

Matter in underline is new, to be added;

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

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

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

Article VIII - Special Purpose Districts

Chapter 7

Special Harlem River Waterfront District

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 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 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.

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87-10

SPECIAL USE REGULATIONS

87-12

Location of Commercial Space

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit ~~residential uses~~ on the same ~~story~~ as a ~~commercial use~~ ~~non-residential use~~, provided no access exists between such ~~uses~~ at any level containing ~~residences~~ and provided any ~~commercial uses~~ ~~non-residential uses~~ are not located directly over any ~~residential use~~. However, such ~~commercial uses~~ ~~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 ~~commercial uses~~ ~~non-residential uses~~ exists within the ~~building~~.

87-13

Streetscape Regulations

(a) Ground floor ~~use~~

All ~~ground floor uses~~ facing a ~~shore public walkway~~, ~~mapped parkland~~ or an ~~upland connection~~ shall comply with the minimum depth requirements of 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, ~~shore public walkways~~, ~~mapped parkland~~ or an ~~upland connection~~ shall be considered designated retail streets. ~~have a depth of at least 25 feet from building walls facing a shore public walkway, mapped parkland or an upland connection.~~ Lobbies and entrances shall comply with the provisions for Type 1 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses) ~~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, as shown on Map 1 in the Appendix to this Chapter, that face a ~~shore public walkway~~, ~~mapped parkland~~ 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~~, ~~mapped parkland~~ or an ~~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 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 in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail streets.~~

(e) ~~Security gates~~

~~All security gates that are swung, drawn or lowered to secure #commercial# or #community facility uses# 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.~~

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**87-20
SPECIAL FLOOR AREA REGULATIONS**

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**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 Section ~~23-954~~ 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback requirements for certain buildings) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

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**87-50
SPECIAL PARKING REGULATIONS**

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(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#, an #upland connection#, mapped parkland, or the northern #street line# of 138th Street.

~~Such facilities shall be located at~~ At every level above grade, off-street parking facilities shall be wrapped by #floor area in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# and East 138th Street shall be considered designated retail streets, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 25 feet as and measured from any #building# wall facing a #shore public walkway#, or facing that portion of an #upland connection# or mapped parkland 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 mapped parkland. All such parking facilities shall be exempt from the definition of #floor area#.

On Parcel 6, as shown on Map 1 in the Appendix to this Chapter, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be wrapped by #floor area in accordance with the provisions of paragraph (a) of Section 37-35 ~~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 mapped parkland located west of the #Parcel 1 building line#, or the northern #street line# of East 138th Street.

Such facilities shall be ~~designed so that;~~ screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35.

- (i) ~~any non horizontal parking deck 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 deck 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.~~

* * *

END