

**Appendix A-1**  
**Proposed Text Amendments**

Proposed East Harlem Rezoning Text

April 20, 2017

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Sections 12-10 and/or 37-311;

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

**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 1**

**Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

**11-122**

**Districts established**

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

\* \* \*

Special Purpose Districts

\* \* \*

Establishment of the Special Downtown Jamaica District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Downtown Jamaica District# is hereby established.

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

\* \* \*

**Chapter 2  
Construction of Language and Definitions**

\* \* \*

**12-10  
DEFINITIONS**

\* \* \*

**Special Downtown Jamaica District**

The "Special Downtown Jamaica District" is a Special Purpose District designated by the letters "DJ" in which special regulations set forth in Article XI, Chapter 5, apply.

Special East Harlem Corridors District

The "Special East Harlem Corridors District" is a Special Purpose District designated by the letters "EHC" in which special regulations set forth in Article XIII, Chapter 8, apply.

**Special Enhanced Commercial District**

The "Special Enhanced Commercial District" is a Special Purpose District designated by the letters "EC" in which special regulations set forth in Article XIII, Chapter 2, apply.

\* \* \*

**Chapter 4  
Sidewalk Cafe Regulations**

\* \* \*

**14-40  
AREA ELIGIBILITY FOR SIDEWALK CAFES**

\* \* \*

**14-44  
Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

\* \* \*

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Clinton District	No	Yes
<u>East Harlem Corridors District</u>	<u>No</u>	<u>Yes</u>
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes

\* \* \*

**ARTICLE II  
RESIDENCE BULK REGULATIONS**

**Chapter 3  
Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-011  
Quality Housing Program**

\* \* \*

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

\* \* \*

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

#Special 125th Street District#;

#Special Downtown Brooklyn District#;  
#Special Downtown Jamaica District#;  
#Special East Harlem Corridors District#;  
#Special Grand Concourse Preservation District#;

\* \* \*

**23-03**

**Street Tree Planting in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

\* \* \*

(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#

#Special Downtown Jamaica District#

#Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

\* \* \*

**ARTICLE III**

**COMMERCIAL DISTRICT REGULATIONS**

**Chapter 3**

**Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

\* \* \*

**33-03**

## Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

\* \* \*

- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#

#Special Downtown Jamaica District#

#Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

**Chapter 5  
Special Transit Land Use District**

**95-00  
GENERAL PURPOSES**

\* \* \*

**95-03  
Transit Easement**

Any #development# or #enlargement# involving ground level construction within the #Special Transit Land Use District# shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04.

The issuance by the Department of Buildings of an excavation permit for any #zoning lot# located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a #zoning lot# shall permit the realization of one or more of the following planning objectives:

- (a) the integration and relating of subway station design to surrounding development;
- (b) the introduction of light and air to: stations; and mezzanines; and other related facilities constructed pursuant to the provisions of Section 95-032 (Determination of transit easements at other stations);

\* \* \*

**95-031  
Selection of transit easement at certain stations**

At the stations specified below, the transit easement required on a #zoning lot# shall constitute a volume whose dimensions above and below #curb level# shall comply with the requirements as set forth in Table A or Table B of this Section, depending on the depth of the proposed subway mezzanine below #curb level#, as established by the Metropolitan Transportation Authority.

\* \* \*

**95-032  
Determination of transit easements at other stations**

At the 106th Street, 116th Street and 125th Street stations, a transit easement shall be provided to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass

transit facilities, including, but not limited to, emergency egress or ventilation structures, the Metropolitan Transportation Authority shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

### **95-0323**

#### **Location of transit easements**

\* \* \*

### **95-05**

#### **Terms and Conditions for Permitted Uses and Construction within Transit Easement Volume**

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, ~~or~~ elevators, or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#. When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

\* \* \*

### **95-051**

#### **Development of transit access facilities**

All access facilities, including any light wells or sky lights required within a transit easement volume established pursuant to the provisions of Section 95-031 (Selection of transit easement at certain stations), or access and ancillary facilities required pursuant to the provisions of Section 95-032 (Determination of transit easement at other stations), shall be constructed and maintained by the Metropolitan Transportation Authority except for any #building# columns, footings or any other permitted obstructions allowed therein.

\* \* \*

### **95-052**

#### **Special access facilities for persons with disabilities at certain stations**

For #zoning lots# subject to the provisions of Section 95-031 (Selection of transit easement at certain stations), special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.



\* \* \*

**Article IX**  
**Special Purpose Districts**

**Chapter 7**  
**Special 125th Street District**

**97-00**  
**GENERAL PURPOSES**

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (h) to ensure, in the Park Avenue Hub Subdistrict, compatibility with the purposes of the #Special East Harlem Corridors District#; and
- ~~(h)~~(i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

\* \* \*

**97-03**  
**District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and ~~Core~~ Subdistricts) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby incorporated as

part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

#### **97-04**

##### **Establishment of ~~Core~~ Subdistricts**

In order to carry out the purposes and provisions of this Chapter, ~~the Core two subdistricts is are~~ established within the ~~#Special 125th Street District# and; the Core Subdistrict and the Park Avenue Hub Subdistrict.~~ Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the ~~Core~~ Ssubdistricts are shown on Map 1 in Appendix A of this Chapter.

\* \* \*

#### **97-06**

##### **~~Applicability of Special Transit Land Use District Regulations~~ Applicability of ~~District~~ Regulations**

[Note: existing provisions moved to Section 97-061]

#### **97-061**

##### **Applicability of Special Transit Land Use District Regulations**

[Note: existing provisions moved from Section 97-06 and updated a cross reference. The specification of the ~~#Special Transit Land Use District#~~ was eliminated since they are specified in Zoning Maps.]

Wherever the ~~#Special 125th Street District#~~ includes an area which also lies within the ~~#Special Transit Land Use District#~~, the requirements of the ~~#Special Transit Land Use District#~~, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs ~~(e) (a)(4) and (f) (a)(5)~~ of Section 97-433 ~~(Street wall location)~~ 442 (Height and setback regulations within the Core Subdistrict and areas outside of a subdistrict).

~~The #Special Transit Land Use District# includes the area within the #Special 125th Street District# bounded by a line 50 feet west of Second Avenue from 124th Street midway to 125th Street where such area widens to a line 100 feet west of Second Avenue.~~

#### **97-062**

##### **Applicability of the Quality Housing Program**

[Note: existing provisions moved from 97-40 (SPECIAL BULK REGULATIONS)]

In the #Special 125th Street District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program, and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

**97-063**

**Applicability of Inclusionary Housing Program**

[Note: existing provision moved from Section 97-421 (Inclusionary Housing) and changed to include Mandatory Inclusionary Housing applicability]

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 23-154 (Inclusionary Housing) and in Section 23-90 (INCLUSIONARY HOUSING), #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# within the #Special 125th Street Districts# are shown on the maps in APPENDIX F of this Resolution.

**97-10**

**SPECIAL USE AND LOCATION REGULATIONS**

\* \* \*

**97-14**

**Transient Hotels Within the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or
- (b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:
  - (1) sufficient sites are available in the area to meet the #residential development# goal; or
  - (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

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

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 4,470 #dwelling units# within the combined areas of the #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, have received temporary or final certificates of occupancy subsequent to [date of adoption].

**97-20**

**LOCATION AND ACCESS REGULATIONS**

[Note: applicability of Article II, Chapter 8 has been moved to Section 97-062]

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, the provisions of Section 97-21 (Location and Access Requirements in Certain Areas), inclusive, shall apply.

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the provisions of Section 97-21, inclusive, shall apply to any #zoning lot#, or portion thereof, specified in Section 97-21, and the provisions of Section 97-22 (Use Location Regulations in the Park Avenue Hub Subdistrict), inclusive, shall apply to all other #zoning lots#, or portion thereof.

For the purposes of applying the provisions of this Section, defined terms shall include those set forth in Sections 12-10 (DEFINITIONS) and 37-311 (Definitions).

**97-21**

**Location of and Access to Arts and Entertainment Uses  
Supplemental Use and Streetscape Regulations along 125th Street**

[Note: existing 97-21 provisions moved to Section 97-211]

[Note: existing provisions, moved from Section 97-20]

Within the #Special 125th Street District#, ~~F~~for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the ~~locational and access~~ requirements of this Section, inclusive. However, ~~O~~on #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

**97-211**

**Location and Access to Art and Entertainment Uses**

[Note: existing provisions, moved from Section 97-21]

Any arts and entertainment #uses# listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

\* \* \*

**97-212**

**Uses not permitted on the ground floor of buildings**

[Note: existing provisions moved from Section 97-22 and modified]

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 97-221 213 (Access to non-ground floor uses).

\* \* \*

### **97-213**

#### **Access to non-ground floor uses**

[Note: existing provisions, moved from Section 97-221]

The maximum ground floor #street# frontage on 125th Street allocated to entranceways or lobby space for non-ground floor #uses# listed in Section 97-22 shall be as set forth for Type 1 lobbies in Section 37-33 (Maximum Width of Certain Uses), except that for #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

Additionally, within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.

### **97-214**

#### **Transparency requirements along 125th Street**

[Note: existing provisions, moved from 97-23]

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

### **97-22**

#### **Uses Not Permitted on the Ground Floor of Buildings**

#### **Supplemental Use and Streetscape Regulations within the Park Avenue Hub Subdistrict**

[Note: existing 97-22 provisions moved to Section 97-212]

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, for #zoning lots#, or portion thereof, that are not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, the provisions of this Section, inclusive, shall apply.

### **97-221**

#### **Access to non-ground floor uses**

#### **Modification of supplemental use location regulations**

[Note: existing 97-221 provisions moved to Section 97-213]

The supplementary #commercial use# regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial uses# on any #story#, provided that at any level containing #residences#, no access exists between such #commercial# and #residential uses# and provided that such #commercial uses# are not located directly over any #residential use#.

## **97-222**

### **Ground floor use and streetscape regulations**

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements#. Any portion of a #ground floor level# allocated to a transit easement required by the MTA pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section.

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along Park Avenue that is not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, as well as any #narrow street# frontage within 50 feet of Park Avenue, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#.

#### (a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

#### (b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

## **97-23**

### **Transparency Requirements**

[Note: existing 97-23 provisions moved to Section 97-214]

\* \* \*

**97-40**  
**SPECIAL BULK REGULATIONS**

[Note: the applicability of Article II, Chapter 8 moved to Section 97-062]

Within the ~~Special 125th Street District~~, ~~all developments or enlargements containing residences~~ shall comply with the requirements of Article II, Chapter 8 (Quality Housing), and the applicable ~~bulk~~ regulations of the underlying districts shall apply, except as modified ~~in~~ by the provisions of this Section, inclusive.

**97-41**  
**Special Floor Area Regulations**

The maximum ~~floor area ratio~~, ~~open space ratio~~ and ~~lot coverage~~ requirements of the applicable underlying district shall apply within the ~~Special 125th Street District~~, unless modified by the following regulations.

**97-411**  
**Maximum floor area ratio in C4-4D, C4-7 and C6-3 Districts within the Core Subdistrict and areas outside of a subdistrict**

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter and areas outside of a subdistrict, the maximum permitted ~~floor area ratios~~ shall be as listed in the following table for ~~residential~~, ~~commercial~~ and ~~community facility uses~~, and may only be increased pursuant to Section 97-42 (~~Additional Floor Area Bonuses~~ Regulations), inclusive.

\* \* \*

**97-412**  
**Maximum floor area ratio in the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum floor area ratio for zoning lots is set forth in paragraph (a) of this Section, and is modified for certain zoning lots in accordance with paragraph (b) of this Section.

(a) Maximum floor area ratio

The maximum floor area ratio shall be 12.0. Where a development or enlargement contains residential floor area, such zoning lot shall satisfy the provisions of either:

- (1) a minimum non-residential floor area ratio of 2.0 shall be provided on such zoning lot. Such floor area shall not include any floor area containing a transient hotel pursuant

to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or

- (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

- (b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (d)(4) of Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for #zoning lots#, subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
- (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses).

## **97-42**

### **Additional Floor Area Bonuses Regulations**

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, ~~the~~ maximum #floor area ratio# may be increased ~~by a~~ pursuant to the #floor area# bonus, pursuant to provisions of Sections 23-154 (Inclusionary Housing) 97-421 (Inclusionary Housing) or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

## **97-421**



## Inclusionary Housing

[Note: the Inclusionary Housing Program applicability provision moved to 97-063 (Applicability of Inclusionary Housing Program)]

~~Within the #Special 125th Street District#, In #Inclusionary Housing designated areas# within C4-4D, C4-7 and C6-3 Districts in the Core Subdistrict or areas outside of a subdistrict, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Section 23-154 (Inclusionary Housing).~~

### 97-422

#### Floor area bonus for visual or performing arts uses

- (a) ~~In C4-4D, C4-7 or C6-3 Districts within the #Special 125th Street District# Core Subdistrict or areas outside of a subdistrict, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial uses# listed in Section 97-411 may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.~~

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR)  
FOR RESIDENTIAL AND COMMERCIAL USES WITH  
FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES

Outside the Core District Within areas outside of a subdistrict		Within the Core Subdistrict	
#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#

\* \* \*

- (b) In C6-4 Districts within the Park Avenue Hub Subdistrict, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

**97-423**

**Certification for floor area bonus for visual or performing arts uses**

The minimum non-residential floor area# or equivalent floor space provisions of paragraph (a)(2) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) or the #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412, or all #floor area# that will result from the permitted increase in #floor area ratio# pursuant to Section 97-422, including the location of such #floor area#.
- (b) Drawings also have been provided that clearly designate all #floor area# and/or below grade floor space for any new visual or performing arts #uses# provided for the purposes of satisfying the provisions of paragraph (a)(2) of Section 97-412, or for which a bonus is to be received pursuant to Section 97-422.

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and shall also show that:

- (1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;
- (2) all bonused #floor area# or below grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street, except where such visual or performing arts #floor area# or floor space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422;
- (3) in the case of primary rehearsal space, where such space does not consist of #accessory uses# subject to the requirements of paragraph (b)(4), such space:

\* \* \*

- (iii) has a #street wall# with at least 50 feet of frontage along 125th Street, except that where such primary rehearsal space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422 such #street wall# with 50 feet of frontage need not be along 125th Street, and has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than nine feet six inches; and

\* \* \*

- (5) #Accessory# space

- (i) For primary rehearsal spaces, no more than 25 percent of such minimum required

#floor area# or equivalent below grade floor space, or such the bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such primary rehearsal spaces. #Accessory uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;

- (ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory use# occupies more than 25 percent of the such total minimum required #floor area# or equivalent below grade floor space, or bonused #floor area# or below grade floor space. #Accessory uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and

\* \* \*

(6) Signage

- (i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section 97-30, inclusive, except where such visual or performing arts facility is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422; and

\* \* \*

- (e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to ~~this~~ Section 97-422, as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment use# shall be prohibited for the life of the #development# or #enlargement#.

\* \* \*

- (g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to Section 97-422, as a visual and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased #floor area# permitted under Section 97-422, as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

\* \* \*

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422 shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

\* \* \*

**97-44 43**  
**Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

**97-~~441~~ 431**  
**Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

**97-442 432**  
**Height and setback regulations for ~~C4-7 and C6-3~~ Districts in the Core Subdistrict and areas outside of a subdistrict**

[Note: provisions of paragraph (a) moved from Section 97-443 and modified]

- (a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, the #street wall# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:

- (a)(1) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.
- (b)(2) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
- (c)(3) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- (d)(4) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.
- (e)(5) For any #development# or #enlargement# ~~within the #Special 125th Street District#~~ that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.
- (f)(6) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

(b) Maximum height of building and setback

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within ~~the Special District~~ the Core Subdistrict and areas outside of a subdistrict:

~~(a)~~(1) The minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

\* \* \*

~~(b)~~(2) Special regulations for certain C4-7 Districts

~~(1)~~(i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.

~~(2)~~(ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.

~~(3)~~(iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.

~~(c)~~(3) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

**97-44 43  
Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

**97-441 431  
Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

**97-442 432  
Height and setback regulations for ~~C4-7 and C6-3 Districts~~ in the Core Subdistrict and areas outside of a subdistrict**

**97-443 433**

**Street wall location**

**Height and setback regulations in the Park Avenue Hub Subdistrict**

[Note: existing provisions of Section 97-443 moved to paragraph (a) of Section 97-432]

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

(a) #Street wall# location

The applicable provisions of Section 35-651 shall be modified as follows:

(1) Along 125th Street

Along 125th Street, the minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

(2) Along Park Avenue and #narrow streets#

Along Park Avenue and any #narrow streets#, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section 97-20 (LOCATION AND ACCESS REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section 35-652.

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in paragraph (a) of this Section, nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower allocated exclusively to non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

**97-45 44**

**Special Provisions for Zoning Lots Divided by District Boundaries**

\* \* \*

**97-50**

**SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS**

\* \* \*

**97-51**

**Required Accessory Off-Street ~~Residential~~ Parking Within the Core Subdistrict and areas outside of a subdistrict**

[Note: existing provisions moved to Section 97-511]



**97-511**

**Required Accessory Off-Street Residential Parking**

[Note: existing provisions moved from Section 97-51]

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

**97-512**

**Required Accessory Off-Street Commercial Parking**

[Note: existing provisions moved from Section 97-52]

In #Commercial Districts# within the #Special 125th Street District# Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

**97-52**

**Required Accessory Off-Street Commercial Parking Within the Park Avenue Hub Subdistrict**

[Note: existing provisions moved to Section 97-512]

In the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the regulations of the underlying district.

