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

(6/30/09)

**87-05**

**Applicability of Article VI, Chapter 2**

Parcels 1, 2, 3 and 4, as shown on Map 1 (Special Harlem River District and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009.

(6/30/09)

#### **87-06**

#### **Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets**

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after June 30, 2009, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all #use# and #bulk# regulations of this Zoning Resolution.

(6/30/09)

#### **87-10**

#### **SPECIAL USE REGULATIONS**

The #use# regulations of the underlying districts are modified in Sections 87-11 through 87-24, inclusive.

As used in this Section, "ground floor level" shall mean the finished floor level within five feet of an adjacent public sidewalk or any other publicly accessible open area.

(6/30/09)

#### **87-11**

#### **Vehicle Storage Establishments**

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in Use Group 16C shall be a permitted #use# on Parcel 5, provided that:

(a) such #use# is the primary #use# on the parcel;

- (b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and
- (c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-61 (Public Access Provisions by Parcel).

The streetscape provisions of Section 87-13, the maximum width of establishment provisions of Section 87-23 and the special height and setback regulations of Section 87-30, inclusive, shall not apply to such #use#.

(6/30/09)

### **87-12**

#### **Location of Commercial Space**

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) are modified to permit #residential uses# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located directly over any #residential use#. However, such non-#residential uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

(6/30/09)

### **87-13**

#### **Streetscape Regulations**

- (a) Ground floor #use#  
All #uses# shall have a depth of at least 25 feet from #building walls# facing a #shore public walkway#, #park# or #upland connection#. Lobbies and entrances may not occupy more than 20 feet or 25 percent of such building wall width, whichever is less. The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the

as-built level of the adjacent public sidewalk or other publicly accessible area.

For #buildings# on Parcels 1 through 6 that face a #shore public walkway#, #park# or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings#, to a depth of 25 feet, shall consist of #uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.

(b) Transparency

Any building wall containing ground floor level #commercial# and #community facility uses# that faces a #shore public walkway#, #park# or #upland connection# shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level building wall, measured to a height of ten feet above the level of the adjoining public sidewalk or other publicly accessible open area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level building wall shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

(c) Security gates

All security gates that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.

(6/30/09)

**87-14**

**Location of Underground Uses**

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.

(6/30/09)

#### **87-20**

##### **SPECIAL FLOOR AREA REGULATIONS**

The #Special Harlem River Waterfront District# shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.

(7/29/09)

#### **87-21**

##### **Special Residential Floor Area Regulations**

The base #floor area ratio# for any #zoning lot# containing #residences# shall be 3.0. Such base #floor area ratio# may be increased to a maximum of 4.0 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of paragraph (a) of Section 23-952 (Floor area compensation for Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

(6/30/09)

#### **87-22**

##### **Special Retail Floor Area Requirement**

- (a) For each square foot of commercial #floor area# in a #building# occupied by the #uses# listed in paragraph (a)(1) of this Section, an equal or greater amount of

#residential#, community facility or commercial #floor area# shall be provided from #uses# listed in paragraph (a)(2) of this Section.

(1) Use Groups 6A and 6C, except for:

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour

Docks for water taxis with vessel capacity limited to 99 passengers

Docks or mooring facilities for non-commercial pleasure boats;

Use Group 10:

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Dry goods or fabric stores, with no limitation on #floor area# per establishment;

Use Group 12:

Antique stores

Art gallery, commercial

Billiard parlor or pool halls

Book stores

Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing

Gift shops

Jewelry or art metal craft shops

Music stores

Photographic equipment stores

Record stores

Stationery stores

Toy stores

(2) Use Groups 1 and 2

Use Groups 3, 4A, and 4B, except cemeteries

Use Groups 5A, 6B and 8A

(b) However, the City Planning Commission may authorize a modification or waiver of this provision upon finding that such #building# includes:

- (1) a superior site plan that enables safe and efficient pedestrian connectivity to and between establishments and publicly accessible areas;
- (2) a superior parking and circulation plan that reduces conflicts between pedestrian and vehicular traffic, minimizes open parking lots and limits conflicts between curb cuts;

- (3) a design that enhances and is integrated with publicly accessible areas including provision of a public entrance fronting on a waterfront public access area;
- (4) a variety of retail establishments; and
- (5) #uses# that do not unduly affect the #residential uses# in the nearby area or conflict with future land use and #development# of adjacent areas.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on publicly accessible areas.

