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*Amendment to the Zoning Resolution pursuant to Section 200 of the New York City Charter regarding restrictions on the height of narrow "sliver" buildings in R7-2, R8, R9, R10, R10 Infill, the Park Improvement District and in C1 and C2 Commercial Districts with equivalent residential bulk.*

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The proposed zoning text amendment would restrict the construction of tall narrow "sliver" buildings and towers on zoning lots located within high density R7-2, R8, R9, R10, R10 Infill, the Park Improvement District and in C1 and C2 Commercial Districts with equivalent residential floor area ratio which are predominantly residential in character.

On January 5, 1983 (Cal. #20) the Commission scheduled a PUBLIC HEARING on the proposed text amendment. The Public Hearing was held on January 19, 1983, (Cal. #32). Several members of the public spoke in favor of the proposed amendment. There was no opposition and the hearing was closed.

However, the testimony presented at the public hearing and written communications received by the Commission from Community Boards No. 5 and 6 and block associations in the Borough of Manhattan suggested that new "sliver" buildings not be allowed to match the height of an abutting tall building as was proposed. Instead, "sliver" buildings should be restricted to an absolute height of 100 feet on a wide street and to 60 feet on a narrow street.

CONSIDERATION:

Spiraling real estate values, continued demand for luxury housing and lack of opportunity to assemble large construction sites in high density R7-2, R8, R9, and R10 Districts and in C1 and C2 Districts with equivalent residential floor area ratio have led to the construction of high rise residential buildings on small lots. Where linear lot street frontage opportunities are less than 45 feet, the resulting tall and narrow "sliver"

buildings are sometimes four to five times the height of their surrounding low-rise brownstone neighbors. Because of the narrowness and exceptional height, these buildings are inconsistent with the scale and character of the existing neighborhoods.

The Commission feels it is important to regulate the construction of "Sliver" buildings in the aforementioned districts which are predominantly residential in character in order to ensure a harmonious relationship between these buildings and the existing buildings in the neighborhood.

In the proposed text amendment, any new building or enlargement of an existing building which has a frontwall width 45 feet or less will be restricted to a height equivalent to the width of the street on which it fronts in order to conform these new buildings to the scale and character of the area. However, a new building will be permitted to match the height of an "abutting building" provided that its street wall is continuously attached to the wall of the existing building's and that the new building complies with the front wall setback and the sky exposure plane regulations of the underlying district. The proposed amendment expressly prohibits the use of the alternate height and setback regulations and tower regulations on these small lots. In order to promote street wall buildings, the provisions which require a rear yard equivalent has been modified. To limit the height of these "sliver" buildings only to a height equivalent to the width of the adjoining street, as suggested at the public hearing, would be beyond the scope of this amendment. The Commission understands and will consider additional refinements to the proposed amendments which respond to the concerns of the community. These further refinements, to assure appropriate contextual relationships concern front yard, initial front setback, and mandatory infill type street wall requirements, will be drafted and considered after further study.

Subsequent to the public hearing the Commission deemed it appropriate to clarify the meaning of "abutting building" (Section 23-692).

For the purposes of this section, an abutting building is an existing building whose wall will be contiguous and fully attached to the street wall of a new or enlarged building, and there is no gap between them at any level.

Another clarification of Section 23-692 provides that where the continuity of the front street wall of the two buildings are broken at any level, the height of the new "sliver" building must terminate at that level or at a level equivalent to the width of the adjacent street, whichever is greater.

Further clarifications of Section 23-692 of the proposed amendment limit the application of these "sliver" regulations to the street frontage of the building which is 45 feet or less, and up to a depth of 100 feet from the street line and redefine the regulations with respect to corner buildings or enlargements. Housekeeping changes related to section numbers and cross references are also incorporated into the text (Sections 23-63, 24-52, 24-591, 33-43 and 33-491).

The Commission therefore determined that the amendments are appropriate and adopted the following resolution, which is duly filed with 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 the changes relating to Section 23-63, 23-692, 23-151, 24-52, 24-591, 33-43, 33-491 and 92-09, Concerning Additional Regulations for Narrow Buildings or Enlargements, 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.**

23-63

Maximum Height of Front  
Wall and Required Front Setbacks

In all districts, as indicated, the maximum height of a front wall of any portion of a building or other structure shall be set forth in this Section, except as otherwise provided in Section 23-62 (Permitted Obstructions), Section 23-64 (Alternate Front Setbacks), Section 23-65 (Tower Regulations) or Section 74-85 (Height and Setback Regulations for Residential Buildings) or Section 23-692 (Additional Regulations for Narrow Buildings or Enlargements).