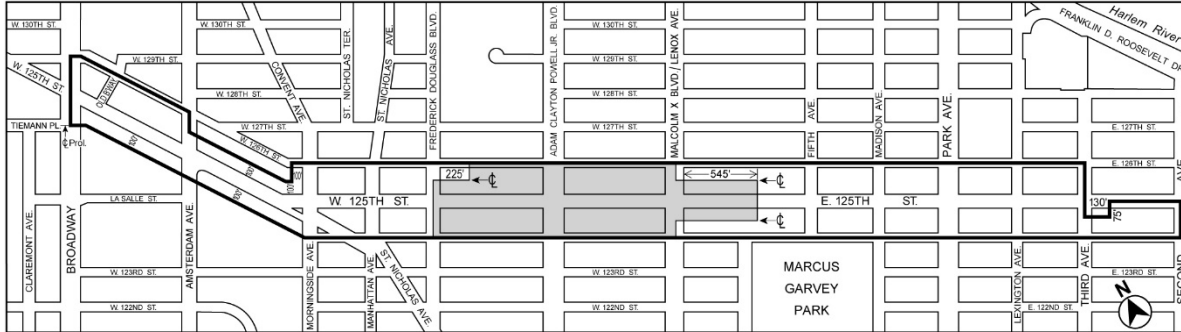
\* \* \*

# Appendix A

## Special 125th Street District Plan

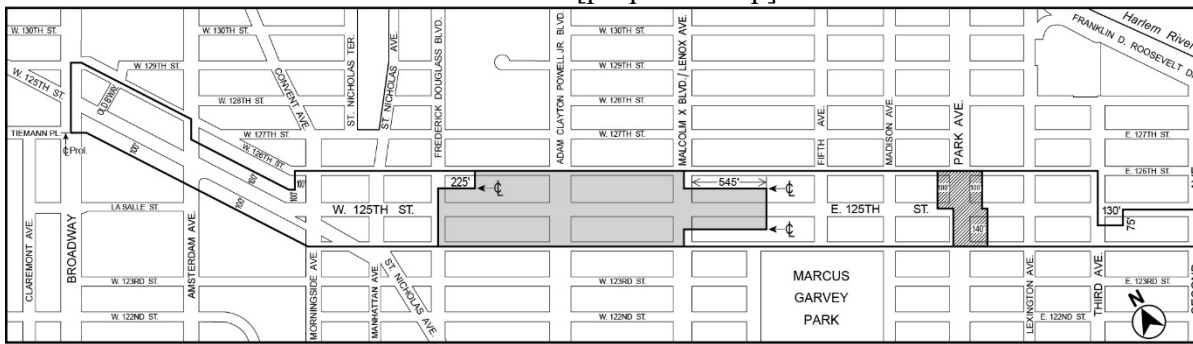
Map 1: #Special 125th Street District# and Core Subdistricts

[existing map]



- Special 125th Street District boundary
- Core Subdistrict

[proposed map]



- Special 125th Street District boundary
- Core Subdistrict
- ▨ Park Avenue Hub Subdistrict

\* \* \*

**Article XIII**  
**SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 8**  
**Special East Harlem Corridors District**

**138-00**  
**GENERAL PURPOSES**

The “Special East Harlem Corridors 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) encourage and guide the development of East Harlem as a dynamic mixed-use neighborhood by permitting the expansion and development of residential, commercial, community facility and light manufacturing uses in appropriate areas;
- (b) encourage the development of residential uses along appropriate corridors ;
- (c) encourage the development of permanently-affordable housing;
- (d) facilitate the development of high-density commercial and manufacturing uses in order to locate jobs near transit connections in ;
- (e) enhance the vitality of both existing and emerging commercial corridors by ensuring that ground floor frontages are occupied by active uses that enliven the pedestrian experience along the street;
- (f) ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique neighborhood conditions such as the Park Avenue viaduct; and
- (g) promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

**138-01**  
**General Provisions**

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. 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.

**138-02**

## **District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special East Harlem Corridors District# Plan. The District Plan includes the map, “Special East Harlem Corridors District and Subdistrict,” in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

### **138-03**

#### **Subdistrict**

In order to carry out the provisions of this Chapter, the Park Avenue Subdistrict is established within the #Special East Harlem Corridors District#. The location of the Subdistrict is shown in the Appendix to this Chapter.

### **138-04**

#### **Applicability**

### **138-041**

#### **Applicability of Article IX, Chapter 5**

In the event of a conflict between the provisions of this Chapter and Article IX, Chapter 5 (Special Transit Land Use District), the provisions of Article IX, Chapter 5 shall control.

### **138-042**

#### **Applicability of Article XII, Chapter 3**

In M1 Districts paired with a Residence District, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

### **138-043**

#### **Applicability of the Quality Housing Program**

In the #Special East Harlem Corridors District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

### **138-044**

#### **Applicability of the Inclusionary Housing Program**

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the #Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

### **138-10**

#### **SPECIAL USE REGULATIONS**

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

### **138-11**

#### **Location of Residential Use Within Buildings**

In C4 or C6 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged#, to permit #dwelling units# on the same #story# as a #commercial use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial uses# are located directly over any #dwelling units#. However, such #commercial uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

### **138-12**

#### **Transient Hotels**

C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or
- (b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:

- (1) sufficient sites are available in the area to meet the #residential development# goal; or
- (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

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

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 4,470 #dwelling units# within the combined areas of #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of Article IX, Chapter 7 (Special 125th Street District), have received temporary or final certificates of occupancy subsequent to [date of adoption].

### **138-13**

#### **Physical Culture or Health Establishments**

Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right in C2-5, C4-6, and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

### **138-14**

#### **Public Parking Garages**

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), the regulations set forth for C1-4 Districts shall apply to C1-5 Districts, and the regulations set forth for C2-4 Districts shall apply to all other districts. In an M1 District paired with an R9 or R10 District, the regulations of #public parking garages# in Article XII, Chapter 3 (Special Mixed Use Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

### **138-20**

#### **SPECIAL BULK REGULATIONS**

In the #Special East Harlem Corridors District#, all #developments# and #enlargements# shall comply with the #bulk# regulations for #Quality Housing buildings#, as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section 138-21 (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section 138-22 (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section 138-23 (Basic Height and Setback) shall apply. In #Commercial Districts# mapped within an R9 or R10 District, or #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, the provisions of Section 138-24 (Alternate Height and Setback Regulations) may apply as an alternative to the provisions set forth in Section 138-23. In M1 Districts paired with R9 or R10 Districts, the height and setback provisions set forth in Section 138-25 (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

## **138-21** **Floor Area Regulations**

### **138-211** **Floor area regulations in the Park Avenue Subdistrict**

The maximum #floor area ratio# for #zoning lots# within the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, is set forth in paragraph (a) of this Section. Such provisions are modified for certain #zoning lots# in accordance with paragraph (b).

(a) Maximum #floor area ratio#

In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# shall be 8.5. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5.

In C6-4 Districts and M1-6 Districts paired with an R10 District, the maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 2.0.

Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5 in M1-6 Districts paired with an R9 District, and 2.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

The maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-residential floor area requirements set forth in paragraph (a) of this Section shall be optional for zoning lots existing on or before [date of adoption] with a lot area of less than 5,000 square feet. For zoning lots utilizing the provisions of this paragraph (b)(1), the minimum non-residential floor area requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for zoning lots subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154 (Inclusionary Housing), the maximum residential floor area ratio of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
- (3) for zoning lots subject to paragraphs (b)(1) or (b)(2) of this Section, the maximum floor area ratio for all uses shall be 7.52 in M1-6 Districts paired with an R9 District, and 10.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.

### **138-212**

#### **Floor area regulations outside of the Park Avenue Subdistrict**

For zoning lots, or portions thereof, outside of the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, the underlying floor area regulations shall apply, except that:

- (a) in C2 Districts mapped within an R9 District, for any zoning lot containing residential floor area, the maximum residential floor area ratio for zoning lots complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary housing), or, for affordable independent residences for seniors, shall be 8.5, the maximum residential floor area ratio for zoning lots utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154 shall be 7.52, and the maximum floor area ratio for any combination of uses shall be 8.5; and
- (b) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the floor area provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.

### **138-22**

#### **Street Wall Regulations**

All developments and enlargements within the Special East Harlem Corridors District shall comply with the street wall regulations of Section 35-651 (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, developments and enlargements within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section 35-651 are specified and modified as follows:

- (a) Along wide streets other than Park Avenue



Along all #wide streets# other than Park Avenue, and along #narrow streets# within 50 feet of an intersection with such #wide street#, the provisions of paragraph (b) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

- (1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section 37-34 (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#;
- (2) for portions of #developments# and #enlargements# where the provisions of paragraph (a) of this Section apply, such #street wall# shall not be located beyond five feet of the #street line#, except that such #street wall# may be located beyond such distance pursuant to the applicable provisions of paragraph (b) of Section 35-651 or of Section 64-333 (Street wall location in certain districts); and
- (3) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (a) of Section 138-32 (Special Streetscape Provisions for Blank Walls), shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. In addition, such area shall provide visual mitigation elements in accordance with the provisions of Section 138-32.

### **138-23**

#### **Basic Height and Setback Regulations**

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations).

The regulations of paragraph (b)(2) of Section 36-652 relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section 138-30 (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

### **138-24**

#### **Optional Height and Setback Regulations in Certain Districts**

In C2 Districts mapped within an R9 or R10 District, or in C6-4 or C4-6 Districts, as an alternative to the provisions of Section 138-23 (Basic Height and Setback Regulations), the provisions of this Section may be applied to #zoning lots# meeting the applicable criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

#### **(a) Setbacks**

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

#### **(b) #Lot coverage# requirements for towers**

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower containing exclusively non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

#### **(c) Maximum #building# height**

No height limit shall apply to towers.

### **138-25**

#### **Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District**

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (c) of Section 138-22 (Street Wall Regulations) shall apply. The maximum height of #buildings or other structures# and setback provisions set forth in Section 123-66 (Height and Setback Regulations) shall apply as modified in this Section.

- (a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). The maximum #building# height shall be 285 feet; and
- (b) in M1 Districts paired with an R10 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662. The maximum #building# height shall be 350 feet.

### **138-30**

#### **STREETSCAPE REQUIREMENTS**

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a ground floor level that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section, inclusive.

### **138-31**

#### **Ground Floor Use Regulations**

The special #ground floor level# streetscape provisions set forth in Section 37-30, shall apply to Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, within the #Special East Harlem Corridors District# which, for the purposes of applying such provisions, shall be considered designated retail streets, and any portion of a #ground floor level street# frontage along the designated retail streets, as well as any #narrow street# frontage within 50 feet of such #streets#, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be

considered a #secondary street frontage#. For the purposes of this Section, defined terms shall also include those defined in Section 37-311 (Definitions).

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements), except that:

- (1) in M1-6 Districts paired with an R9 or R10 District, where the #ground floor level# is occupied by #uses# in Use Groups 16, 17 and 18, up to 50 percent of the #ground floor level street wall# width may be exempt from such regulations, provided that any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide planting or screening in accordance with the provisions of paragraphs (a) or (f) of Section 138-32 (Special Streetscape Provisions for Blank Walls) for at least 75 percent of such blank wall; and
- (2) in #flood zones#, where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 15 feet, visual mitigation elements shall be provided in accordance with Section 138-32 for such blank wall.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

## **138-32**

### **Special Streetscape Provisions for Blank Walls**

Where visual mitigation elements are required on a blank wall along the #ground floor level street wall#

pursuant to the provisions of Section 138-31 (Ground Floor Use Regulations), at least 75 percent of the linear footage of any such blank wall shall be treated by one or more of the following visual mitigation elements which shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations. Such features when utilized as visual mitigation elements shall include:

(a) Planting

Any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of this paragraph.

(b) Benches

Fixed benches with or without backs shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each

linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

### **138-40**

#### **OFF-STREET PARKING AND LOADING REGULATIONS**

The applicable parking and loading regulations of Article II, Chapter 5, Article III, Chapter 6, Article IV, Chapter 4 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) or Section 123-70 (PARKING AND LOADING), inclusive, shall be modified in this Section, inclusive.

### **138-41**

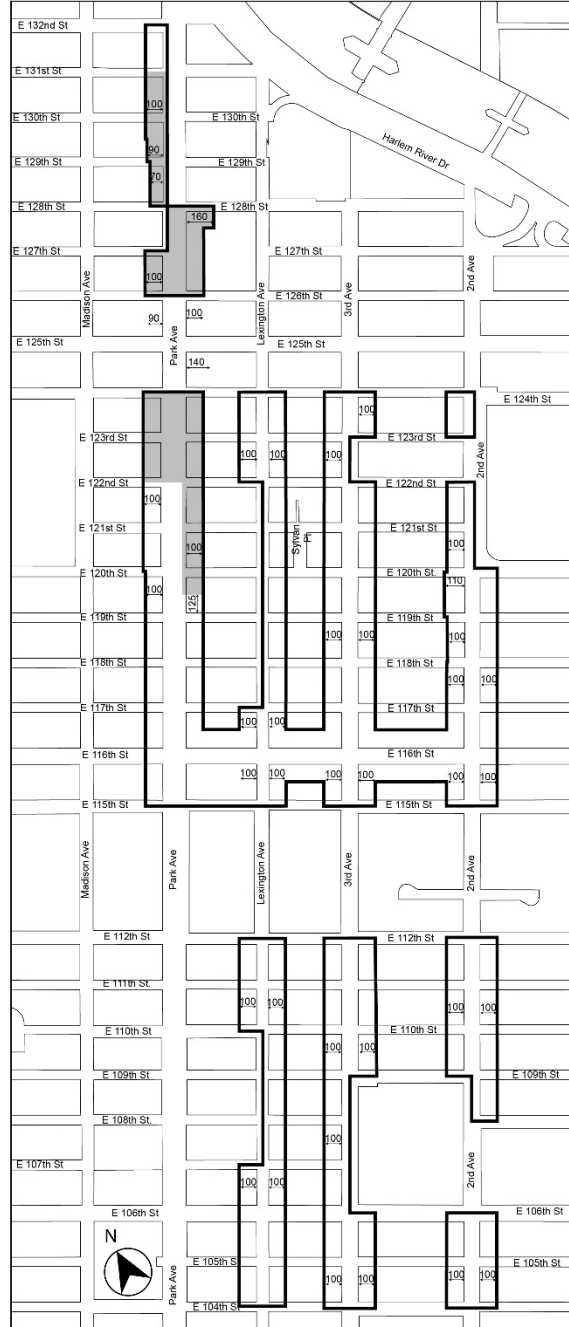
#### **Required Accessory Off-street Parking Spaces for Residences**

In the #Special East Harlem Corridors District#, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the underlying district regulations.



**Appendix**  
**SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN**

**#Special East Harlem Corridors District# and Subdistrict**

[PROPOSED MAP]



**EAST HARLEM DISTRICT PLAN**  
**SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT**

-  Special East Harlem Corridors District
-  Park Avenue Subdistrict

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**Manhattan**

\* \* \*

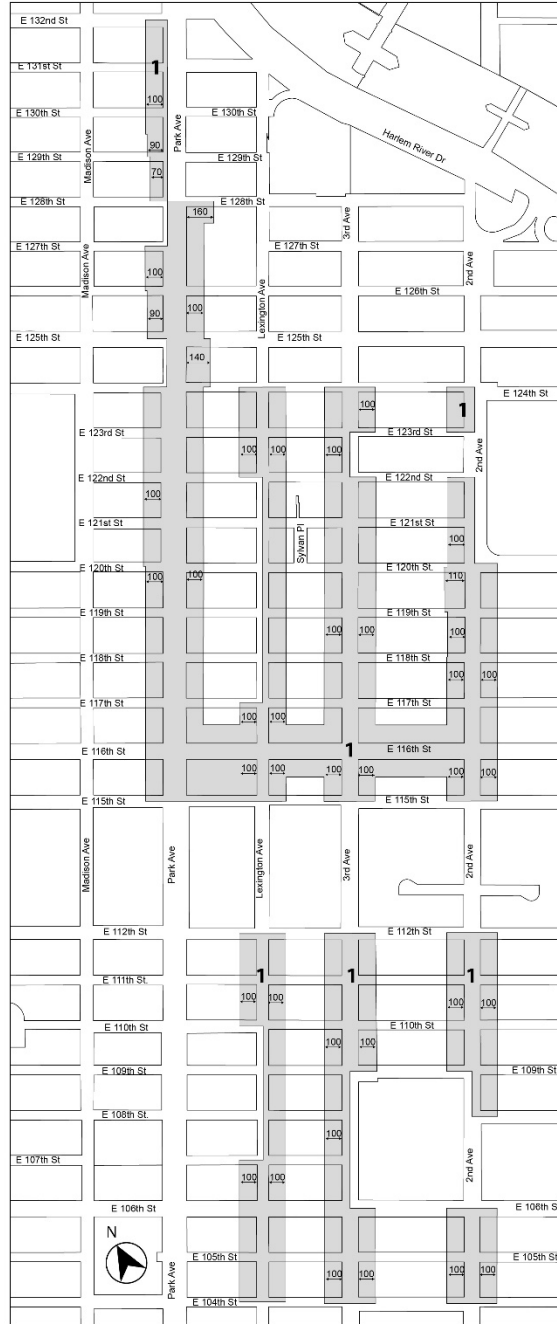
**Manhattan Community District 11**

In the R7D, R9 and R10 Districts within the areas shown on the following Map 1 and Map 2:

\* \* \*



[PROPOSED MAP]



Mandatory Inclusionary Housing area *see Section 23-154(d)(3)*  
Area 1 [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 11, Manhattan

\* \* \*

**Appendix A-2**  
**Amendments to the Milbank Frawley Circle-East**  
**Urban Renewal Plan**

**THE CITY OF NEW YORK  
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

**SECOND AMENDED  
URBAN RENEWAL PLAN**

**MILBANK FRAWLEY CIRCLE EAST  
URBAN RENEWAL AREA**

**Manhattan  
Community District No. 11**

**April 2017**

## **HISTORY OF PRIOR APPROVALS**

Prior to initial date of adoption of this Urban Renewal Plan by the City Council (shown below), this Area was part of the former Milbank Frawley Circle Urban Renewal Area, for which the "History of Prior Approvals" is set forth on pages 3 and 4.