(6/30/09)

#### **87-23**

##### **Maximum Width of Establishments**

On Parcels 5 and 6, the width of any ground floor level commercial or community facility establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.

(6/30/09)

#### **87-24**

##### **Location of Building Entrances**

On Parcels 1, 2, 3 and 4, the main front entrance of at least one #building#, as the term "main front entrance" is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

- (a) on Parcel 1, located no less than 120 feet from 149th Street;
- (b) on Parcel 2, located no less than 95 feet from a #park#; and

- (c) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

(6/30/09)

### **87-30**

#### **SPECIAL HEIGHT AND SETBACK REGULATIONS**

The underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section, inclusive, shall apply. For the purposes of applying such regulations:

- (a) a #shore public walkway#, #park#, #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-32:
  - (1) Exterior Street; and
  - (2) that portion of any other #street#, #park#, #upland connection# or fire apparatus access road that is located east of the #Parcel 1 building line#; and
- (b) the height of all #buildings or other structures# shall be measured from the #base plane#.

(6/30/09)

### **87-31**

#### **Permitted Obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:

- (a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (b) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

(6/30/09)

### **87-32**

#### **Street Wall Location and Building Base**

- (a) #Street wall# location

The #street wall# of the #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

- (1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances;
- (2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;
- (3) for #buildings# that are required to locate at least one main front entrance facing a #shore public walkway#, pursuant to Section 87-24 (Location of Building Entrances), no portion of the #street wall# containing such entrance shall be closer to the #shore public walkway# than the main front entrance; and

- (4) no portion of a #building# facing a #shore public walkway#, except on Parcel 1, shall exceed a width of 300 feet.

However, on Parcel 1, in order to accommodate a sewer easement located within an area bounded by the eastern boundary of the #shore public walkway#, East 149th Street, a line 120 feet south of and parallel to East 149th Street and a line 120 feet east of and parallel to the #shore public walkway#, no #street wall# shall be required along that portion of East 149th Street and any fire apparatus access road within such easement area. Such area not #developed# as a fire apparatus access road and open to the sky shall be at least 35 percent planted and shall not be used for parking or loading. Furthermore, in the event such area contains a driveway, it shall be screened from the #shore public walkway# and East 149th Street, except for curb cuts and pedestrian paths, with densely planted evergreen shrubs maintained at a height of three feet.

(b) Minimum and maximum base heights

The #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on Parcels 5 and 6, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a "building base."

All portions of #buildings# that exceed the maximum base heights set forth in this paragraph, (b), shall be set back from the #street wall# of the #building# at least ten feet along a #shore public walkway#, #park# and Exterior Street, and at least 15 feet along an #upland connection#.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six #stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of eight #stories# or 85 feet, whichever is less.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(1) of this Section.

(c) Transition heights

All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.

All portions of #buildings# that exceed the transition heights set forth in this paragraph, (c), shall comply with the tower provisions of Section 87-33.

(6/30/09)

**87-33  
Towers**

All #stories# of a #development# or #enlargement# located partially or wholly above the applicable transition height set forth in paragraph (c) of Section 87-32 shall be considered a "tower" and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be

permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.

(a) Maximum tower height

For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with more than 100,000 square feet of #lot area# shall be 400 feet. For #zoning lots# with two towers, however, such maximum building height of 400 feet shall apply to not more than one tower and a maximum #building# height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between towers.