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23-69

Limited Height Districts

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23-692

Additional Regulations for Narrow  
Buildings or Enlargements

In R7-2, R8, R9, R10 Districts, or in C1 or C2 Commercial Districts with equivalent residential floor area ratio, if the width of a street wall of a new building or the enlarged portion of an existing building is 45 feet or less, the alternate front setback and tower regulations of Sections 23-64 (Alternate Front Setbacks), 23-65 (Tower Regulations), 33-44 (Alternate Front Setbacks) and 33-45 (Tower Regulations) shall be inapplicable.

Subject to applicable front height and setback regulations, or any height limitations of the underlying district, no such new or enlarged building shall exceed a height equal to the width of the abutting street on which it fronts or 100 feet, whichever is less. For a corner building or enlargement, the height of the building shall not exceed the width of the abutting wide street or 100 feet, whichever is less.

However, if the street wall of the new or enlarged building abuts a contiguous and fully attached existing building wall that exceeds the height permitted above, such new or enlarged building street wall may reach the height of the tallest of such abutting building wall provided that: (a) there shall be no penetration of the sky-

exposure plane required by the underlying district for any portion of such new or enlarged building; and (b) such height does not exceed any height limitation of the underlying district.

On a through lot, for such developments or enlargements, the provisions of paragraph (b) and (c) in Section 23-533 (Required Rear Yard Equivalents) shall be inapplicable.

The provisions of this section shall apply to the street frontage of a new or enlarged building which is 45 feet or less, and up to a depth of 100 feet from the street line.

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23-151  
R10 Infill

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If the width of a street wall of a new building or the enlarged portion of an existing building is 45 feet or less, the height of such new or enlarged building shall not exceed 100 feet. However, if the street wall of the new or enlarged building abuts a contiguous and fully attached existing building wall that exceeds 100 feet, such street wall of the new or enlarged building may reach the height of such abutting building wall.

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24-52

Maximum Height of Front Wall and  
Required Front Setbacks

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) or in Section 23-692 (Additional Regulation for Narrow Building or Enlargements).

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24-59

Limited Height Districts

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24-591

Additional regulations for narrow buildings or enlargements

If the width of the street wall of a new building or the enlarged portion of an existing building is 45 feet or less, the provisions of Section 23-692 (Additional regulations for narrow building or enlargements) shall apply to such new or enlarged building.

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33-43

Maximum Height of Front Wall and Required Fronts Setbacks

In all districts, as indicated, 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 this Section, 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 this Section. 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 this Section. The regulations of this Section shall apply except as otherwise provided in Section 33-42 (Permitted Obstructions), Section 33-44 (Alternate Front Setbacks), Section 33-45 (Tower Regulations), Section 74-85 (Height and Setback Regulations for Residential Buildings), Section 82-08 (Modification of Bulk and Height and Setback Regulations), [or] Section 82-11 (Building Walls along certain street lines), and Section 85-04 (Modifications of Bulk Regulations) [.] or Section 23-692 (Additional Regulations for Narrow Building or Enlargements),

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33-49

Limited Height Districts

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33-491

Additional Regulations for Narrow Buildings or Enlargements

If the width of the street wall of a new building or the enlarged portion of an existing building is 45 feet or less, the provisions of Section 23-692 (Additional Regulations for Narrow Buildings or Enlargements) shall apply to such new or enlarged building.

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92-09

Special Regulations for Narrow Buildings

If the width of a street wall of a new building or the enlarged portion of an existing building is 45 feet or less, the height of such new or enlarged building shall not exceed 100 feet. However, if the street wall of the new or enlarged building abuts a contiguous and fully attached existing building wall that exceeds 100 feet, such street wall of the new or enlarged building may reach the height of such abutting building wall.

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HERBERT STURZ, Chairman  
MARTIN GALLEN, Vice Chairman  
MAX BOND, JOHN GULINO, HOWARD B. HORNSTEIN,  
R. SUSAN MOTLEY, THEODORE E. TEAH, Commissioners