### **Original**

City Planning Commission: August 19, 1992 (C920139HUM)  
City Council: October 8, 1992 (Reso. No. 920)  
Mayor: June 8, 1994

### **Minor Change**

City Planning Commission: November 29, 1993 (N920140AHCM)

### **Minor Change**

City Planning Commission: July 5, 1994 (M920139AHUM)

### **Minor Change**

City Planning Commission: March 5, 1997 (N960649HCM)

### **Minor Change**

City Planning Commission: October 24, 2001 (N010509HCM)

### **First Amendment**

City Planning Commission: September 10, 2003 (C030475HUM)  
City Council: October 15, 2003 (Reso. No. 1104)  
Mayor: November 12, 2003 (Cal. No. 19)

### **Second Amendment**

City Planning Commission: \_\_\_\_\_, 20\_\_  
City Council: \_\_\_\_\_, 20\_\_ (Reso. No. )  
Mayor: \_\_\_\_\_, 20\_\_ (Cal. No. \_)

## **MILBANK FRAWLEY CIRCLE URBAN RENEWAL PROJECT**

### **HISTORY OF PRIOR APPROVALS**

#### **Original**

City Planning Commission: August 16, 1967 (CP No. 19888)  
Board of Estimate: September 21, 1967 (Cal. No. 62)

#### **First Amendment**

City Planning Commission: November 16, 1968 (CP No. 20407)  
Board of Estimate: November 21, 1968 (Cal. No. 6)

#### **Second Amendment**

City Planning Commission: March 9, 1969 (CP No. 20659)  
Board of Estimate: April 24, 1969 (Cal. No. 7)

#### **Third Amendment**

City Planning Commission: May 13, 1970 (CP No. 21203)  
Board of Estimate: June 18, 1970 (Cal. No. 3)

#### **Minor Change**

City Planning Commission: December 3, 1973 (HO-73-69)

#### **Minor Change**

City Planning Commission: August 9, 1979 (N790426HCM)

#### **Minor Change**

City Planning Commission: December 3, 1979 (N790320HCM)

#### **Minor Change**

City Planning Commission: December 3, 1979 (N790527HCM)

#### **Minor Change**

City Planning Commission: October 29, 1979 (N800954HCM)

#### **Minor Change**

City Planning Commission: June 7, 1983 (N830999HCM)

#### **Minor Change**

City Planning Commission: July 30, 1984 (N840226HCM)

#### **Minor Change**

City Planning Commission: October 26, 1986 (N870115HCM)

#### **Minor Change**

City Planning Commission: May 4, 1988 (N880032HCM)

**Fourth Amendment**

City Planning Commission: September 30, 1987 (C870695HUM)

Board of Estimate: November 19, 1987 (Cal. No. 14)

**Fifth Amendment**

City Planning Commission: July 6, 1987 (C870751HUM)

Board of Estimate: August 19, 1987 (Cal. No. 33)

**Minor Change**

City Planning Commission: November 2, 1987 (N880255HCM)

**Minor Change**

City Planning Commission: May 3, 1988 (N880534HCM)

**Minor Change**

City Planning Commission: March 7, 1990 (N900318HCM)

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**EXHIBITS**

- A: PROPERTIES ACQUIRED AND TO BE ACQUIRED
- B: PROJECT BOUNDARY DESCRIPTION

**MAPS**

- 1: PROJECT BOUNDARY MAP, DATED April 2017
- 2: LAND USE MAP, DATED April 2017

**A: URBAN RENEWAL AREA**

1. LEGAL AUTHORITY

The City of New York ("City") has designated the Milbank Frawley Circle East Urban Renewal Area ("Area") as an urban renewal area pursuant to §504 of Article 15 ("Urban Renewal Law") of the General Municipal Law. The Department of Housing Preservation and Development ("HPD") represents the City in carrying out the provisions of the Urban Renewal Law pursuant to §502(5) of the Urban Renewal Law and §1802(6)(e) of the Charter.

2. AREA

The properties indicated on Map 1 and listed in Exhibit A ("Acquisition Parcels") have been or will be acquired by the City for redevelopment pursuant to this Second Amended, Milbank Frawley Circle East Urban Renewal Plan ("Plan"). These Acquisition Parcels comprise the entire Area and, as such, are the only properties to be redeveloped pursuant to this Plan.

3. BOUNDARY

The Area is located in Community District No. 11 in the borough of Manhattan and is generally bounded by (i) East 125<sup>th</sup> Street on the north, (ii) Park Avenue on the east, (iii) East 107<sup>th</sup> Street on the south, and (iv) Fifth Avenue on the west. The perimeter described in Exhibit B and shown on Map 1 ("Project Boundary") encompasses all of the Acquisition Parcels which comprise the Area, but may also encompass other properties which are not part of the Area. The Acquisition Parcels, and not the Project Boundary, define the Area.

4. OTHER PROPERTIES

Any properties located within the Project Boundary which are not listed in Exhibit A ("Exempt Parcels") will not be acquired by the City for redevelopment pursuant to this Plan. Notwithstanding the fact that they are located within the Project Boundary, Exempt Parcels are not part of the Area and are not subject to the controls of this Plan, even if they are or become City-owned.

5. ELIGIBILITY

The Area is eligible for designation as an urban renewal area pursuant to the Urban Renewal Law. The following insanitary and substandard conditions adversely affect the quality of life in the Area and its immediate vicinity:

- a. Abandoned, vacant, substandard, underutilized, and/or obsolete buildings and structures characterized by physical deterioration, high levels of code violations, defective construction, outmoded design, lack of proper sanitary facilities, and/or inadequate fire or safety protection.
- b. Abandoned, vacant, underutilized, substandard, and/or insanitary, lots.
- c. Insufficient light and ventilation.



- d. Incompatible adjacent uses.
- e. Illegal uses and conversions.
- f. Lack of suitable off street parking.

**B: URBAN RENEWAL PLAN**

1. LEGAL AUTHORITY

The City has established this Plan for the redevelopment of the Area pursuant to §505 of the Urban Renewal Law.

2. STATEMENT OF COMPLIANCE

In accordance with §502(7) of the Urban Renewal Law, this Plan states the following information:

a. Proposed Land Uses

See Section C.

b. Proposed Land Acquisition, Demolition, And Removal Of Structures

See Section D.

c. Proposed Acquisition Of Air Rights And Concomitant Easements Or Other Rights Of User Necessary For The Use And Development Of Such Air Rights

None.

d. Proposed Methods Or Techniques Of Urban Renewal

See Section D.

e. Proposed Public, Semi-Public, Private, Or Community Facilities Or Utilities

See Section C.

f. Proposed New Codes And Ordinances And Amendments To Existing Codes And Ordinances As Are Required Or Necessary To Effectuate The Plan

No changes are proposed.

g. Proposed Program Of Code Enforcement

Properties will be required to comply with applicable United States ("Federal"), State of New York ("State"), and City laws, codes, ordinances, and regulations (collectively, "Laws").

h. Proposed Time Schedule For Effectuation Of Plan

<u>Project Activity</u>	<u>Estimated Commencement Date</u>	<u>Estimated Completion Date</u>
Land Acquisition	Aug., 1970	May, 2005
Relocation of Site Occupants	Aug., 1970	Jan., 2006
Demolition and Site Clearance	Jan., 1971	April, 2006
Site Preparation (Including Installation of Site Improvements)	July, 1971	Aug., 2006
Land Disposition	Aug., 1970	Sept., 2006
Project Completion		_____

3. OBJECTIVES

This Plan seeks to:

- a. Redevelop the Area in a comprehensive manner, removing blight and maximizing appropriate land use.
- b. Remove or rehabilitate substandard and insanitary structures.
- c. Remove impediments to land assemblage and orderly development.
- d. Strengthen the tax base of the City by encouraging development and employment opportunities in the Area.
- e. Provide new housing of high quality and/or rehabilitated housing of upgraded quality.
- f. Provide appropriate community facilities, parks and recreational uses, retail shopping, public parking, and private parking.
- g. Provide a stable environment within the Area which will not be a blighting influence on surrounding neighborhoods.

4. DESIGN OBJECTIVES

It is the intent of this Plan that, to the extent deemed feasible by HPD, (i) the Area should be developed in a manner compatible with or beneficial to the surrounding community, (ii) the project should harmonize in scale, configuration, and materials to the prevailing neighborhood pattern, and (iii) in areas with exceptionally strong or uniform street character, the new construction should reinforce the existing urban pattern.

**C: CONTROLS ON REDEVELOPMENT**

1. ZONING

The controls of this Plan will be concurrent with, and will not preempt or supersede, the controls of the Zoning Resolution of the City, as amended ("Zoning Resolution"). The controls of the Zoning Resolution will apply to all Acquisition Parcels at all times to the extent permitted by Law. The controls of this Plan will commence to apply to any Acquisition Parcel upon acquisition by the City or at such later date as may be specified in this Plan. Thereafter, if there is any conflict between the controls imposed by the Zoning Resolution and the controls imposed by this Plan, the more restrictive of the two will govern.

2. PROPOSED USES

Map 2 indicates the permitted use of each Acquisition Parcel following disposition by the City to a redeveloper. Each use indicated in Map 2 will have the meaning set forth in this Section C.2.

a. Residential

Residential and other uses will be permitted in accordance with the Zoning Resolution.

b. Commercial

Commercial and other uses will be permitted in accordance with the Zoning Resolution.

c. Public and Semi-Public

Community facilities and other public and semi-public uses will be permitted in accordance with the Zoning Resolution,

3. SUPPLEMENTARY CONTROLS

a. Controls On Specific Sites

1. The development of Site 39 will be limited to a maximum of 150 dwelling units.

2. Any roof area that is to qualify as open space under the Zoning Resolution must be designed and maintained as usable area, suitably landscaped for recreational use. Any area left unbuilt will be suitably surfaced and/or landscaped.

b. Building Bulk

Building bulk requirements will be as required by the Zoning Resolution.

c. Parking

Parking requirements will be as required by the Zoning Resolution. Off street parking and loading areas will be adequately screened.

d. Utilities

(1) Any existing overhead telecommunications, electrical, and cable network lines in the Area will be removed and relocated underground and all new or additional telecommunications, electrical, and cable network lines will be placed underground, unless HPD determines that such placement underground is either unnecessary or infeasible.

(2) Sewers, water lines, street lighting, and electrical and gas services will be installed as required. Water supply, sanitary sewers, and storm sewers will be provided in accordance with the requirements of the City's Department of Environmental Protection.

**D: PROPOSED METHODS AND TECHNIQUES OF URBAN RENEWAL**

1. ACQUISITION

a. Method Of Acquisition

Acquisition Parcels may be acquired by any means permitted by applicable Laws. Regardless of the method of acquisition, every Acquisition Parcel acquired by the City will be subject to the controls of, and developed in accordance with, this Plan.

b. Properties Acquired or to be Acquired

The Acquisition Parcels have been or will be acquired by the City. The Acquisition Parcels, if any, that the City acquired with Federal assistance are identified in Exhibit A. All other Acquisition Parcels have been or are intended to be acquired with City funds, without Federal assistance.

2. RELOCATION

There is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe, and sanitary dwellings, which are or will be

provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment. HPD will relocate residential and commercial site occupants, if any, in compliance with all applicable Federal, State, and City Laws.

3. **DEMOLITION AND/OR REHABILITATION**

The structures on properties acquired in accordance with this Plan will either be demolished and cleared for new construction or retained for rehabilitation. Properties designated for rehabilitation are indicated in Exhibit A.

4. **LAND DISPOSITION**

Properties acquired will be disposed of for redevelopment in accordance with this Plan.

**E: RELATED ACTIONS**

1. **ZONING MAP AMENDMENTS**

The zoning of the Area will be as set forth in the Zoning Resolution. Zoning Map Amendments may be necessary in order to implement this Plan, but any proposed amendments set forth in this Section E.1 will have no force or effect until they are approved and become effective pursuant to the applicable provisions of the Charter. The proposed zoning amendments are: mapping an R9 district on Park Avenue between East 115<sup>th</sup> and East 118<sup>th</sup> Streets, mapping an R10 district along Park Avenue between East 118<sup>th</sup> and East 122<sup>nd</sup> Streets, and mapping a C6-4 district along Park Avenue between East 122<sup>nd</sup> and East 124<sup>th</sup> Streets.

2. **STREET MODIFICATIONS**

It may be necessary to map, demap, or modify streets within and/or adjacent to the Area in order to implement this Plan, but any proposed street modifications set forth in this Section E.2 will have no force or effect until they are approved and become effective pursuant to the applicable provisions of the Charter. However, no street modifications are proposed at this time.

**F: REDEVELOPER OBLIGATIONS**

1. **RECORDABLE AGREEMENTS**

The instruments by which the City disposes of any Acquisition Parcel or part thereof to a redeveloper will be recorded in the Office of the City Register and will contain covenants running with the land which (i) incorporate this Plan by reference, (ii) require compliance with the terms and restrictions set forth in this Plan, and (iii) require compliance with Section F.4. An amendment to this Plan which becomes effective after the date of disposition of an Acquisition Parcel to a redeveloper will not apply to the real property comprising such Acquisition Parcel unless, following the effective date of such amendment, the City and the owner of

such real property execute a written agreement, approved as to form by the Corporation Counsel, providing that such amendment shall thereafter apply to such real property.

2. LAND USE RESTRICTION

Each redeveloper will be required to devote the land solely to the uses specified as permitted uses in this Plan and to comply with all other terms and restrictions set forth in this Plan.

3. TIMELY PERFORMANCE

Each redeveloper will be required to expeditiously apply for all required governmental approvals and to begin and complete the redevelopment and construction of the improvements mandated by this Plan and agreed upon in the disposition instruments within a reasonable time.

4. NON-DISCRIMINATION

Each redeveloper, its successors and assigns of the land conveyed or any part thereof, and any lessee of the land conveyed or any part thereof (i) will not enter into any agreement, lease, conveyance, or other instrument which restricts the sale, lease, or occupancy of such land or any part thereof upon the basis of race, color, national origin, ancestry, alienage status, religion, creed, age, sex, marital status, sexual orientation, or disability, and (ii) will comply with all applicable Federal, State, and City laws in effect from time to time prohibiting discrimination or segregation by reason of race, color, national origin, ancestry, alienage status, religion, creed, age, sex, marital status, sexual orientation, or disability in the sale, lease, or occupancy of the property.

5. DESIGN REVIEW

HPD may require any redeveloper to (i) submit site plans, landscape plans, architectural drawings, outline specifications, schedules of materials and finishes, and/or final working drawings, in sufficient detail to permit determination of compliance with the controls of this Plan, for HPD approval prior to commencement of construction, and (ii) submit any material change to such documents thereafter proposed for HPD approval prior to commencement of construction of such change.

6. RESTRICTION ON TRANSFER PRIOR TO COMPLETION

No redeveloper will be permitted to sell, lease, or otherwise transfer land at any time prior to completion of the redevelopment thereof without prior written consent of HPD, except as set forth in the disposition instruments.

7. COOPERATION WITH HPD

Each redeveloper will be required to expeditiously submit all documents required by HPD for the approval and processing of the redevelopment project.

8. COOPERATION WITH OTHER CITY AGENCIES

Each redeveloper will be required to cooperate fully with the appropriate City agencies in realizing the specific objectives of this Plan.

9. CERTIFICATE OF COMPLETION

Each redeveloper will be required to provide HPD with current revised drawings as required by HPD, including, but not limited to, descriptions reflecting substantial changes during construction. HPD will use these drawings and descriptions, together with materials submitted prior to commencement of construction, for final determination of compliance and issuance of a Certificate of Completion in accordance with the terms of the disposition instruments.

**G: MODIFICATION OF PLAN**

1. AMENDMENTS

The City may amend this Plan at any time pursuant to §505 of the Urban Renewal Law and §197-c and §197-d of the Charter and may amend the designation of the Area at any time pursuant to §504 of the Urban Renewal Law.

2. MINOR CHANGES

HPD, with the concurrence of the City Planning Commission ("CPC"), may authorize minor changes of the terms of these restrictions which conform with the intent and purpose of this Plan.

3. MERGERS AND SUBDIVISIONS

The development sites in the Area may be merged and/or subdivided where HPD determines in writing that (i) the site plan complies with the intent and provisions of this Plan, and (ii) the unused portion of the subdivided development site, if any, is marketable and developable in accordance with this Plan and with all applicable Federal, State, and City Laws. The merger and/or subdivision of a development site will not require review or approval by CPC, but HPD will file the Plan, as modified to indicate such merger and/or subdivision, with the Department of City Planning for information purposes.

**H: DURATION OF PLAN**

This Plan will remain in effect for a period of forty (40) years from the date of the approval of this Second Amendment of the Plan, until \_\_\_\_\_, except as provided in Section G; provided, however, that with respect to any property conveyed by the City prior to the approval of this Second Amendment of the Plan, the controls of this Plan will remain in effect a period of forty (40) years from the date of the original approval of the Plan, until June 8, 2034, except as provided in Section G, or such later date as may be specified in any agreement between the City and the owner of such property.

**EXHIBIT A**

**PROPERTIES ACQUIRED AND TO BE ACQUIRED**

<b><u>Site</u></b>	<b><u>Block</u></b>	<b><u>Old Tax Lot(s)</u></b>	<b><u>New Tax Lot(s)*</u></b>	<b><u>Land Use</u></b>
16	1613 W	1	70,1* (*Designated as Condo #267)	Residential
21 (R)	1613 W	6,8,9,16,17,56,58, 60,62,65,67	6	Residential
24A (R)	1614 W	12,13,14,15,16,17,56, 57,58,60,61,62,63	12,13,14,15,16,17,56*, 57,58,60,61,62,63 (*Designated as Condo # 1285)	Residential/Commercial, Residential
24	1615 W	5,7	P/o 1	Residential/Commercial/- Public & Semi Public
24 (R)	1615 W	60,61,62,63,64	60	Residential/Commercial/- Public & Semi Public
24B	1615 W	1,9,10,11,14,55,56, 57,59,65,66,68	P/o 1*,9,10,11,14,55,56 57,59,60 (Designated as Condo #2190)	Residential/Commercial/- Public & Semi Public
23	1616 W	1,9,12,14,15,16,57, 58,60,61,62,63,164, 65,165,66,67,68,69	1	Residential/Commercial
25B	1616 E	20,21,22,23,123,24,25, 26,28,30,31,35,36,38, 39,141,42,146,49,50, 51,52,53	20,21,23,123,24,30,31*, 35,36,38,39,141,49,50, 51,52,53 (*Designated as Condo #2477)	Residential; Commercial/Public &- Semi-Public
25(R)	1616 E	33,34	33,34	Commercial/Public & Semi Public
4	1617	7,10,11,111,12,13,14, 15,17,18,19,55,157,57, 58,59,60,66	7	Residential/Commercial/- Public & Semi Public
22	1617 W	1,2,3,4,67,68,69, 70,71,72	1	Residential/Commercial



**EXHIBIT A**

**PROPERTIES ACQUIRED AND TO BE ACQUIRED (Continued)**

<b><u>Site</u></b>	<b><u>Block</u></b>	<b><u>Old Tax Lot(s)</u></b>	<b><u>New Tax Lot(s)*</u></b>	<b><u>Land Use</u></b>
25A	1617 E	20,21,121,22,122,23,25,28, 29,31,33,34,35,37,38,39,40, 41,42,43,45,46,48,50,51,52, 53,54	20,21,122,22,121,23, 25,28,29,31,33,34,35, 37,38,39,40,41,42,43, 45,46,48,50,51,52,53, 54	Residential
34	1621 W	7,9,10,11,14,16 17,56,57,58,59	7,14	Residential/Commercial
34A	1621 W	1,2,3,4,5,6,67,68,168, 69,70,71,72	6,5*,2,3*,71,70,69, 168,67* (*Designated as Condo #1993)	Residential/Commercial
34B (R)	1621 W	12,13,60,61,62,63,64,65, 66	12,13,60,61,62, 63,64,65,66	Residential/Commercial
3A (F)	1621 E	25,28,29	p/o 23*, 28,29, (*Designated as Condo #2095)	Residential/Commercial
3B	1621 E	20,21,22,23,24	20,22,p/o 23* (*Designated as Condo #2095)	Residential/Commercial
35A	1621	30,31,32,35,36,41,42,43, 145,47,48,49	30,31,32,35,36, 41,43,145,47,48, 49	Residential/Commercial; Commercial
11(R) (F)	1622	16,56,57,58,59,60,61,62, 63,65,66,68	17	Residential
12A	1622 W	69,70,71,72	73	Residential
12B	1622 W	5,7,9,11	5	Residential/Commercial