(b) Location rules for #zoning lots# adjacent to #parks#

Where a tower is provided on a #zoning lot# adjacent to a #park#, such tower or portion thereof shall be located within 85 feet of such #park#, and if two towers are provided on such #zoning lot#, the second tower or portion thereof shall be located either within 120 feet of East 149th Street or within 45 feet of an #upland connection#. Where two towers are provided on a #zoning lot# adjacent to a #park#, the shorter of the towers shall be located nearer the #park#.

(c) Maximum tower size

The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.

(d) Tower top articulation

All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:

(1) Setbacks on each tower face

- (i) for #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#;
- (ii) for #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.

Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (d)(1), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

- (2) Three setbacks facing Harlem River

The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west-facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may

be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.

(6/30/09)

**87-40**

**SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS**

(6/30/09)

**87-41**

**Fire Apparatus Access Roads**

Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the following requirements:

- (a) the width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops;
- (b) curbs shall be provided along each side of the entire length of such road;
- (c) a minimum 13 foot paved sidewalk shall be provided adjacent to and along the entire length of the required curb;
- (d) for the purposes of making the #street# tree requirements of Section 26-41 applicable to fire apparatus access roads, a fire apparatus access road shall be considered a #street#; and
- (e) all such roads shall be constructed with lighting, signage, materials and crosswalks to minimum Department of Transportation standards for public #streets#.

(6/30/09)

**87-42**  
**Sidewalks**

In the event that Parcel 1 is #developed# with #mixed use buildings#, as defined in Section 123-11, sidewalks shall be provided on Parcel 1, as follows:

- (a) Sidewalks with a depth of at least 15 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire Exterior Street and 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 15 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement.
- (b) A 22 foot wide walkway shall extend east of and along the #Parcel 1 building line#, linking East 149th Street and a #park#, or fire apparatus access road if such road is #developed# adjacent to the #park#. In the event that a parking lot is #developed# east of such walkway, the easternmost seven feet of such walkway shall be densely planted with evergreen shrubs maintained at a maximum height of three feet above the adjoining walkway. Such walkway and planting strip may be interrupted to allow vehicular or pedestrian access.
- (c) Any driveway located east of the #Parcel 1 building line# that extends along a sewer easement and intersects Exterior Street shall have curbs and sidewalks with a minimum width of 13 feet along each curb, which may be interrupted to allow for vehicular access to a parking lot.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(6/30/09)

**87-50**

**SPECIAL PARKING REGULATIONS**

The following provisions shall apply to all parking facilities:

(a) Use of parking facilities

All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is accessory within 30 days after written request therefore is made to the landlord.

(b) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required off-#street# parking spaces may be provided on a #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is within the #Special Harlem River Waterfront District#.

(c) Location requirements for parking facilities

No parking facility, open or enclosed, shall front upon or be visible from:

- (1) a #shore public walkway#, except as provided for in paragraph (e) for Parcel 5;
- (2) any #upland connection# or #park#, or portion thereof, that is located west of the #Parcel 1 building line#.

(d) Design requirements for enclosed off-street parking facilities

All enclosed off-street parking facilities shall be located either entirely below the level of any #street# or open area accessible to the public upon which such facility fronts, or when located above grade, in compliance with the following provisions:

- (1) The provisions of this paragraph, (d)(1), shall apply to facilities facing a #shore public walkway#, #upland connection#, #park#, or northern #street line# of 138th Street.

Such facilities shall be located at every level above grade, behind commercial, community facility or #residential floor area# with a minimum depth of 25 feet as measured from any building wall facing a #shore public walkway#, or facing that portion of an #upland connection# or #park# located west of the #Parcel 1 building line# so that no portion of such parking facility is visible from the #shore public walkway#, #upland connection# or #park#. All such parking facilities shall be exempt from the definition of #floor area#.

On Parcel 6, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be occupied to a depth of 25 feet with commercial, community facility or #residential floor area# so that no portion of a parking facility is visible from such portion of Exterior Street or East 138th Street.