**EXHIBIT A**

**PROPERTIES ACQUIRED AND TO BE ACQUIRED (Continued)**

<b><u>Site</u></b>	<b><u>Block</u></b>	<b><u>Old Tax Lot(s)</u></b>	<b><u>New Tax Lot(s)*</u></b>	<b><u>Land Use</u></b>
35B	1622 E	20,23,24,25,29,30,31,32, 33, 34,35,36,37,38,40,41, 42,43,46,47,48,49,50	20,29,30,31,33,34,35, 36,37,43,50,	Residential; Residential/Commercial; Commercial
35B(R)	1622 E	51,52,53	51,52,53	Residential; Residential/Commercial; Commercial
5	1623 W	1,2,3,4,104,5,6,7,8,9,10, 11,12,13,14,15,16,17,56, 58,59,60,61,62,63,64,65, 66,67,68,168,69,70,71,72	1,102,103,105,106,107, 108,109,110,111,112, 113,114,115,116,117, 118,119,120,121,122, 123,124,125,126,127, 128,129,130,131,132, 133,134,135,136,137, 138,139,140,141	Residential
13 (F)	1623 E	45	45	Residential
13B	1623 E	47,147,48,49,50	47,147,48, p/o Lot 20* (*Designated as Condo #1322)	Residential
37B	1623 E	20,21,23,25,26,27,29,30, 31,32,132,33,34,35,37 39,40,41,42,43,51,52, 53,54	p/o Lot 20*,24,25,26,226, 27,29,30,31,32,33,34,35,39 40,41,42,142,143,43, 44(*Designated as Condo #1322)	Residential
17A (F)	1745 W	5,9,10,11,12,13,59,160, 61,62,162,63,163,64,65, 165,66,67,167,68	5	Residential
37C	1745 W	14,15,16,17,54	14,15* (*Designated as Condo #2224)	Residential

**EXHIBIT A**

**PROPERTIES ACQUIRED AND TO BE ACQUIRED (Continued)**

<b><u>Site</u></b>	<b><u>Block</u></b>	<b><u>Old Tax Lot(s)</u></b>	<b><u>New Tax Lot(s)*</u></b>	<b><u>Land Use</u></b>
38A	1745 W	1,2,3,104,168,69,70,71	1,2*,71,69*,168 (*Designated as Condo 2161)	Residential/- Commercial
37A	1745 E	20,23,24,26,27,28,30,31,32,33, 34,35,36,37,38,39,40,41,42,43 44,45,46,47,50,51,52,53	50,52*,24,126,127, 128,29,129,130,131, 132,133,134,40,141,142, 143,144,145,146,147, 148,149,150 (*Designated as condo 1382)	Residential
9	1746 E	21,28,30,31,32,33,34,36,37,38 39,40,41,141,42,43,44,45,46 47,48,49,50,51,52	21,23,24,25,26,27, 28,29,30,31,32,33, 41,141,42,43,44,45, 145,46,47,48	Residential
10	1747 N	35,39,40,44,45,46,47,48,49,50, 51,52,53,54,55,56,57,58,59,60, 61,62,63,64,65,69,70,71,72,73, 74,75,76	35,70	Residential/Public & - Semi-Public
39	1748 S	1,101,2,3,4,5,9,10,11,12,13,14, 21,22,23,123,24,25,26,126,27, 28,128,29,30,31,32,33,34	1	Residential/Public & - Semi-Public

All mapped and/or built streets within the Project Boundary

**KEY TO EXHIBIT A NOTATIONS**

- R Property designated for rehabilitation
- F Property acquired with Federal Assistance

## EXHIBIT B

### PROJECT BOUNDARY DESCRIPTION

The boundary of the Milbank Frawley Circle East Urban Renewal Project is described as follows:

Lying in the Borough of Manhattan, City and State of New York;

Beginning at the intersection of the northerly line of East 125<sup>th</sup> Street and the median line of 5<sup>th</sup> Avenue;

Running thence easterly along the northerly line of East 125<sup>th</sup> Street to the Westerly line of Metro North R.R. in Park Avenue;

Thence southerly, along the said westerly line of Metro North R.R. to the southerly line of East 110<sup>th</sup> Street;

Thence westerly, along the southerly line of East 110<sup>th</sup> Street to the easterly line of Madison Avenue;

Thence southerly along the easterly line of Madison Avenue to the southerly line of East 107<sup>th</sup> Street;

Thence westerly, along the southerly line of east 107<sup>th</sup> Street and its prolongation to the Westerly line of Fifth Avenue;

Thence northerly, along the westerly line of Fifth Avenue to its intersection with the southerly line of West 110<sup>th</sup> Street;

Thence easterly, along the southerly line of West 110<sup>th</sup> Street to its intersection with the median Line of Fifth Avenue;

Thence northerly, along the median line of Fifth Avenue to the northerly line of West 120<sup>th</sup> Street;

Thence westerly, along the northerly line of West 120<sup>th</sup> Street to the easterly line of Mount Morris Park West;

Thence northerly, along the easterly line of Mt. Morris Park West to the southerly line of West 124<sup>th</sup> Street;

Thence easterly, along the southerly line of West 124<sup>th</sup> Street to its intersection with the median Line of 5<sup>th</sup> Avenue;

Thence northerly, along the median line of 5<sup>th</sup> Avenue to the point or place of BEGINNING.

The above-described area is located in the Borough of Manhattan, City and State of New York.

**FACT SHEET**  
SECOND AMENDED MILBANK FRAWLEY CIRCLE-EAST  
URBAN RENEWAL PLAN  
April 2017

**FOR INFORMATION ONLY**  
**NOT PART OF URBAN RENEWAL PLAN**  
**NOT PART OF ULURP APPLICATION**

**URBAN RENEWAL AREA AND PROJECT DESCRIPTION**

The Department of Housing Preservation and Development (“HPD”) is proposing an amendment to the Milbank Frawley Circle-East Urban Renewal Plan (“Plan”). The Milbank Frawley Circle-East Urban Renewal Area (“Area”) is located in Community Districts No 11 in Manhattan and is generally bounded by (i) East 125<sup>th</sup> Street on the north, (ii) Park Avenue on the east, (iii) East 107<sup>th</sup> Street on the south, and (iv) Fifth Avenue on the west. The perimeter described in Exhibit B and shown on Map 1 (“Project Boundary”) encompasses all of the Acquisition Parcels which comprise the Area, but may also encompass other properties which are not part of the Area. The Acquisition Parcels, and not the Project Boundary, define the Area.

**CHANGES FROM PREVIOUS PLANS**

(1) Maps 1 and 2 and Exhibit A have been modified to reflect Land Use Changes,

**Site 25A** located on Block 1617 between 111<sup>th</sup> Street and 112<sup>th</sup> Street between Madison Avenue and Park Avenue:

- Land Use has been designated as Residential.

Formerly designated:

- Residential/Commercial
  - Lots 37,38,39,40,41,42,43,45,46,48,50,51,52,53, p/o 54
- Residential
  - Lots p/o 54, 20,21,121,22,122,23,25,28,29,31,p/o 33
- Commercial/Public and Semi Public
  - Lots p/o 33,34,35

Lot reconfiguration :

- No change

**Site 9** located on Block 1746 between 119<sup>th</sup> Street and 120<sup>th</sup> Street between Madison Avenue and Park Avenue:

- Land Use has been designated as Residential.

Formerly designated:

- Residential/Public and Semi-Public.
  - 21,28,30,31,32,33,34,36,37,38,39,40,41,141,42,43,44,45,46,47,48,49,50,51,52.

Lot reconfiguration:

- Former Lots p/o 48, 49,50,51,52 were merged into p/o Lot 21.
- Former Lots p/o 41,40, 39,38,37,36, p/o 32 merged into Lot 33.
- Former Lots p/o 48,47,46,145,45,44,43, 42, 141 and p/o 41 were reconfigured to create new Lots 48,47,46,145,45,44,43, 42, 141 and p/o 41.
- Part of former Lot 21 was subdivided to create lots 23, 24, 25, 26,and p/o 27
- Former Lots p/o 32,31,30, and p/o 28, were reconfigured into new Lots 32,31,30, 29,28, and p/o 27.

Section C.3.a.3. of the Plan has been revised to allow residential land use along the right-of-way line on Park Avenue. Previous use required a setback of 100 feet from the right-of-way line on Park Avenue and allowed for parking for contiguous residences in setback areas adjacent to Park Avenue.

**FOR INFORMATION ONLY  
NOT PART OF URBAN RENEWAL PLAN  
NOT PART OF ULURP APPLICATION**

**Appendix A-3**  
**Detailed Reasonable Worst Case Development**  
**Scenario (RWCDS) Analysis**

Projected Development Site Number	Block	Lots	Lot Area	Underlying Zoning	Existing FAR	Existing Building Floor Area	Existing Total Residential Floor Area	Existing Residential DU	Existing Total Commercial Floor Area	Existing Commercial Floor Area-Office	Existing Commercial Floor Area-Retail	Existing Commercial Floor Area-Auto Use	Existing Commercial Floor Area-Storage	Existing Total Manufacturing Floor Area	Existing Total Parking Floor Area	Additional Notes
1	1754	33,40	19,651	C8-3	1.08	21,183	0	0	21,183	0	0	0	0	0	21,183	Commercial parking garage
2	1769	3	13,620	M1-4	2.29	31,185	0	0	31,185	18,500	2,868	0	0	9,817	0	
3	1623	33,34	10,599	R7-2	0.57	6,060	4,545	6	1,515	0	1,515	0	0	0	0	
4	1775	3,6,165,168,71	156,416	M1-2	2.95	461,796	450,018	412	11,778	5,711	0	0	0	0	0	
5	1751	40,137,33,34,37,132,35,38,36	16,487	C8-3	0.00	0	0	0	0	0	0	0	0	0	0	
6	1746	33	20,183	R7-2	0.00	0	0	0	0	0	0	0	0	0	0	Surface parking
7	1745	134	17,642	R7-2	0.00	0	0	0	0	0	0	0	0	0	0	Surface parking
8	1750	40	13,493	C6-3	0.00	0	0	0	0	0	0	0	0	0	0	Surface parking
9	1774	68	11,491	C6-3	0.00	0	0	0	0	0	0	0	0	0	0	Surface parking
10	1773	1,69,67,72,4	25,820	C6-3/C4-4D	0.26	6,810	0	0	6,810	0	6,810	0	0	0	0	
11	1772	33,34,35,37,38,39,134,140	17,967	C4-4	1.83	32,952	3,340	4	29,612	4,728	8,760	0	16,124	0	0	
12	1770	36	18,973	C4-4D	1.78	33,736	0	0	33,736	16,751	16,985	0	0	0	0	
13	1786	4,47	13,669	C4-4D	3.55	48,500	0	0	42,500	0	32,500	0	10,000	0	0	
14	1767	33	11,395	C4-4D	2.60	29,607	0	0	29,607	0	9,215	0	20,392	0	0	
15	1636	40,138,38,39, 37, 139	8,073	R8A	2.00	16,165	9,720	9	6,445	0	6,445	0	0	0	0	
16	1643	35,37,137,33	12,128	C4-4D	0.78	9,486	0	0	9,486	0	9,486	0	0	0	0	
17	1660	3,4,45,1	22,201	R8A	1.52	33,815	0	0	33,815	0	5,500	15,600	0	0	0	
18	1635	33,35,36,37,38,39,40	18,159	R8A	1.95	35,420	0	0	35,420	0	17,210	0	18,210	0	0	
19	1634	34,35,36,37,38,33	12,858	R8A	1.06	13,575	0	6	13,575	0	13,575	0	0	0	0	
20	1654	3,4,45	18,326	R8A	1.15	21,062	0	0	21,062	0	21,062	0	0	0	0	
21	1632	37,40,35	15,183	R8A	1.70	25,765	0	0	25,765	0	25,765	0	0	0	0	
22	1771	33,36	18,647	C4-4	1.79	33,372	0	0	33,372	8,836	15,036	0	9,500	0	0	
23	1643	56	8,074	R7-2	1.00	8,073	0	0	8,073	0	8,073	0	0	0	0	



Projected Development Site Number	Block	Lots	Lot Area	Underlying Zoning	Existing FAR	Existing Building Floor Area	Existing Total Residential Floor Area	Existing Residential DU	Existing Total Commercial Floor Area	Existing Commercial Floor Area-Office	Existing Commercial Floor Area-Retail	Existing Commercial Floor Area-Auto Use	Existing Commercial Floor Area-Storage	Existing Total Manufacturing Floor Area	Existing Total Parking Floor Area	Additional Notes
44	1637	24,25	5,046	R7-2/R7A	0.00	0	0	0	0	0	0	0	0	0	0	
45	1635	149,150	2,226	R7-2	0.00	0	0	0	0	0	0	0	0	0	0	
46	1635	48,49	5,148	R7-2/R7A	0.00	0	0	0	0	0	0	0	0	0	0	
47	1634	158	2,569	R7-2	0.00	0	0	0	0	0	0	0	0	0	0	
48	1643	63	2,523	R7-2	0.79	2,000	0	0	2,000	0	2,000	0	0	0	0	Vacant building
49	1643	41	13,682	R7A	0.79	10,800	0	0	10,800	0	10,800	0	0	0	0	
50	1667	102	1,740	C4-4D	3.16	5,500	4,900	6	600	0	600	0	0	0	0	
51	1666	105,5	6,042	C4-4D/R7A	0.00	0	0	0	0	0	0	0	0	0	0	
52	1788	28	2,265	R7-2	0.89	2,014	0	0	2,014	0	2,014	0	0	0	0	
53	1786	28	3,750	R8A	0.99	3,700	0	0	3,700	0	3,700	0	0	0	0	
54	1786	123,23,22,121	5,594	R8A	0.85	4,774	2,790	3	1,984	0	0	0	0	0	0	
55	1785	23,22,21	5,306	R8A	0.00	0	0	0	0	0	0	0	0	0	0	Surface parking
56	1784	128,28,27,26,25,120	14,971	R8A	2.50	37,466	37,466	48	0	0	0	0	0	0	0	Vacant buildings
57	1795	3,2,1	6,400	R8A	0.63	4,023	4,023	3	0	0	0	0	0	0	0	
58	1667	26	2,768	R8A	0.98	2,725	0	0	2,725	200	0	0	2,525	0	0	
59	1667	22,120	6,467	R8A	0.34	2,200	0	0	2,200	0	2,200	0	0	0	0	
60	1689	1	2,025	R8A	0.99	2,000	0	0	2,000	0	2,000	0	0	0	0	
61	1666	23	1,800	R8A	0.00	0	0	0	0	0	0	0	0	0	0	
62	1688	2,1	4,892	R8A	0.98	4,800	0	0	4,800	0	4,800	0	0	0	0	
63	1665	25,24,23,122	11,101	R8A	1.19	13,246	4,570	6	8,676	0	6,000	0	0	0	0	
64	1687	3,102	3,200	R8A	1.28	4,080	3,060	6	1,020	0	1,020	0	0	0	0	Vacant upper floor residential units

Projected Development Site Number	Block	Lots	Lot Area	Underlying Zoning	Existing FAR	Existing Building Floor Area	Existing Total Residential Floor Area	Existing Residential DU	Existing Total Commercial Floor Area	Existing Commercial Floor Area-Office	Existing Commercial Floor Area-Retail	Existing Commercial Floor Area-Auto Use	Existing Commercial Floor Area-Storage	Existing Total Manufacturing Floor Area	Existing Total Parking Floor Area	Additional Notes
65	1682	49	2,583	R8A	0.97	2,500	0	0	2,500	0	0	0	0	0	0	
66	1682	4,3	5,000	R8A	0.00	0	0	0	2,250	0	0	0	0	0	0	
67	1680	3	5,050	R8A	0.00	0	0	0	0	0	0	0	0	0	0	Surface parking
68	1644	12	10,092	R7-2	0.99	10,000	0	0	10,000	0	10,000	0	0	0	0	
69	1771	1,2	4,583	M1-4	0.00	0	0	0	0	0	0	0	0	0	0	Community garden
<b>Total</b>						<b>1,112,440</b>	<b>571,013</b>	<b>583</b>	<b>537,677</b>	<b>55,526</b>	<b>288,798</b>	<b>15,600</b>	<b>83,231</b>	<b>33,847</b>	<b>21,183</b>	





Projected Development Site Number	Block	Lots	Lot Area	No Action Underlying Zoning	No Action Maximum FAR	No Action Built FAR	No Action Building Floor Area	No Action Total Residential Floor Area	No Action Residential DU	No Action Affordable DU	No Action Total Commercial Floor Area	No Action Commercial Floor Area-Local Retail	No Action Commercial Floor Area-Restaurant	No Action Commercial Floor Area-Grocery Store	No Action Commercial Floor Area-Destination Retail	No Action Commercial Floor Area-Hotels	No Action Commercial Floor Area-Storage Area	No Action Commercial Floor Area-Office	No Action Commercial Floor Area-Auto Use	No Action Community Facility Floor Area	No Action Total Manufacturing Floor Area	No Action Total Parking Floor Area	No Action Building Height	
67	1680	3	5,050	R8A	6.00	6.0	30,195	25,650	29	0	4,545	4,545	0	0	0	0	0	0	0	0	0	0	105	
68	1644	12	10,092	R7-2	6.50	3.4	34,716	24,624	27	0	10,092	0	0	10,092	0	0	0	0	0	0	0	0	0	55
69	1771	1,2	4,583	M1-4	6.50	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>Total</b>							<b>2,978,556</b>	<b>2,357,439</b>	<b>2,472</b>	<b>27</b>	<b>562,368</b>	<b>334,836</b>	<b>0</b>	<b>14,577</b>	<b>35,596</b>	<b>32,974</b>	<b>57,614</b>	<b>76,559</b>	<b>10,592</b>	<b>7,395</b>	<b>22,777</b>	<b>120,907</b>		





Projected Development Site Number	Block	Lots	Lot Area	With Action Zoning	With Action Maximum FAR	With Action Built FAR	With Action Building Floor Area	With Action Total Residential Floor Area	With Action Residential DU	With Action Total Commercial Floor Area	With Action Commercial Floor Area- Local Retail	With Action Commercial Floor Area- Restaurant	With Action Commercial Floor Area- Grocery Store	With Action Commercial Floor Area- Destination Retail	With Action Commercial Floor Area- Hotels	With Action Commercial Floor Area- Storage Area	With Action Commercial Floor Area- Office	With Action Commercial Floor Area- Auto Use	With Action Community Facility Floor Area	With Action Total Manufacturing Floor Area	With Action Total Parking Floor Area	With Action Building Height
67	1680	3	5,050	R9 + C2-5	8.50	8.39	42,345	37,800	42	4,545	4,545	0	0	0	0	0	0	0	0	0	0	165
68	1644	12	10,092	R9 + C2-5	8.50	8.50	85,782	75,690	84	10,092	0	0	10,092	0	0	0	0	0	0	0	0	175
69	1771	1,2	4,583	M1-6 / R10	12.00	12.00	54,996	46,746	52	4,125	4,125	0	0	0	0	0	0	0	4,125	0	0	165
<b>Total</b>							<b>6,433,375</b>	<b>5,365,940</b>	<b>5,960</b>	<b>727,322</b>	<b>323,952</b>	<b>45,220</b>	<b>37,500</b>	<b>100,879</b>	<b>0</b>	<b>0</b>	<b>219,771</b>	<b>0</b>	<b>112,437</b>	<b>155,171</b>	<b>102,504</b>	



Projected Development Site Number	Block	Lots	Lot Area	Increment Residential Floor Area	Increment Residential DU	Increment Commercial Floor Area	Increment Commercial Floor Area- Local Retail	Increment Commercial Floor Area- Restaurant	Increment Commercial Floor Area- Grocery Store	Increment Commercial Floor Area- Destination Retail	Increment Commercial Floor Area- Hotels	Increment Commercial Floor Area- Storage Area	Increment Commercial Floor Area- Office	Increment Commercial Floor Area- Auto Use	Increment Community Facility Floor Area	Increment Total Manufacturing Floor Area
1	1754	33,40	19,651	0	0	-10,592	0	0	0	0	0	0	0	-10,592	0	98,255
2	1769	3	13,620	114,371	127	3,148	9,390	0	0	0	0	0	-6,242	0	0	14,699
3	1623	33,34	10,599	53,327	58	1,647	-3,733	5,000	0	0	0	0	0	0	0	0
4	1775	3,6,165,168,71	156,416	271,484	390	50,150	10,000	10,150	0	30,000	0	0	0	0	0	0
5	1751	40,137,33,34,37,132,35,38,36	16,487	107,165	119	0	4,974	8,000	0	20,000	-32,974	0	0	0	0	0
6	1746	33	20,183	218,930	243	11,633	11,633	0	0	0	0	0	0	0	11,633	0
7	1745	134	17,642	189,230	210	11,192	11,192	0	0	0	0	0	0	0	11,192	0
8	1750	40	13,493	39,410	44	41,828	0	0	0	1,349	0	0	40,479	0	0	0
9	1774	68	11,491	48,525	54	10,894	8,736	0	0	2,158	0	0	0	0	0	0
10	1773	1,69,67,72,4	25,820	77,926	130	22,651	0	0	0	-538	0	0	23,189	0	0	0
11	1772	33,34,35,37,38,39,134,140	17,967	163,753	182	-20,961	-109	0	0	0	0	-16,124	-4,728	0	32,341	0
12	1770	36	18,973	74,518	82	1	-9,013	0	0	0	0	0	9,014	0	0	0
13	1786	4,47	13,669	134,063	156	-20,356	-20,198	0	0	0	0	-10,000	9,842	0	0	0
14	1767	33	11,395	67,110	75	0	0	0	0	0	0	0	0	0	0	0
15	1636	40,138,38,39, 37, 139	8,073	51,293	58	7,931	7,931	0	0	0	0	0	0	0	0	0
16	1643	35,37,137,33	12,128	71,840	80	0	0	0	0	0	0	0	0	0	0	0
17	1660	3,4,45,1	22,201	97,538	109	4,699	0	0	4,699	0	0	0	0	0	17,100	0
18	1635	33,35,36,37,38,39,40	18,159	118,810	132	-10,316	-8,449	0	0	0	0	-18,210	16,343	0	0	0
19	1634	34,35,36,37,38,33	12,858	64,550	80	11,572	0	0	0	0	0	0	11,572	0	0	0
20	1654	3,4,45	18,326	80,943	90	26,527	3,904	0	9,867	0	0	0	12,756	0	0	0
21	1632	37,40,35	15,183	64,729	72	10,565	10,565	0	0	0	0	0	0	0	13,665	0
22	1771	33,36	18,647	100,164	111	0	0	0	0	0	0	-9,500	9,500	0	0	0
23	1643	56	8,074	32,956	37	7,898	0	0	0	0	0	0	7,898	0	0	0
24	1768	71,169,69,70,170	6,480	45,360	50	0	0	0	0	0	0	0	0	0	0	19,440
25	1622	36,35	4,545	20,453	23	0	0	0	0	0	0	0	0	0	0	0
26	1655	29, 24	9,633	55,741	62	-2,498	1,283	0	0	0	0	-3,780	0	0	0	0



Projected Development Site Number	Block	Lots	Lot Area	Increment Residential Floor Area	Increment Residential DU	Increment Commercial Floor Area	Increment Commercial Floor Area- Local Retail	Increment Commercial Floor Area- Restaurant	Increment Commercial Floor Area- Grocery Store	Increment Commercial Floor Area- Destination Retail	Increment Commercial Floor Area- Hotels	Increment Commercial Floor Area- Storage Area	Increment Commercial Floor Area- Office	Increment Commercial Floor Area- Auto Use	Increment Community Facility Floor Area	Increment Total Manufacturing Floor Area
52	1788	28	2,265	5,613	6	226	226	0	0	0	0	0	0	0	0	0
53	1786	28	3,750	2,715	3	0	-3,375	3,375	0	0	0	0	0	0	0	0
54	1786	123,23,22,121	5,594	13,892	15	0	0	0	0	0	0	0	0	0	0	0
55	1785	23,22,21	5,306	13,279	15	0	-4,775	4,775	0	0	0	0	0	0	0	0
56	1784	128,28,27,26,25,120	14,971	45,547	51	0	0	0	0	0	0	0	0	0	0	0
57	1795	3,2,1	6,400	16,643	18	0	0	0	0	0	0	0	0	0	0	0
58	1667	26	2,768	1,917	2	0	-2,491	2,491	0	0	0	0	0	0	0	0
59	1667	22,120	6,467	16,017	18	0	-5,820	5,820	0	0	0	0	0	0	0	0
60	1689	1	2,025	0	0	0	0	0	0	0	0	0	0	0	0	0
61	1666	23	1,800	181	0	0	0	0	0	0	0	0	0	0	0	0
62	1688	2,1	4,892	12,230	14	0	0	0	0	0	0	0	0	0	0	0
63	1665	25,24,23,122	11,101	27,648	31	0	0	0	0	0	0	0	0	0	273	0
64	1687	3,102	3,200	2,728	3	0	0	0	0	0	0	0	0	0	0	0
65	1682	49	2,583	5,398	6	0	0	0	0	0	0	0	0	0	0	0
66	1682	4,3	5,000	12,600	14	0	0	0	0	0	0	0	0	0	0	0
67	1680	3	5,050	12,150	14	0	0	0	0	0	0	0	0	0	0	0
68	1644	12	10,092	51,066	57	0	0	0	0	0	0	0	0	0	0	0
69	1771	1,2	4,583	46,746	52	4,125	4,125	0	0	0	0	0	0	0	4,125	0
<b>Total</b>				<b>3,008,501</b>	<b>3,488</b>	<b>164,955</b>	<b>-10,884</b>	<b>45,220</b>	<b>22,923</b>	<b>65,283</b>	<b>-32,974</b>	<b>-57,614</b>	<b>143,212</b>	<b>-10,592</b>	<b>105,042</b>	<b>132,394</b>

Potential Development Site Number	Block	Lots	Lot Area	Underlying Zoning	Existing FAR	Existing Building Floor Area	Existing Total Residential Floor Area	Existing Residential DU	Existing Total Commercial Floor Area	Existing Commercial Floor Area-Office	Existing Commercial Floor Area-Retail	Existing Commercial Floor Area-Auto Use	Existing Commercial Floor Area-Storage	Existing Total Manufacturing Floor Area	Existing Total Parking Floor Area	Additional Notes
A	1753	37	4,973	C8-3	0.34	1,680	0	0	1,680	0	0	1,680	0	0	0	
B	1772	69,70	9,083	R7-2	0.00	0	0	0	0	0	0	0	0	0	0	Surface parking and loading area
C	1767	1,2,3,4,67,68,69,71,72,168,169	23,172	R7-2	0.00	0	0	0	0	0	0	0	0	0	23,172	Surface parking - NYPD
D	1621	32	7,440	R7-2	0.91	6,765	0	0	6,765	0	6,765	0	0	0	0	Vacant ground floor commercial
E	1644	37,38,39	9,646	C4-4D	2.32	22,395	0	0	22,395	0	12,072	0	10,323	0	0	
F	1661	4	4,875	R8A	1.00	4,875	0	0	4,875	0	4,875	0	0	0	0	
G	1645	35,33	10,147	C4-4D	0.98	9,895	0	0	9,895	0	9,895	0	0	0	0	
H	1633	39,38	5,050	R8A	1.19	5,985	0	0	5,985	0	5,985	0	0	0	0	
I	1643	38,40,39	6,709	C4-4D	2.09	14,000	4,656	4	9,344	0	9,344	0	0	0	0	
J	1639	39,40,41,38,137	14,942	R8A	0.52	7,755	2,200	4	5,555	0	3,815	0	0	0	0	
K	1620	23	271,850	R7-2	2.44	662,000	662,000	672	0	0	0	0	0	0	0	Taft Houses
L	1640	1	262,446	R7-2	2.45	642,289	630,713	720	11,776	4,723	0	0	0	0	0	Johnson Houses
M	1640	21	194,545	R7-2	2.58	502,522	491,745	587	10,777	0	0	0	0	0	0	Johnson Houses
N	1662	1	329,800	R7-2	1.69	557,872	27,276	689	13,601	12,267	1,334	0	0	0	0	Jefferson Houses
O	1755	33	17,985	C8-3	5.93	106,596	0	0	106,596	0	0	0	106,596	0	0	
P	1784	45,4,47,48	13,406	C4-4D	2.76	36,990	0	0	36,990	15,765	400	0	2,082	13,118	0	
Q	1748	p/o 35	20,183	R7-2	0.00	0	0	0	0	0	0	0	0	0	20,183	Surface parking

Potential Development Site Number	Block	Lots	Lot Area	Underlying Zoning	Existing FAR	Existing Building Floor Area	Existing Total Residential Floor Area	Existing Residential DU	Existing Total Commercial Floor Area	Existing Commercial Floor Area-Office	Existing Commercial Floor Area-Retail	Existing Commercial Floor Area-Auto Use	Existing Commercial Floor Area-Storage	Existing Total Manufacturing Floor Area	Existing Total Parking Floor Area	Additional Notes
R	1748	p/o 1	20,183	R7-2	0.00	0	0	0	0	0	0	0	0	0	20,183	Surface parking
S	1667	45	10,520	C4-4D	3.20	33,612	0	0	33,612	0	33,612	0	0	0	0	
T	1771	70,69,71	6,054	M1-4	0.00	0	0	0	0	0	0	0	0	0	0	
U	1655	45	16,139	RBA	2.37	38,302	0	0	38,302	0	30,302	0	0	0	0	
V	1775	170	6,950	M1-2	0.78	5,390	0	0	5,390	0	0	0	0	5,390	0	
X	1786	24,26	5,484	RBA	1.87	10,276	0	0	10,276	10,276	0	0	0	0	0	
Y	1796	2	1,875	RBA	0.00	0	0	0	0	0	0	0	0	0	0	Surface parking
Z	1689	51	2,533	RBA	2.22	5,625	0	0	5,625	0	0	0	2,250	3,375	0	
AA	1683	50	1,875	RBA	0.00	0	0	0	0	0	0	0	0	0	0	
AB	1635	51,52	2,167	R7-2	0.00	0	0	0	0	0	0	0	0	0	0	
AC	1633	52	2,023	R7-2	0.00	0	0	0	0	0	0	0	0	0	0	
AD	1632	20	3,500	R7-2	0.00	0	0	0	0	0	0	0	0	0	0	Community garden
AE	1643	48,47	8,242	R7A	1.63	13,445	2,500	2	10,945	0	10,945	0	0	0	0	
AF	1662	16	39,003	R7-2	2.44	95,284	95,284	108	0	0	0	0	0	0	0	Jefferson Houses
AG	1684	1	393,600	R7-2	1.86	733,050	733,050	1,493	0	0	0	0	0	0	0	Jefferson Houses
AH	1638	33	7,569	RBA	2.21	16,730	12,230	9	4,500	0	4,500	0	0	0	0	
AI	1788	4, 48, 49, 50	9,066	R7-2	2.07	18,762	0	0	18,762	6,612	8,931	0	3,219	0	0	

Potential Development Site Number	Block	Lots	Lot Area	No Action Underlying Zoning	No Action Maximum FAR	No Action Built FAR	No Action Building Floor Area	No Action Total Residential Floor Area	No Action Residential DU	No Action Total Commercial Floor Area	No Action Commercial Floor Area-Local Retail	No Action Commercial Floor Area-Restaurant	No Action Commercial Floor Area-Grocery Store	No Action Commercial Floor Area-Destination Retail	No Action Commercial Floor Area-Hotels	No Action Commercial Floor Area-Storage Area	No Action Commercial Floor Area-Office	No Action Commercial Floor Area-Auto Use	No Action Community Facility Floor Area	No Action Total Manufacturing Floor Area	No Action Total Parking Floor Area	No Action Building Height
A	1753	37	4,973	C8-3	6.50	0.3	1,680	0	0	1,680	0	0	0	0	0	0	0	1,680	0	0	0	0
B	1772	69,70	9,083	R7-2	6.50	3.9	35,035	26,861	30	8,174	8,174	0	0	0	0	0	0	0	0	0	0	65
C	1767	1,2,3,4,67,68,69,71,72,168,169	23,172	R7-2	6.50	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	23,172	0
D	1621	32	7,440	R7-2	6.50	3.4	25,594	18,154	20	7,440	7,440	0	0	0	0	0	0	0	0	0	0	65
E	1644	37,38,39	9,646	C4-4D	6.50	5.8	55,890	43,740	49	12,150	12,150	0	0	0	0	0	0	0	0	0	0	140
F	1661	4	4,875	R8A	6.50	6.0	29,054	24,666	27	4,388	4,388	0	0	0	0	0	0	0	0	0	0	115
G	1645	35,33	10,147	C4-4D	6.50	5.9	59,513	44,860	50	14,653	8,359	0	0	0	0	0	6,294	0	0	0	0	120
H	1633	39,38	5,050	R8A	6.50	6.0	30,389	25,844	29	4,545	4,545	0	0	0	0	0	0	0	0	0	0	105
I	1643	38,40,39	6,709	C4-4D	6.50	6.0	40,058	29,160	32	10,898	6,038	0	0	0	0	0	4,860	0	0	0	0	90
J	1639	39,40,41,38,137	14,942	R8A	6.50	0.5	7,755	2,200	0	5,555	5,555	0	0	0	0	0	0	0	0	0	0	35
K	1620	23	271,850	R7-2	6.50	2.4	662,000	662,000	672	0	0	0	0	0	0	0	0	0	0	0	0	0
L	1640	1	262,446	R7-2	6.50	2.4	642,489	630,713	720	11,776	0	0	0	0	0	7,053	4,723	0	0	0	0	0
M	1640	21	194,545	R7-2	6.50	2.6	502,522	491,745	587	10,777	0	0	0	0	0	0	10,777	0	0	0	0	0
N	1662	1	329,800	R7-2	6.50	1.7	557,872	544,271	689	13,601	1,334	0	0	0	0	0	12,267	0	0	0	0	0
O	1755	33	17,985	C8-3	6.50	5.9	106,596	0	0	106,596	0	0	0	0	0	106,596	0	0	0	0	0	74
P	1784	45,4,47,48	13,406	C4-4D	6.50	4.1	54,548	37,620	42	9,404	9,404	0	0	0	0	0	0	0	7,524	0	0	80
Q	1748	p/o 35	20,183	R7-2	6.50	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20,183	0

Potential Development Site Number	Block	Lots	Lot Area	No Action Underlying Zoning	No Action Maximum FAR	No Action Built FAR	No Action Building Floor Area	No Action Total Residential Floor Area	No Action Residential DU	No Action Total Commercial Floor Area	No Action Commercial Floor Area-Local Retail	No Action Commercial Floor Area-Restaurant	No Action Commercial Floor Area-Grocery Store	No Action Commercial Floor Area-Destination Retail	No Action Commercial Floor Area-Hotels	No Action Commercial Floor Area-Storage Area	No Action Commercial Floor Area-Office	No Action Commercial Floor Area-Auto Use	No Action Community Facility Floor Area	No Action Total Manufacturing Floor Area	No Action Total Parking Floor Area	No Action Building Height	
R	1748	p/o 1	20,183	R7-2	6.50	0.0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20,183	0	
S	1667	45	10,520	C4-4D	6.50	3.2	33,612	0	0	33,612	33,612	0	0	0	0	0	0	0	0	0	0	0	55
T	1771	70,69,71	6,054	M1-4	6.50	2.0	12,108	0	0	0	0	0	0	0	0	0	0	0	0	0	12,108	0	45
U	1655	45	16,139	R8A	6.50	5.2	83,395	74,539	83	8,856	8,856	0	0	0	0	0	0	0	0	0	0	0	95
V	1775	170	6,950	M1-2	4.80	0.8	5,390	0	0	0	0	0	0	0	0	0	0	0	0	0	5,390	0	15
X	1786	24,26	5,484	R8A	6.00	1.9	10,276	0	0	10,276	0	0	0	0	0	0	10,276	0	0	0	0	0	37'
Y	1796	2	1,875	R8A	6.00	5.3	9,978	8,280	9	1,698	1,698	0	0	0	0	0	0	0	0	0	0	0	95
Z	1689	51	2,533	R8A	6.00	6.0	15,193	12,852	15	2,341	2,341	0	0	0	0	0	0	0	0	0	0	0	95
AA	1683	50	1,875	R8A	6.00	5.7	10,705	8,906	10	1,799	1,799	0	0	0	0	0	0	0	0	0	0	0	95
AB	1635	51,52	2,167	R7-2	6.50	3.4	7,343	5,393	6	1,950	1,950	0	0	0	0	0	0	0	0	0	0	0	65
AC	1633	52	2,023	R7-2	6.50	3.3	6,584	4,719	5	1,865	1,865	0	0	0	0	0	0	0	0	0	0	0	65
AD	1632	20	3,500	R7-2	6.50	3.4	12,019	8,869	10	3,150	3,150	0	0	0	0	0	0	0	0	0	0	0	65
AE	1643	48,47	8,242	R7A	4.00	4.0	32,815	25,397	28	7,418	7,418	0	0	0	0	0	0	0	0	0	0	0	65
AF	1662	16	39,003	R7-2	4.00	2.4	95,284	95,284	108	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AG	1684	1	393,600	R7-2	4.00	1.9	733,050	733,050	1,493	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AH	1638	33	7,569	R8A	6.00	2.2	16,730	12,230	9	4,500	4,500	0	0	0	0	0	0	0	0	0	0	0	53
AI	1788	4, 48, 49, 50	9,066	R7-2	0.00	2.1	18,762	18,762	0	18,762	8,931	0	0	0	0	3,219	6,612	0	0	0	0	0	39