- (2) The provisions of this paragraph, (d)(2), shall apply to facilities not facing a #shore public walkway#, or that portion of an #upland connection# or #park# located west of the #Parcel 1 building line#, or northern #street line# of East 138th Street.

Such facilities shall be designed so that:

- (i) any non-horizontal parking desk structures are not visible from the exterior of the #building# in elevation view;
- (ii) opaque materials are located on the exterior #building wall# between the bottom of the floor of each parking desk and no less than three feet above such deck; and

(iii) a total of at least 50 percent of such exterior #building wall# with adjacent parking spaces consists of opaque materials which may include permitted #signs#, graphic or sculptural art, or living plant material.

(e) Open parking lots

The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified as set forth in this paragraph, (e).

For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.

On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.

On Parcel 5, if a commercial or public utility vehicle storage #use# , as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.

(f) Roof parking

Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, that is

larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the building in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

(6/30/09)

**87-51**  
**Curb Cut Restrictions**

On Parcels 1, 2, 3 and 4, no curb cuts shall be provided facing a #shore public walkway#, and further, on Parcel 2, no curb cuts shall be provided facing a #park#.

(6/30/09)

**87-60**  
**HARLEM RIVER WATERFRONT ACCESS PLAN**

Map 2 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location of certain features mandated or permitted by the Plan.

(6/30/09)

**87-61**  
**Special Public Access Provisions**

The provisions of 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply, as follows:

(a) Shore public walkways

- (1) The #shore public walkway# shall be constructed at an elevation of two feet above the highest level of the Oak Point Rail Link, except that:
  - (i) on Parcels 6 and 7, no such elevation requirement shall apply;
  - (ii) on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the #zoning lots#, such elevation requirement shall not apply. However, if such commercial or public utility vehicle storage is not #developed# or #enlarged# as the primary #use# on the #zoning lots#, such elevation requirement shall only apply along the westernmost section of the #shore public walkway# to a depth of 40 feet; and
  - (iii) on all #zoning lots#, a #shore public walkway# shall be required to meet the grade of an existing adjacent #street#, which may include deviating from such elevation requirement where necessary.
- (2) A dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code Section 503.2.5 (Dead-ends), or its successor, may by certification extend into a designated #shore public walkway# as set forth in Section 87-73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).
- (3) In the event that a portion of a #waterfront zoning lot# is within 40 feet of the #shoreline# yet does not abut the #shoreline# because of an intervening #zoning lot#, a #shore public walkway# shall be provided on such upland portion. The width of the #shore public walkway# on such portion shall be 40 feet measured from the #shoreline# of the intervening #zoning lot# and shall include the width of the intervening #zoning lot#. The portion of such #shore public walkway# located upland of the intervening #zoning lot# shall be improved with a circulation

path at least ten feet wide, and any required planted screening buffer shall have a width of at least four feet.

(4) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# or #enlarged# as the primary #use# on the parcel, the #shore public walkway# requirements set forth in Section 62-62 shall apply, except that:

(i) the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet and may be reduced to a minimum of 30 feet along the eastern edge of the inlet;

(ii) the circulation path required in paragraph (a)(1) of Section 62-62 shall be modified to a minimum width of 10 feet along the northern and eastern edge of the inlet;

(iii) the screening provisions of paragraph (c)(2) of Section 62-62 shall not apply. In lieu thereof, a planted screening buffer with a width of four feet shall be provided. Such planted buffer shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting; and

(iv) in the event that the #upland connection# on Parcel 6 has not been #developed#, a ten foot wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.

(b) Upland connections

#Upland connections# shall be located on Parcels 3, 4 and 6, as designated on Map 2 in the Appendix to this Chapter.

The provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) are modified, as follows:

- (1) Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2 in the Appendix to this Chapter.
- (2) The required width for an #upland connection# on Parcel 6, as indicated on Map 2, is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) Supplemental public access areas

#Supplemental public access areas, pursuant to this Plan, shall be provided on Parcels 1 and 2, as indicated on Map 2 in the Appendix to this Chapter. However, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement).