Potential Development Site Number	Block	Lots	Lot Area	With Action Zoning	With Action Maximum FAR	With Action Built FAR	With Action Building Floor Area	With Action Total Residential Floor Area	With Action Residential DU	With Action Total Commercial Floor Area	With Action Commercial Floor Area- Local Retail	With Action Commercial Floor Area- Restaurant	With Action Commercial Floor Area- Grocery Store	With Action Commercial Floor Area- Destination Retail	With Action Commercial Floor Area- Hotels	With Action Commercial Floor Area- Storage Area	With Action Commercial Floor Area- Office	With Action Commercial Floor Area- Auto Use	With Action Community Facility Floor Area	With Action Total Manufacturing Floor Area	With Action Total Parking Floor Area	With Action Building Height
A	1753	37	4,973	M1-6 / R9	9	8.33	41,403	31,457	35	9,946	4,973	4,973	0	0	0	0	0	0	0	0	0	115
B	1772	69,70	9,083	M1-6 / R10	12	11.84	107,526	91,177	101	0	0	0	0	0	0	0	0	0	0	16,349	0	170
C	1767	1,2,3,4,6,7,68,69,71,72,168,169	23,172	R10 + C2-5	12	11.63	269,535	231,266	257	27,258	0	0	0	12,500	0	0	14,758	0	0	0	11,011	280
D	1621	32	7,440	R9 + C2-5	9	8.50	63,240	55,800	62	7,440	7,440	0	0	0	0	0	0	0	0	0	0	155
E	1644	37,38,39	9,646	C4-6	12	9.88	95,310	83,160	92	12,150	6,570	5,580	0	0	0	0	0	0	0	0	0	160
F	1661	4	4,875	R10 + C2-5	12	11.79	57,488	50,400	56	7,088	4,388	0	0	0	0	0	2,700	0	0	0	0	225
G	1645	35,33	10,147	C4-6	12	11.88	120,546	105,114	117	15,432	9,132	0	0	0	0	0	6,300	0	0	0	0	230
H	1633	39,38	5,050	R10 + C2-5	12	11.90	60,120	52,394	58	7,726	4,545	0	0	0	0	0	3,181	0	0	0	0	210
I	1643	38,40,39	6,709	C4-6	12	12.00	80,246	68,846	76	11,400	6,038	0	0	0	0	0	5,362	0	0	0	0	170
J	1639	39,40,41,38,137	14,942	R10 + C2-5	12	9.26	138,361	119,565	133	9,398	9,398	0	0	0	0	0	0	0	9,398	0	0	165'
K	1620	23	271,850	R7-2 + C1-5	3	2.70	734,550	662,000	672	72,550	72,550	0	0	0	0	0	0	0	0	0	0	15
L	1640	1	262,446	R7-2 + C1-5	3	2.99	783,589	630,713	720	152,876	141,100	0	0	0	0	7,053	4,723	0	0	0	0	15
M	1640	21	194,545	R7-2 + C1-5	3	3.06	595,250	491,745	587	103,505	92,728	0	0	0	0	0	10,777	0	0	0	0	15
N	1662	1	329,800	R7-2 + C1-5	3	2.04	672,314	544,271	689	128,043	115,776	0	0	0	0	0	12,267	0	0	0	0	15
O	1755	33	17,985	M1-6 / R9	9	5.93	106,596	70,626	78	17,985	0	0	0	0	0	0	17,985	0	17,985	0	0	73
P	1784	45,4,47,48	13,406	C4-6	12	11.92	159,747	140,063	156	9,842	9,842	0	0	0	0	0	0	0	9,842	0	0	190
Q	1748	p/o 35	20,183	C6-4	12	11.57	233,561	203,148	226	30,413	0	0	0	12,248	0	0	18,165	0	0	0	26,757	330





Potential Development Site Number	Block	Lots	Lot Area	Increment Residential Floor Area	Increment Residential DU	Increment Commercial Floor Area	Increment Commercial Floor Area- Local Retail	Increment Commercial Floor Area- Restaurant	Increment Commercial Floor Area- Grocery Store	Increment Commercial Floor Area- Destination Retail	Increment Commercial Floor Area- Hotels	Increment Commercial Floor Area- Storage Area	Increment Commercial Floor Area- Office	Increment Commercial Floor Area- Auto Use	Increment Community Facility Floor Area	Increment Total Manufacturing Floor Area
A	1753	37	4,973	31,457	35	8,266	4,973	4,973	0	0	0	0	0	-1,680	0	0
B	1772	69,70	9,083	64,316	71	-8,174	-8,174	0	0	0	0	0	0	0	0	16,349
C	1767	1,2,3,4,67,68,69,71,72,168,169	23,172	231,266	257	27,258	0	0	0	12,500	0	0	14,758	0	0	0
D	1621	32	7,440	37,646	42	0	0	0	0	0	0	0	0	0	0	0
E	1644	37,38,39	9,646	39,420	43	0	-5,580	5,580	0	0	0	0	0	0	0	0
F	1661	4	4,875	25,734	29	2,700	0	0	0	0	0	0	2,700	0	0	0
G	1645	35,33	10,147	60,254	67	779	773	0	0	0	0	0	6	0	0	0
H	1633	39,38	5,050	26,550	29	3,181	0	0	0	0	0	0	3,181	0	0	0
I	1643	38,40,39	6,709	39,686	44	502	0	0	0	0	0	0	502	0	0	0
J	1639	39,40,41,38,137	14,942	117,365	133	3,843	3,843	0	0	0	0	0	0	0	9,398	0
K	1620	23	271,850	0	0	72,550	72,550	0	0	0	0	0	0	0	0	0
L	1640	1	262,446	0	0	141,100	141,100	0	0	0	0	0	0	0	0	0
M	1640	21	194,545	0	0	92,728	92,728	0	0	0	0	0	0	0	0	0
N	1662	1	329,800	0	0	114,442	114,442	0	0	0	0	0	0	0	0	0
O	1755	33	17,985	70,626	78	-88,611	0	0	0	0	0	-106,596	17,985	0	17,985	0
P	1784	45,4,47,48	13,406	102,443	114	438	438	0	0	0	0	0	0	0	2,318	0
Q	1748	p/o 35	20,183	203,148	226	30,413	0	0	0	12,248	0	0	18,165	0	0	0

Potential Development Site Number	Block	Lots	Lot Area	Increment Residential Floor Area	Increment Residential DU	Increment Commercial Floor Area	Increment Commercial Floor Area- Local Retail	Increment Commercial Floor Area- Restaurant	Increment Commercial Floor Area- Grocery Store	Increment Commercial Floor Area- Destination Retail	Increment Commercial Floor Area- Hotels	Increment Commercial Floor Area- Storage Area	Increment Commercial Floor Area- Office	Increment Commercial Floor Area- Auto Use	Increment Community Facility Floor Area	Increment Total Manufacturing Floor Area
R	1748	p/o 1	20,183	164,773	183	77,423	0	0	0	16,874	0	0	60,549	0	0	0
S	1667	45	10,520	107,810	120	-15,897	-23,577	7,680	0	0	0	0	0	0	0	0
T	1771	70,69,71	6,054	60,540	67	12,108	12,108	0	0	0	0	0	0	0	0	-12,108
U	1655	45	16,139	46,603	52	7,866	-4,428	4,428	0	0	0	0	7,866	0	0	0
V	1775	170	6,950	52,125	58	18,765	0	0	0	0	0	0	18,765	0	0	7,120
X	1786	24,26	5,484	41,018	46	-10,276	0	0	0	0	0	0	-10,276	0	5,225	0
Y	1796	2	1,875	0	0	0	0	0	0	0	0	0	0	0	0	0
Z	1689	51	2,533	360	0	-61	-61	0	0	0	0	0	0	0	0	0
AA	1683	50	1,875	0	0	0	0	0	0	0	0	0	0	0	0	0
AB	1635	51,52	2,167	223	0	0	0	0	0	0	0	0	0	0	0	0
AC	1633	52	2,023	2,360	3	0	0	0	0	0	0	0	0	0	0	0
AD	1632	20	3,500	7,579	8	0	0	0	0	0	0	0	0	0	0	0
AE	1643	48,47	8,242	13,331	15	0	0	0	0	0	0	0	0	0	0	0
AF	1662	16	39,003	0	0	17,137	17,137	0	0	0	0	0	0	0	0	0
AG	1684	1	393,600	0	0	51,412	51,412	0	0	0	0	0	0	0	0	0
AH	1638	33	7,569	71,770	84	2,312	2,312	0	0	0	0	0	0	0	0	0
AI	1788	4, 48, 49, 50	9,066	75,545	105	-4,547	5,285	0	0	0	0	-3,219	-6,612	0	0	0

**Appendix A-4**  
**List of Blocks and Lots Included**  
**in the Rezoning Area**

**Appendix A-4**  
**List of Blocks and Lots Included in the Rezoning Area**

Block	Lots
1620	23 (p/o)
1621	32, 35, 36, 41 (p/o)
1622	31 (p/o), 33, 34, 35, 36, 37
1623	32, 33, 34, 35, 39, 40, 41
1632	11 (p/o), 15, 20, 22, 23, 33, 34, 35, 37, 40, 50, 51, 52, 53, 133, 150, 151, 152, 153, 154, 155, 156
1633	13, 19, 20, 28 (p/o), 33, 34, 35, 36, 37, 38, 39, 40, 51, 52, 53, 54
1634	9, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 25, 33, 34, 35, 36, 37, 38, 39, 40, 48(p/o), 49, 50, 51, 52, 56, 57, 59, 60, 62, 111, 113, 115, 116, 117, 132, 140, 156, 157, 158
1635	21, 22, 23, 24, 25 (p/o), 33, 35, 36, 37, 38, 39, 40, 48 (p/o), 49, 50, 51, 52, 121, 122, 124, 132(p/o), 140, 141(p/o), 149, 150, 151
1636	21, 22, 23, 24, 33, 34, 35, 36, 37, 38, 39, 40, 49, 50, 51, 52, 121, 122, 123, 124, 132(p/o), 138, 139, 140, 141(p/o), 148(p/o), 150, 151
1637	21, 22, 23, 24, 25 (p/o), 28 (p/o), 33, 35, 36, 37, 38, 40, 43(p/o), 50, 51, 52, 137, 141(p/o)
1638	1(p/o), 8, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24(p/o), 32(p/o), 33, 36, 37, 38, 39, 40, 49, 50, 52, 56, 57, 62, 63, 66, 112, 121, 122, 140(p/o), 148(p/o)
1639	3(p/o), 17, 21, 34, 35, 36, 38, 39, 40, 41(p/o), 48(p/o), 49, 50, 51, 52, 56, 57, 124, 133(p/o), 137, 150
1640	1(p/o), 21(p/o)
1643	1, 4, 5, 6, 7, 8, 10, 15, 16, 17, 18, 21, 22, 23, 24, 31(p/o), 33, 35, 37, 38, 39, 40, 41(p/o), 44, 47, 48, 49, 50, 51, 52, 56, 59, 60, 61, 62, 63, 64, 65, 68, 70, 71, 122, 123, 137, 149, 7501, 7502
1644	1, 5, 7, 8, 11, 12, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 51, 57, 58, 59, 65, 66, 67, 68, 69, 70, 72, 120, 121, 122, 124, 129, 156, 164, 7502
1645	1, 3, 5, 6, 7, 12(p/o), 22, 23, 24, 33, 35(p/o), 37, 38, 39, 40, 41(p/o), 50(p/o), 51, 59(p/o), 70, 122, 132, 133, 151, 152, 153, 7501, 7502
1654	1, 2, 3, 4, 11(p/o), 25, 26, 27, 28, 45, 128
1655	1, 3, 5(p/o), 20(p/o), 22, 23, 24, 26, 27, 28, 29(p/o), 45, 102
1659	1, 21, 22, 23, 24, 25, 26, 27, 28, 45, 46, 47, 48, 105, 121, 128, 144, 147
1660	1, 3, 4, 22, 23, 24, 25, 26, 27, 28, 29, 30(p/o), 45, 120, 7501
1661	2, 4, 21, 22, 23, 24, 27, 28, 29, 44(p/o), 46, 47, 48, 105(p/o), 121, 7502
1662	1(p/o), 16(p/o)
1665	1, 2, 3, 4, 5(p/o), 23, 24, 25, 27, 28, 30, 31, 33, 34, 36, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 50, 51, 101, 104, 110(p/o), 122(p/o), 127, 130, 145, 147, 150
1666	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 44(p/o), 45, 47, 48, 104, 105, 107, 116, 118, 119, 120, 121, 127(p/o), 144
1667	1, 3, 5, 21, 22, 24, 25, 26, 28, 43(p/o), 45, 102, 120
1676	1, 2, 3, 4, 49, 50, 51, 52, 104, 148

**Appendix A-4, cont'd**  
**List of Blocks and Lots Included in the Rezoning Area**

Block	Lots
1677	1, 45, 46, 47, 49, 50, 51, 52
1680	1, 2, 3, 49, 50, 52, 148(p/o)
1681	1, 2, 3, 4, 52, 104, 149, 7501
1682	1, 2, 3, 4, 49, 50, 51, 52
1683	1, 2, 3, 4, 49, 50, 51, 52, 104, 149
1684	1(p/o)
1687	1, 2, 3, 4, 49, 51, 52, 102, 104, 149, 151
1688	1, 2, 45(p/o), 50, 52, 53
1689	1, 2, 4, 49, 50, 51, 52, 149
1745	40, 133, 134, 141
1746	32, 33, 41
1747	1(p/o), 70
1748	1(p/o), 35(p/o)
1750	32(p/o), 34, 40, 41
1751	1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 71, 105, 108, 110, 113, 116, 120, 126, 131, 132, 137, 142, 147, 149, 156, 160, 164, 167
1752	1, 7, 8, 9, 10, 11, 13, 14, 16, 54, 57, 59, 66, 67, 68, 69, 70, 72, 107, 113, 165
1753	3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 21, 27, 33, 34, 35, 36, 37, 41, 42, 44, 45, 49, 51, 52, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 72, 102, 105, 108, 115, 116, 117, 126, 134, 139, 140, 141, 162, 165, 168, 7501, 7502, 7503, 7504
1754	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 24, 25, 26, 29, 30, 31, 32, 33, 40, 42, 43, 44, 45, 46, 47, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 67, 68, 70, 71, 72, 100, 102, 103, 108, 110, 112, 115, 116, 117, 131, 141, 142, 155, 156, 157, 161, 162, 167, 169, 7501, 7502
1755	20, 22, 23, 24, 25, 26, 27, 31, 33, 41, 43, 44, 47, 50, 126, 143, 7501
1756	1, 4, 5, 6, 8, 9, 11, 12, 14, 15, 16, 17, 24, 26, 29, 30, 33, 37, 38, 39, 44, 47, 48, 49, 50, 56, 59, 60, 61, 62, 65, 66, 67, 68, 69, 70, 71, 72, 113, 7501
1767	1, 2, 3, 4, 5, 11, 16(p/o), 21, 22(p/o), 28(p/o), 30(p/o), 33, 52, 60, 62, 67, 68, 69, 71, 72, 168, 169
1768	1, 3, 4, 5, 6, 7, 9, 11, 12, 21(p/o), 33, 38, 39, 40, 69, 70, 71, 111, 169, 170
1769	1, 3, 5(p/o), 21(p/o), 32(p/o), 33, 45(p/o), 132, 7501
1770	20, 21, 23, 24, 25, 36(p/o), 38, 39, 40, 41, 50(p/o), 53, 67, 71, 72, 123, 158(p/o), 159
1771	1, 2, 3, 5, 6, 7, 10, 14, 17, 20, 21, 22, 23, 24(p/o), 33(p/o), 36, 38, 39, 41(p/o), 49(p/o), 50, 51, 52, 56, 59, 65, 67, 68, 69, 70, 71, 72, 113, 120, 121, 122, 123
1772	1, 13, 17, 20, 22, 23, 24(p/o), 31(p/o), 33, 34, 35, 37, 38, 39, 41, 50, 51, 52, 55, 57, 58, 59, 60(p/o), 69, 70, 134, 140, 150, 158
1773	1, 4, 67, 69, 72

**Appendix A-4, cont'd**  
**List of Blocks and Lots Included in the Rezoning Area**

Block	Lots
1774	1, 5, 6(p/o), 68
1775	1, 3, 6(p/o), 71, 165(p/o), 166, 168, 170
1783	1, 2, 3, 4, 5(p/o), 23, 24, 25, 26, 27, 28, 43(p/o), 45, 46, 47, 48, 50, 128(p/o), 7501
1784	2, 4, 5(p/o), 21, 23, 24, 25, 26, 27, 28, 45, 47, 48, 102, 120(p/o), 122, 128
1785	1, 21(p/o), 22, 23, 24, 25, 26, 27, 28, 29, 43, 104, 129, 7502
1786	1, 4, 18 (p/o), 22, 23, 24, 26, 27, 28, 47, 104, 121, 123
1788	1, 4, 5 (p/o), 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 46 (p/o), 48, 49, 50, 101 (p/o), 104 (p/o), 7501
1795	1, 2, 3, 4, 51, 53, 104, 150
1796	1, 2, 3, 4, 5, 51, 52, 53, 54, 152
<b>Note:</b>	p/o = partial lot.

**Appendix A-5**  
**Special District Text for the**  
**Special East Harlem Corridors District**



***SPECIAL EAST HARLEM CORRIDORS DISTRICT***

**CD 11**

**N 170359 ZRM**

**IN THE MATTER OF** an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special East Harlem Corridors District (Article XIII, Chapter 8) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

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

**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 1**

**Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

**11-122**

**Districts established**

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

\* \* \*

Special Purpose Districts

\* \* \*

Establishment of the Special Downtown Jamaica District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Downtown Jamaica District# is hereby established.

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

## Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

\* \* \*

## **Chapter 2** **Construction of Language and Definitions**

\* \* \*

### **12-10** **DEFINITIONS**

\* \* \*

#### Special Downtown Jamaica District

The “Special Downtown Jamaica District” is a Special Purpose District designated by the letters “DJ” in which special regulations set forth in Article XI, Chapter 5, apply.

#### Special East Harlem Corridors District

The “Special East Harlem Corridors District” is a Special Purpose District designated by the letters “EHC” in which special regulations set forth in Article XIII, Chapter 8, apply.

#### Special Enhanced Commercial District

The “Special Enhanced Commercial District” is a Special Purpose District designated by the letters “EC” in which special regulations set forth in Article XIII, Chapter 2, apply.

\* \* \*

## **Chapter 4** **Sidewalk Cafe Regulations**

\* \* \*

**14-40**  
**AREA ELIGIBILITY FOR SIDEWALK CAFES**

\* \* \*

**14-44**  
**Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

\* \* \*

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Clinton District	No	Yes
<u>East Harlem Corridors District</u>	<u>No</u>	<u>Yes</u>
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes

\* \* \*

**ARTICLE II**  
**RESIDENCE BULK REGULATIONS**

**Chapter 3**  
**Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-011**  
**Quality Housing Program**

\* \* \*

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

\* \* \*

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

- #Special 125th Street District#;
- #Special Downtown Brooklyn District#;
- #Special Downtown Jamaica District#;
- #Special East Harlem Corridors District#;
- #Special Grand Concourse Preservation District#;

\* \* \*

### **23-03**

#### **Street Tree Planting in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

\* \* \*

- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

- #Special Bay Ridge District#;
- #Special Clinton District#;
- #Special Downtown Brooklyn District#
- #Special Downtown Jamaica District#
- #Special East Harlem Corridors District#;
- #Special Grand Concourse Preservation District#;

\* \* \*

## **ARTICLE III COMMERCIAL DISTRICT REGULATIONS**

### **Chapter 3 Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

\* \* \*

**33-03**  
**Street Tree Planting in Commercial Districts**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

\* \* \*

(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#

#Special Downtown Jamaica District#

#Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

**Chapter 5  
Special Transit Land Use District**

**95-00  
GENERAL PURPOSES**

\* \* \*

**95-03  
Transit Easement**

Any #development# or #enlargement# involving ground level construction within the #Special Transit Land Use District# shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04.

The issuance by the Department of Buildings of an excavation permit for any #zoning lot# located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a #zoning lot# shall permit the realization of one or more of the following planning objectives:

- (a) the integration and relating of subway station design to surrounding development;
- (b) the introduction of light and air to: stations; and mezzanines; and other related facilities constructed pursuant to the provisions of Section 95-032 (Determination of transit easements at other stations);

\* \* \*

**95-031  
Selection of transit easement at certain stations**

At the stations specified below, The transit easement required on a #zoning lot# shall constitute a volume whose dimensions above and below #curb level# shall comply with the requirements as set forth in Table A or Table B of this Section, depending on the depth of the proposed subway mezzanine below #curb level#, as established by the Metropolitan Transportation Authority.

\* \* \*

**95-032  
Determination of transit easements at other stations**

At the 106th Street, 116th Street and 125th Street stations, a transit easement shall be provided to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass

transit facilities, including, but not limited to, emergency egress or ventilation structures, the Metropolitan Transportation Authority shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

**95-0323**

**Location of transit easements**

\* \* \*

**95-05**

**Terms and Conditions for Permitted Uses and Construction within Transit Easement Volume**

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, ~~or~~ elevators; or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#. When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

\* \* \*

**95-051**

**Development of transit access facilities**

All access facilities, including any light wells or sky lights required within a transit easement volume established pursuant to the provisions of Section 95-031 (Selection of transit easement at certain stations), or access and ancillary facilities required pursuant to the provisions of Section 95-032 (Determination of transit easement at other stations), shall be constructed and maintained by the Metropolitan Transportation Authority except for any #building# columns, footings or any other permitted obstructions allowed therein.

\* \* \*

**95-052**

**Special access facilities for persons with disabilities at certain stations**

For #zoning lots# subject to the provisions of Section 95-031 (Selection of transit easement at certain stations), special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

\* \* \*

## **Article IX Special Purpose Districts**

### **Chapter 7 Special 125th Street District**

#### **97-00 GENERAL PURPOSES**

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (h) to ensure, in the Park Avenue Hub Subdistrict, compatibility with the purposes of the #Special East Harlem Corridors District#; and
- ~~(h)~~(i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

\* \* \*

#### **97-03 District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and ~~Core~~ Subdistricts) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby



incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

#### **97-04**

##### **Establishment of ~~Core~~ Subdistricts**

In order to carry out the purposes and provisions of this Chapter, ~~the Core two subdistricts is are~~ established within the ~~#Special 125th Street District# and; the Core Subdistrict and the Park Avenue Hub Subdistrict.~~ Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the ~~Core Subdistricts~~ are shown on Map 1 in Appendix A of this Chapter.

\* \* \*

#### **97-06**

##### **~~Applicability of Special Transit Land Use District Regulations~~ Applicability of ~~District~~ Regulations**

[Note: existing provisions moved to Section 97-061]

#### **97-061**

##### **Applicability of Special Transit Land Use District Regulations**

[Note: existing provisions moved from Section 97-06 and updated a cross reference. The specification of the ~~#Special Transit Land Use District#~~ was eliminated since they are specified in Zoning Maps.]

Wherever the ~~#Special 125th Street District#~~ includes an area which also lies within the ~~#Special Transit Land Use District#~~, the requirements of the ~~#Special Transit Land Use District#~~, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs ~~(e)~~ (a)(4) and ~~(f)~~ (a)(5) of Section 97-433 ~~(Street wall location)~~ 442 (Height and setback regulations within the Core Subdistrict and areas outside of a subdistrict).

~~The #Special Transit Land Use District# includes the area within the #Special 125th Street District# bounded by a line 50 feet west of Second Avenue from 124th Street midway to 125th Street where such area widens to a line 100 feet west of Second Avenue.~~

#### **97-062**

##### **Applicability of the Quality Housing Program**

[Note: existing provisions moved from 97-40 (SPECIAL BULK REGULATIONS)]

In the #Special 125th Street District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program, and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

**97-063**

**Applicability of Inclusionary Housing Program**

[Note: existing provision moved from Section 97-421 (Inclusionary Housing) and changed to include Mandatory Inclusionary Housing applicability]

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 23-154 (Inclusionary Housing) and in Section 23-90 (INCLUSIONARY HOUSING), #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# within the #Special 125th Street Districts# are shown on the maps in APPENDIX F of this Resolution.

**97-10**

**SPECIAL USE AND LOCATION REGULATIONS**

\* \* \*

**97-14**

**Transient Hotels Within the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or
- (b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:
  - (1) sufficient sites are available in the area to meet the #residential development# goal; or
  - (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

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

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 4,470 #dwelling units# within the combined areas of the #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, have received temporary or final certificates of occupancy subsequent to [date of adoption].

**97-20**

**LOCATION AND ACCESS REGULATIONS**

[Note: applicability of Article II, Chapter 8 has been moved to Section 97-062]

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, the provisions of Section 97-21 (Location and Access Requirements in Certain Areas), inclusive, shall apply.

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the provisions of Section 97-21, inclusive, shall apply to any #zoning lot#, or portion thereof, specified in Section 97-21, and the provisions of Section 97-22 (Use Location Regulations in the Park Avenue Hub Subdistrict), inclusive, shall apply to all other #zoning lots#, or portion thereof.

For the purposes of applying the provisions of this Section, defined terms shall include those set forth in Sections 12-10 (DEFINTIONS) and 37-311 (Definitions).

**97-21**

**Location of and Access to Arts and Entertainment Uses  
Supplemental Use and Streetscape Regulations along 125th Street**

[Note: existing 97-21 provisions moved to Section 97-211]

[Note: existing provisions, moved from Section 97-20]

Within the #Special 125th Street District#, ~~F~~for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the ~~locational and access~~ requirements of this Section, inclusive. However, ~~O~~on #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

**97-211**

**Location and Access to Art and Entertainment Uses**

[Note: existing provisions, moved from Section 97-21]

Any arts and entertainment #uses# listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

\* \* \*

**97-212**

**Uses not permitted on the ground floor of buildings**

[Note: existing provisions moved from Section 97-22 and modified]

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 97-~~221~~ 213 (Access to non-ground floor uses).

\* \* \*

### **97-213**

#### **Access to non-ground floor uses**

[Note: existing provisions, moved from Section 97-221]

The maximum ground floor #street# frontage on 125th Street allocated to entranceways or lobby space for non-ground floor #uses# listed in Section 97-22 shall be as set forth for Type 1 lobbies in Section 37-33 (Maximum Width of Certain Uses), except that for #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

Additionally, within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.

### **97-214**

#### **Transparency requirements along 125th Street**

[Note: existing provisions, moved from 97-23]

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

### **97-22**

#### **Uses Not Permitted on the Ground Floor of Buildings**

#### **Supplemental Use and Streetscape Regulations within the Park Avenue Hub Subdistrict**

[Note: existing 97-22 provisions moved to Section 97-212]

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, for #zoning lots#, or portion thereof, that are not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, the provisions of this Section, inclusive, shall apply.

### **97-221**

#### **Access to non-ground floor uses**

#### **Modification of supplemental use location regulations**

[Note: existing 97-221 provisions moved to Section 97-213]

The supplementary #commercial use# regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial uses# on any #story#, provided that at any level containing #residences#, no access exists between such #commercial# and #residential uses# and provided that such #commercial uses# are not located directly over any #residential use#.

## **97-222**

### **Ground floor use and streetscape regulations**

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements#. Any portion of a #ground floor level# allocated to a transit easement required by the MTA pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section.

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along Park Avenue that is not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, as well as any #narrow street# frontage within 50 feet of Park Avenue, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#.

#### **(a) Along #primary street frontages#**

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

#### **(b) Along #secondary street frontages#**

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

## **97-23**

### **Transparency Requirements**

[Note: existing 97-23 provisions moved to Section 97-214]

\* \* \*

**97-40  
SPECIAL BULK REGULATIONS**

[Note: the applicability of Article II, Chapter 8 moved to Section 97-062]

Within the ~~#Special 125th Street District#~~, ~~all #developments# or #enlargements# containing #residences# shall comply with the requirements of Article II, Chapter 8 (Quality Housing), and the applicable #bulk# regulations of the underlying districts shall apply, except as modified in by the provisions of this Section, inclusive.~~

**97-41  
Special Floor Area Regulations**

The maximum ~~#floor area ratio#~~, ~~#open space ratio#~~ and ~~#lot coverage#~~ requirements of the applicable underlying district shall apply within the ~~#Special 125th Street District#~~, unless modified by the following regulations.

**97-411  
Maximum floor area ratio in C4-4D, C4-7 and C6-3 Districts within the Core Subdistrict and areas outside of a subdistrict**

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter and areas outside of a subdistrict, the maximum permitted ~~#floor area ratios#~~ shall be as listed in the following table for ~~#residential#~~, ~~#commercial#~~ and ~~#community facility uses#~~, and may only be increased pursuant to Section 97-42 (Additional Floor Area Bonuses Regulations), inclusive.

\* \* \*

**97-412  
Maximum floor area ratio in the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:

- (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel#

pursuant to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or

- (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (d)(4) of Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for #zoning lots#, subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
- (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses).

## **97-42**

### **Additional Floor Area Bonuses Regulations**

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, ~~the~~ maximum #floor area ratio# may be increased ~~by a~~ pursuant to the #floor area# bonus, pursuant to provisions of Sections ~~23-154 (Inclusionary Housing)~~ 97-421 (Inclusionary Housing) or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

## **97-421**

## Inclusionary Housing

[Note: the Inclusionary Housing Program applicability provision moved to 97-063 (Applicability of Inclusionary Housing Program)]

~~Within the #Special 125th Street District#, In #Inclusionary Housing designated areas# within C4-4D, C4-7 and C6-3 Districts in the Core Subdistrict or areas outside of a subdistrict, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Section 23-154 (Inclusionary Housing).~~

### 97-422

#### Floor area bonus for visual or performing arts uses

- (a) ~~In C4-4D, C4-7 or C6-3 Districts within the #Special 125th Street District#~~ Core Subdistrict or areas outside of a subdistrict, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial uses# listed in Section 97-411 may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR)  
FOR RESIDENTIAL AND COMMERCIAL USES WITH  
FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES

<del>Outside the Core District</del> Within areas outside of a subdistrict		Within the Core Subdistrict	
#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#

\* \* \*

- (b) In C6-4 Districts within the Park Avenue Hub Subdistrict, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.



**97-423**

**Certification for floor area bonus for visual or performing arts uses**

The minimum non-residential floor area# or equivalent floor space provisions of paragraph (a)(2) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) or the #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412, or all #floor area# that will result from the permitted increase in #floor area ratio# pursuant to Section 97-422, including the location of such #floor area#.
- (b) Drawings also have been provided that clearly designate all #floor area# and/or below grade floor space for any new visual or performing arts #uses# provided for the purposes of satisfying the provisions of paragraph (a)(2) of Section 97-412, or for which a bonus is to be received pursuant to Section 97-422.

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and shall also show that:

- (1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;
- (2) all bonused #floor area# or below grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street, except where such visual or performing arts #floor area# or floor space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422;
- (3) in the case of primary rehearsal space, where such space does not consist of #accessory uses# subject to the requirements of paragraph (b)(4), such space:

\* \* \*

- (iii) has a #street wall# with at least 50 feet of frontage along 125th Street, except that where such primary rehearsal space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422 such #street wall# with 50 feet of frontage need not be along 125th Street, and has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than nine feet six inches; and

\* \* \*

- (5) #Accessory# space
  - (i) For primary rehearsal spaces, no more than 25 percent of such minimum required

#floor area# or equivalent below grade floor space, or such ~~the~~ bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such primary rehearsal spaces. #Accessory uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;

- (ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory use# occupies more than 25 percent of ~~the~~ such total minimum required #floor area# or equivalent below grade floor space, or bonused #floor area# or below grade floor space. #Accessory uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and

\* \* \*

(6) Signage

- (i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section 97-30, inclusive, except where such visual or performing arts facility is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422; and

\* \* \*

- (e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received; pursuant to ~~this~~ Section 97-422, as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment use# shall be prohibited for the life of the #development# or #enlargement#.

\* \* \*

- (g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to Section 97-422, as a visual and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased #floor area# permitted under Section 97-422, as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

\* \* \*

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422 shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

\* \* \*

**97-44 43**  
**Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

**97-441 431**  
**Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

**97-442 432**  
**Height and setback regulations for ~~C4-7 and C6-3~~ Districts in the Core Subdistrict and areas outside of a subdistrict**

[Note: provisions of paragraph (a) moved from Section 97-443 and modified]

- (a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, the #street wall# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:

- (a)(1) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.
- (b)(2) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
- (c)(3) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- (d)(4) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.
- (e)(5) For any #development# or #enlargement# ~~within the #Special 125th Street District#~~ that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.
- (f)(6) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

(b) Maximum height of building and setback

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within ~~the Special District~~ the Core Subdistrict and areas outside of a subdistrict:

~~(a)~~(1) The minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

\* \* \*

~~(b)~~(2) Special regulations for certain C4-7 Districts

~~(1)~~(i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.

~~(2)~~(ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.

~~(3)~~(iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.

~~(e)~~(3) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

**97-44 43  
Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

**97-441 431  
Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

**97-442 432  
Height and setback regulations for ~~C4-7 and C6-3 Districts~~ in the Core Subdistrict and areas outside of a subdistrict**

**97-443 433**

**Street wall location**

**Height and setback regulations in the Park Avenue Hub Subdistrict**

[Note: existing provisions of Section 97-443 moved to paragraph (a) of Section 97-432]

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

(a) #Street wall# location

The applicable provisions of Section 35-651 shall be modified as follows:

(1) Along 125th Street

Along 125th Street, the minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

(2) Along Park Avenue and #narrow streets#

Along Park Avenue and any #narrow streets#, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section 97-20 (LOCATION AND ACCESS REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section 35-652.

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in paragraph (a) of this Section, nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower allocated exclusively to non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

**97-45 44**

**Special Provisions for Zoning Lots Divided by District Boundaries**

\* \* \*

**97-50**

**SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS**

\* \* \*

**97-51**

**Required Accessory Off-Street ~~Residential~~ Parking Within the Core Subdistrict and areas outside of a subdistrict**

[Note: existing provisions moved to Section 97-511]

**97-511**

**Required Accessory Off-Street Residential Parking**

[Note: existing provisions moved from Section 97-51]

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

**97-512**

**Required Accessory Off-Street Commercial Parking**

[Note: existing provisions moved from Section 97-52]

In #Commercial Districts# within the ~~#Special 125th Street District#~~ Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

**97-52**

**Required Accessory Off-Street Commercial Parking Within the Park Avenue Hub Subdistrict**

[Note: existing provisions moved to Section 97-512]

In the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the regulations of the underlying district.

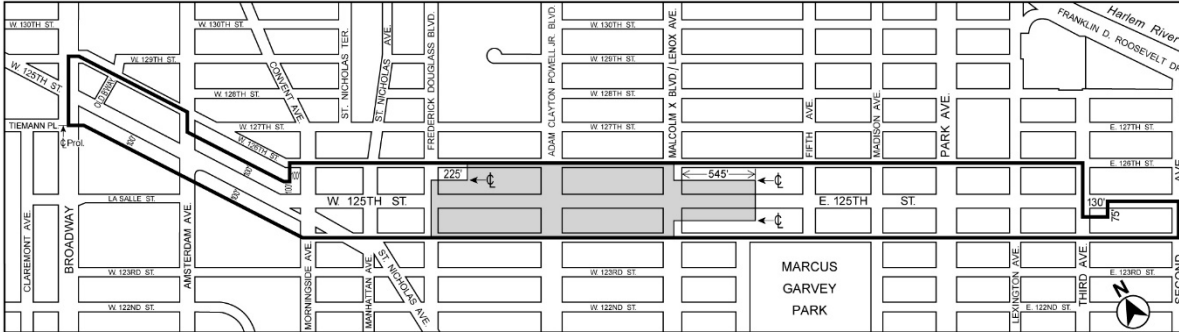
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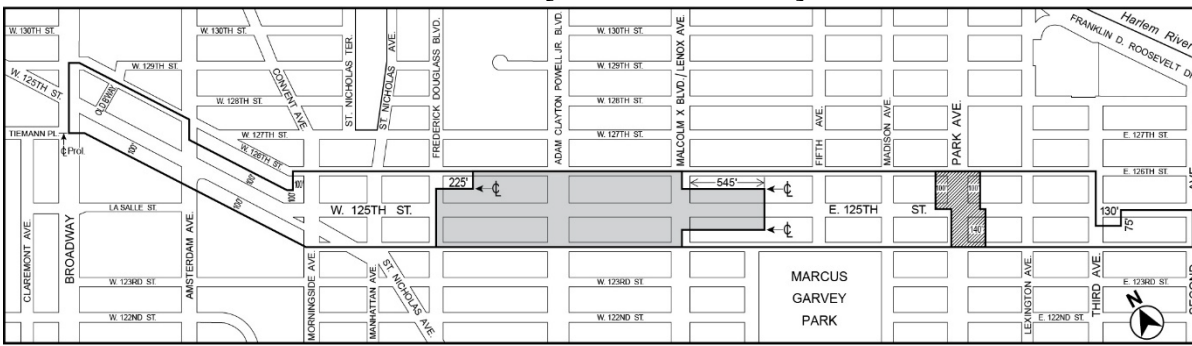
# Appendix A Special 125th Street District Plan

Map 1: Special 125th Street District and Core Subdistricts

[EXISTING MAP]



[PROPOSED MAP]



\* \* \*

**Article XIII**  
**SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 8**  
**Special East Harlem Corridors District**

**138-00**  
**GENERAL PURPOSES**

The “Special East Harlem Corridors 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) encourage and guide the development of East Harlem as a dynamic mixed-use neighborhood by permitting the expansion and development of residential, commercial, community facility and light manufacturing uses in appropriate areas;
- (b) encourage the development of residential uses along appropriate corridors ;
- (c) encourage the development of permanently-affordable housing;
- (d) facilitate the development of high-density commercial and manufacturing uses in order to locate jobs near transit connections in ;
- (e) enhance the vitality of both existing and emerging commercial corridors by ensuring that ground floor frontages are occupied by active uses that enliven the pedestrian experience along the street;
- (f) ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique neighborhood conditions such as the Park Avenue viaduct; and
- (g) promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

**138-01**  
**General Provisions**

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. 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.