(d) Visual Corridors

#Visual corridors# shall be located within Parcels 1 and 4, and the #park#, as indicated on Map 2 in the Appendix to this Chapter.

(6/30/09)

**87-62**

**Certification to Waive Supplemental Public Access Area Requirement**

For Parcels 1 and 2, the requirement to provide a designated #supplemental public access area#, as indicated on Map 2 in the Appendix to this Chapter, may be waived by the Chairperson of the City Planning Commission, provided that:

- (a) the site plan includes a vehicular connection through the #zoning lot# pursuant to the design guidelines set forth in Section 87-41 (Fire Apparatus Access Roads);
- (b) a declaration of restrictions has been provided pursuant to Section 87-64;
- (c) the design meets all applicable connection requirements set forth in Section 87-66 (Connection with Adjacent Zoning Lots); and
- (d) such a vehicular connection either:
  - (1) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and #park#; or
  - (2) on Parcel 2, provides a bi-directional connection between Exterior Street at its intersection with East 144th Street and the southernmost #lot line# of the #development#.

(6/30/09)

### **87-63**

#### **Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways**

On Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code Section 503.2.5 (Dead-ends), may by certification, extend into the designated #shore public walkway#, provided that:

- (a) a declaration of restrictions has been provided pursuant to Section 87-64;
- (b) a fire apparatus access road abutting the shared #zoning lot line# between the #development# seeking certification under this Section and Parcels 2, 3 or 4 does not exist; and
- (c) the fire apparatus access road serves as a segment of a bi-directional loop road along the #shore public walkway#, providing a connection to Exterior Street at

the northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.

Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining sidewalks.

(6/30/09)

#### **87-64**

#### **Declaration of Restrictions**

For any fire apparatus access road proposed for certification pursuant to Sections 87-62 or 87-63, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections 87-62 and 87-63, where applicable.

For certifications proposed pursuant to Section 87-63, at the time a declaration of restrictions has been provided by the adjacent #development#, pursuant to this Section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously-constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

- (a) deconstructing the fire apparatus access road turnaround;
- (b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action;
- (c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across #developments#; and
- (d) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code.

(6/30/09)

#### **87-65**

#### **Applicability of Waterfront Regulations**

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after June 30, 2009, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

(6/30/09)

#### **87-66**

#### **Connection with Adjacent Zoning Lots**

The following provisions apply to #developments# pursuing certification pursuant to either Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement) or Section 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

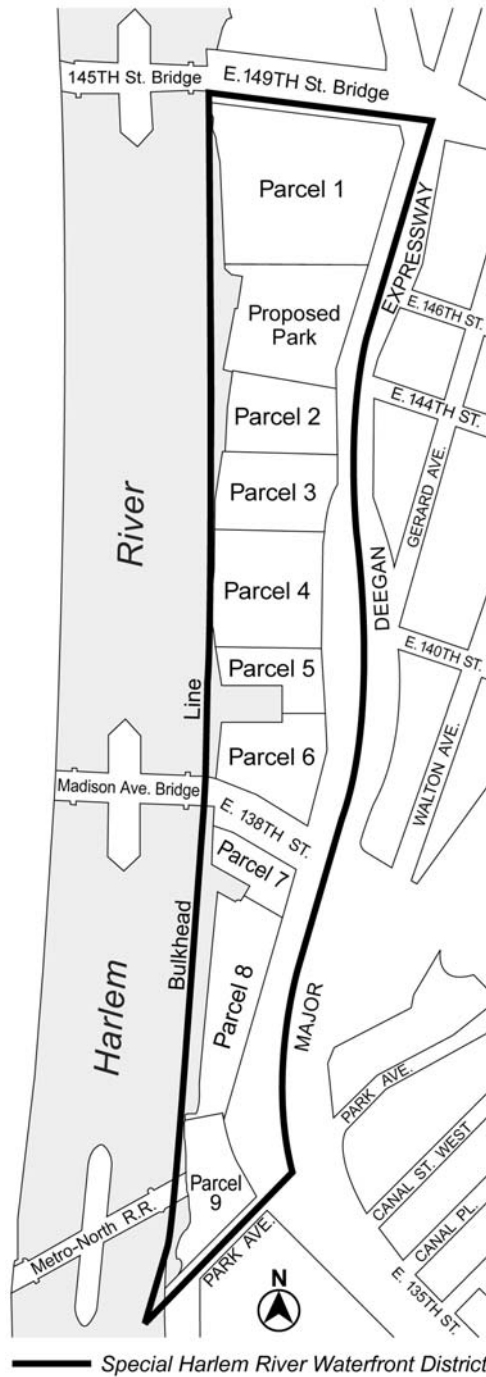
On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development# shall provide a connection for bi-directional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of and maintain the street width of the existing adjacent private street. In addition to such physical shared #lot line# connection, a #private road# declaration shall be provided pursuant to the provisions of Section 87-64. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-64, has been recorded against the adjacent #zoning lot#.

When no connection for vehicular travel terminating at the opposite side of a shared #zoning lot line# exists, a dead-end fire apparatus access road turnaround may be constructed, pursuant to Section 87-63, which may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-64.

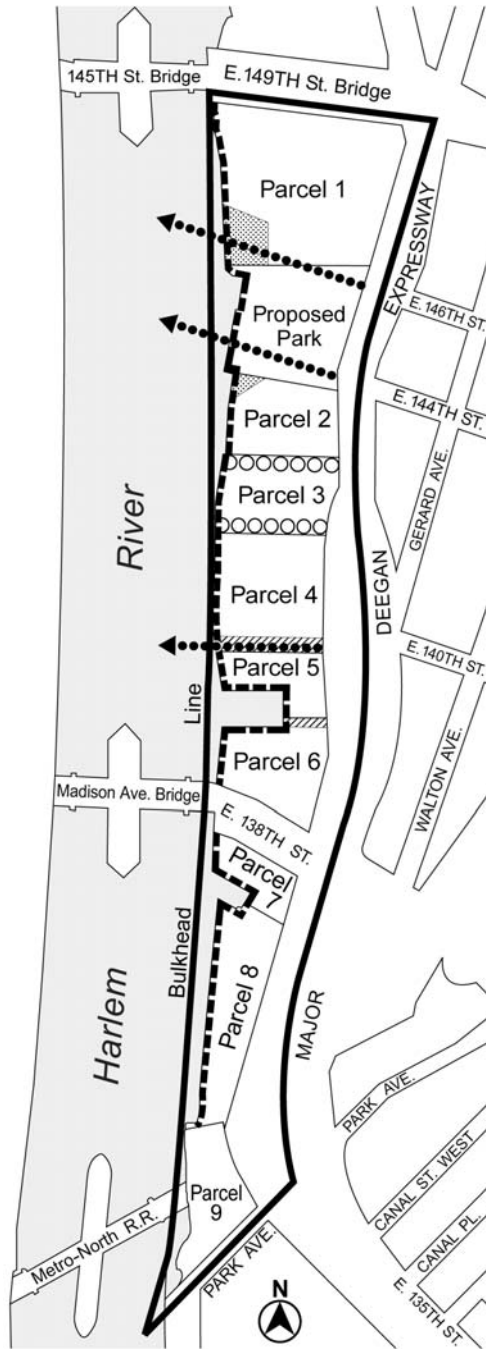
(6/30/09)

**Appendix  
Special Harlem River Waterfront District Plan**

Map 1. Special Harlem River Waterfront District and Parcels



Map 2. Waterfront Access Plan: Public Access Elements



- Special Harlem River Waterfront District
- - - Shore Public Walkway/ Waterfront Yard
- ◀•••• Visual Corridor (Designated Location)
- ○ ○ ○ ○ Upland Connection (Variable Location)
- ▨ Upland Connection (Designated Location)
- ▩ Supplemental Public Access Area (Designated Location)