## **138-02**

### **District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special East Harlem Corridors District# Plan. The District Plan includes the map, “Special East Harlem Corridors District and Subdistrict,” in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

## **138-03**

### **Subdistrict**

In order to carry out the provisions of this Chapter, the Park Avenue Subdistrict is established within the #Special East Harlem Corridors District#. The location of the Subdistrict is shown in the Appendix to this Chapter.

## **138-04**

### **Applicability**

#### **138-041**

##### **Applicability of Article IX, Chapter 5**

In the event of a conflict between the provisions of this Chapter and Article IX, Chapter 5 (Special Transit Land Use District), the provisions of Article IX, Chapter 5 shall control.

#### **138-042**

##### **Applicability of Article XII, Chapter 3**

In M1 Districts paired with a Residence District, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

#### **138-043**

##### **Applicability of the Quality Housing Program**

In the #Special East Harlem Corridors District#, #buildings# containing #residences# shall be

#developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

### **138-044**

#### **Applicability of the Inclusionary Housing Program**

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the #Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

### **138-10**

#### **SPECIAL USE REGULATIONS**

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

### **138-11**

#### **Location of Residential Use Within Buildings**

In C4 or C6 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged#, to permit #dwelling units# on the same #story# as a #commercial use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial uses# are located directly over any #dwelling units#. However, such #commercial uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

### **138-12**

#### **Transient Hotels**

C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or

(b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:

- (1) sufficient sites are available in the area to meet the #residential development# goal; or
- (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

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

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 4,470 #dwelling units# within the combined areas of #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of Article IX, Chapter 7 (Special 125th Street District), have received temporary or final certificates of occupancy subsequent to [date of adoption].

### **138-13**

#### **Physical Culture or Health Establishments**

Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right in C2-5, C4-6, and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

### **138-14**

#### **Public Parking Garages**

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), the regulations set forth for C1-4 Districts shall apply to C1-5 Districts, and the regulations set forth for C2-4 Districts shall apply to all other districts. In an M1 District paired with an R9 or R10 District, the regulations of #public parking garages# in Article XII, Chapter 3 (Special Mixed Use Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

### **138-20**

#### **SPECIAL BULK REGULATIONS**

In the #Special East Harlem Corridors District#, all #developments# and #enlargements# shall comply with the #bulk# regulations for #Quality Housing buildings#, as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section 138-21 (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section 138-22 (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section 138-23 (Basic Height and Setback) shall apply. In #Commercial Districts# mapped within an R9 or R10 District, or #Commercial Districts# with a #residential equivalent# of an R9 or R10 District, the provisions of Section 138-24 (Alternate Height and Setback Regulations) may apply as an alternative to the provisions set forth in Section 138-23. In M1 Districts paired with R9 or R10 Districts, the height and setback provisions set forth in Section 138-25 (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

### **138-21**

#### **Floor Area Regulations**

### **138-211**

#### **Floor area regulations in the Park Avenue Subdistrict**

The maximum #floor area ratio# for #zoning lots# within the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, is set forth in paragraph (a) of this Section. Such provisions are modified for certain #zoning lots# in accordance with paragraph (b).

(a) Maximum #floor area ratio#

In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# shall be 8.5. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5.

In C6-4 Districts and M1-6 Districts paired with an R10 District, the maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 2.0.

Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5 in M1-6 Districts paired with an R9 District, and 2.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

The maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph (b)(1), the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for #zoning lots# subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154 (Inclusionary Housing), the maximum #residential floor area ratio# of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
- (3) for #zoning lots# subject to paragraphs (b)(1) or (b)(2) of this Section, the maximum #floor area ratio# for all #uses# shall be 7.52 in M1-6 Districts paired with an R9 District, and 10.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.

**138-212**

**Floor area regulations outside of the Park Avenue Subdistrict**

For #zoning lots#, or portions thereof, outside of the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, the underlying #floor area# regulations shall apply, except that:

- (a) in C2 Districts mapped within an R9 District, for any #zoning lot# containing #residential floor area#, the maximum #residential floor area ratio# for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary housing), or, for #affordable independent residences for seniors#, shall be 8.5, the maximum #residential floor area ratio# for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154 shall be 7.52, and the maximum #floor area ratio# for any combination of #uses# shall be 8.5; and
- (b) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.

**138-22**

**Street Wall Regulations**

All #developments# and #enlargements# within the #Special East Harlem Corridors District# shall comply with the #street wall# regulations of Section 35-651 (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, #developments# and #enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section 35-651 are specified and modified as follows:

(a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, and along #narrow streets# within 50 feet of an intersection with such #wide street#, the provisions of paragraph (b) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

- (1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section 37-34 (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#;
- (2) for portions of #developments# and #enlargements# where the provisions of paragraph (a) of this Section apply, such #street wall# shall not be located beyond five feet of the #street line#, except that such #street wall# may be located beyond such distance pursuant to the applicable provisions of paragraph (b) of Section 35-651 or of Section 64-333 (Street wall location in certain districts); and



- (3) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (a) of Section 138-32 (Special Streetscape Provisions for Blank Walls), shall be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. In addition, such area shall provide visual mitigation elements in accordance with the provisions of Section 138-32.

### **138-23**

#### **Basic Height and Setback Regulations**

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations).

The regulations of paragraph (b)(2) of Section 36-652 relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section 138-30 (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

### **138-24**

#### **Optional Height and Setback Regulations in Certain Districts**

In C2 Districts mapped within an R9 or R10 District, or in C6-4 or C4-6 Districts, as an alternative to the provisions of Section 138-23 (Basic Height and Setback Regulations), the provisions of this Section may be applied to #zoning lots# meeting the applicable criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(a) Setbacks

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

(b) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot

coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower containing exclusively non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(c) Maximum #building# height

No height limit shall apply to towers.

**138-25**

**Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District**

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (c) of Section 138-22 (Street Wall Regulations) shall apply. The maximum height of #buildings or other structures# and setback provisions set forth in Section 123-66 (Height and Setback Regulations) shall apply as modified in this Section.

- (a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). The maximum #building# height shall be 285 feet; and
- (b) in M1 Districts paired with an R10 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662. The maximum #building# height shall be 350 feet.

**138-30**

**STREETSCAPE REQUIREMENTS**

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a ground floor level that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section, inclusive.

**138-31**

## Ground Floor Use Regulations

The special #ground floor level# streetscape provisions set forth in Section 37-30, shall apply to Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, within the #Special East Harlem Corridors District# which, for the purposes of applying such provisions, shall be considered designated retail streets, and any portion of a #ground floor level street# frontage along the designated retail streets, as well as any #narrow street# frontage within 50 feet of such #streets#, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall also include those defined in Section 37-311 (Definitions).

### (a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements), except that:

- (1) in M1-6 Districts paired with an R9 or R10 District, where the #ground floor level# is occupied by #uses# in Use Groups 16, 17 and 18, up to 50 percent of the #ground floor level street wall# width may be exempt from such regulations, provided that any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide planting or screening in accordance with the provisions of paragraphs (a) or (f) of Section 138-32 (Special Streetscape Provisions for Blank Walls) for at least 75 percent of such blank wall; and
- (2) in #flood zones#, where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 15 feet, visual mitigation elements shall be provided in accordance with Section 138-32 for such blank wall.

### (b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

### **138-32**

#### **Special Streetscape Provisions for Blank Walls**

Where visual mitigation elements are required on a blank wall along the #ground floor level street wall# pursuant to the provisions of Section 138-31 (Ground Floor Use Regulations), at least 75 percent of the linear footage of any such blank wall shall be treated by one or more of the following visual mitigation elements which shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations. Such features when utilized as visual mitigation elements shall include:

(a) Planting

Any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of this paragraph.

(b) Benches

Fixed benches with or without backs shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

**138-40**

**OFF-STREET PARKING AND LOADING REGULATIONS**

The applicable parking and loading regulations of Article II, Chapter 5, Article III, Chapter 6, Article IV, Chapter 4 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) or Section 123-70 (PARKING AND LOADING), inclusive, shall be modified in this Section, inclusive.

**138-41**

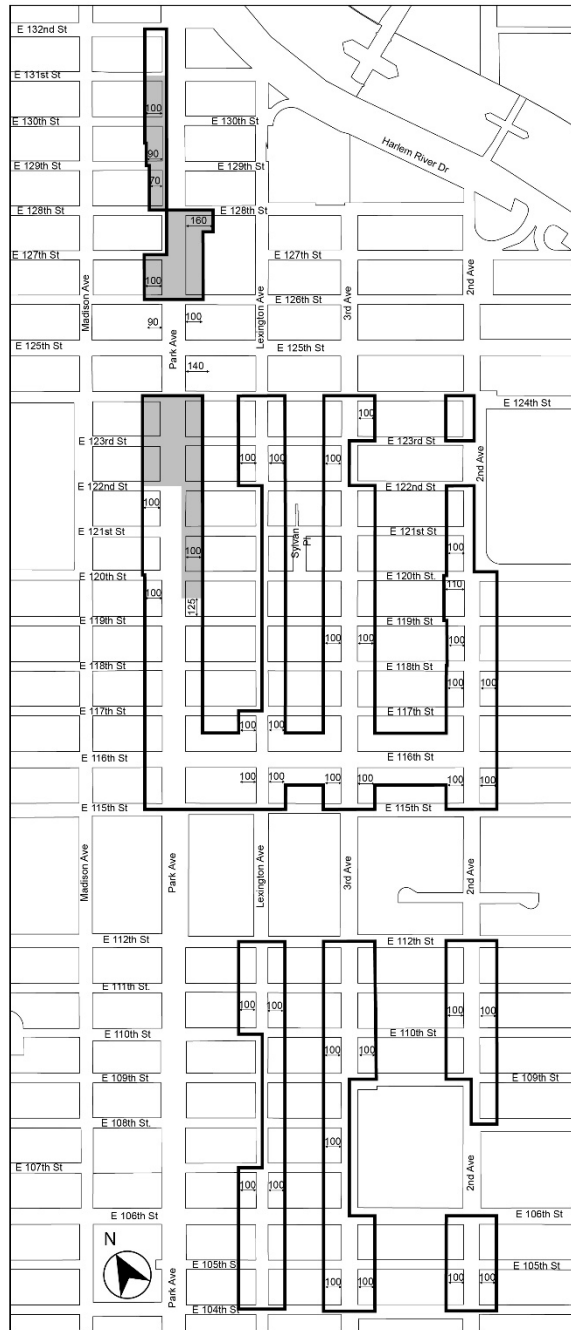
**Required Accessory Off-street Parking Spaces for Residences**

In the #Special East Harlem Corridors District#, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the underlying district regulations.



# APPENDIX: SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN

## Special East Harlem Corridors District and Subdistrict

[PROPOSED MAP]



EAST HARLEM DISTRICT PLAN  
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

-  Special East Harlem Corridors District
-  Park Avenue Subdistrict

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**MANHATTAN**

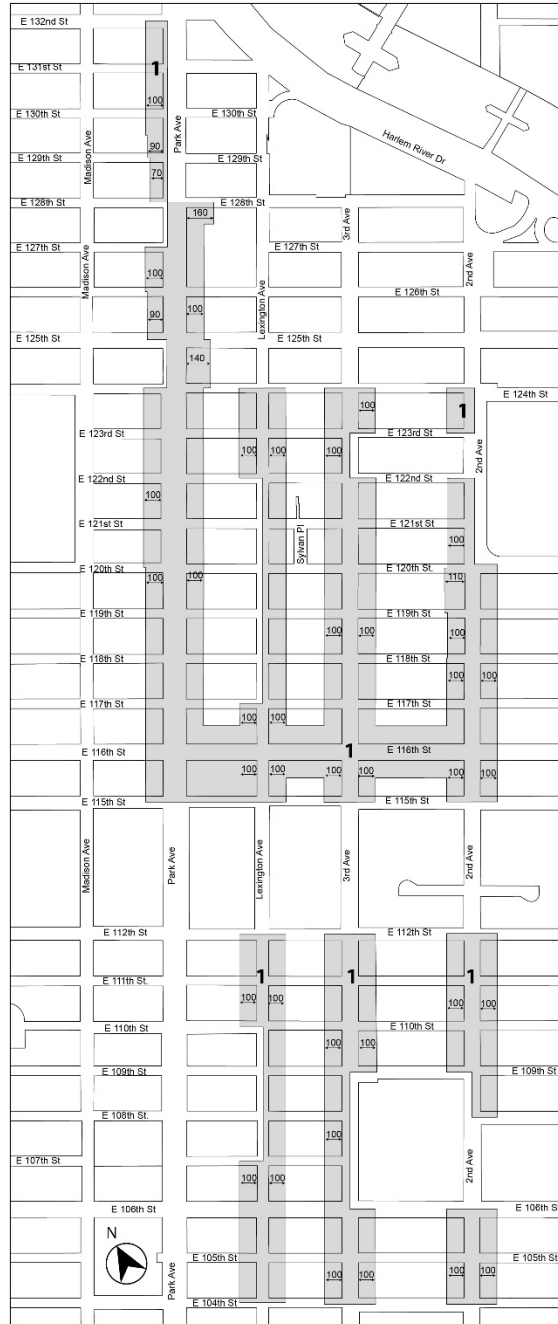
\* \* \*

**Manhattan Community District 11**

In the R7D, R9 and R10 Districts within the areas shown on the following Map 1 and Map 2:

\* \* \*

[PROPOSED MAP]



 **Mandatory Inclusionary Housing Program area** *see Section 23-154(d)(3)*  
**Area 1 [date of adoption] — MIH Program Option 1 and Option 2**

Portion of Community District 11, Manhattan

\* \* \*



***SPECIAL EAST HARLEM CORRIDORS DISTRICT***

**CD 11**

**N 170359 (A) ZRM**

**IN THE MATTER OF** an application submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special East Harlem Corridors District (Article XIII, Chapter 8) and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

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

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

**ARTICLE I  
GENERAL PROVISIONS**

**Chapter 1**

**Title, Establishment of Controls and Interpretation of Regulations**

\* \* \*

**11-122**

**Districts established**

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

\* \* \*

Special Purpose Districts

\* \* \*

Establishment of the Special Downtown Jamaica District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 5, the #Special Downtown Jamaica District# is hereby established.

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

## Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

\* \* \*

## **Chapter 2** **Construction of Language and Definitions**

\* \* \*

### **12-10** **DEFINITIONS**

\* \* \*

#### Special Downtown Jamaica District

The “Special Downtown Jamaica District” is a Special Purpose District designated by the letters “DJ” in which special regulations set forth in Article XI, Chapter 5, apply.

#### Special East Harlem Corridors District

The “Special East Harlem Corridors District” is a Special Purpose District designated by the letters “EHC” in which special regulations set forth in Article XIII, Chapter 8, apply.

#### Special Enhanced Commercial District

The “Special Enhanced Commercial District” is a Special Purpose District designated by the letters “EC” in which special regulations set forth in Article XIII, Chapter 2, apply.

\* \* \*

## **Chapter 4** **Sidewalk Cafe Regulations**

\* \* \*

**14-40**  
**AREA ELIGIBILITY FOR SIDEWALK CAFES**

\* \* \*

**14-44**  
**Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

\* \* \*

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Clinton District	No	Yes
<u>East Harlem Corridors District</u>	<u>No</u>	<u>Yes</u>
Enhanced Commercial District 2 (Columbus and Amsterdam Avenues)	Yes	Yes

\* \* \*

**ARTICLE II**  
**RESIDENCE BULK REGULATIONS**

**Chapter 3**  
**Residential Bulk Regulations in Residence Districts**

\* \* \*

**23-011**  
**Quality Housing Program**

\* \* \*

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

\* \* \*

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

- #Special 125th Street District#;
- #Special Downtown Brooklyn District#;
- #Special Downtown Jamaica District#;
- #Special East Harlem Corridors District#;
- #Special Grand Concourse Preservation District#;

\* \* \*

### **23-03**

#### **Street Tree Planting in Residence Districts**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

\* \* \*

- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

- #Special Bay Ridge District#;
- #Special Clinton District#;
- #Special Downtown Brooklyn District#
- #Special Downtown Jamaica District#
- #Special East Harlem Corridors District#;
- #Special Grand Concourse Preservation District#;

\* \* \*

## **ARTICLE III COMMERCIAL DISTRICT REGULATIONS**

### **Chapter 3 Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts**

\* \* \*

**33-03**  
**Street Tree Planting in Commercial Districts**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

\* \* \*

(b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Clinton District#;

#Special Downtown Brooklyn District#

#Special Downtown Jamaica District#

#Special East Harlem Corridors District#;

#Special Grand Concourse Preservation District#;

\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

**Chapter 5  
Special Transit Land Use District**

**95-00  
GENERAL PURPOSES**

\* \* \*

**95-03  
Transit Easement**

Any #development# or #enlargement# involving ground level construction within the #Special Transit Land Use District# shall provide an easement on the #zoning lot# for subway-related use and public access to the subway mezzanine or station when required pursuant to the provisions of Section 95-04.

The issuance by the Department of Buildings of an excavation permit for any #zoning lot# located within the Special District shall be dependent upon prior compliance with the provisions of this Chapter.

The transit easement required on a #zoning lot# shall permit the realization of one or more of the following planning objectives:

- (a) the integration and relating of subway station design to surrounding development;
- (b) the introduction of light and air to: stations; and mezzanines; and other related facilities constructed pursuant to the provisions of Section 95-032 (Determination of transit easements at other stations);

\* \* \*

**95-031  
Selection of transit easement at certain stations**

At the stations specified below, The transit easement required on a #zoning lot# shall constitute a volume whose dimensions above and below #curb level# shall comply with the requirements as set forth in Table A or Table B of this Section, depending on the depth of the proposed subway mezzanine below #curb level#, as established by the Metropolitan Transportation Authority.

\* \* \*

**95-032  
Determination of transit easements at other stations**

At the 106th Street, 116th Street and 125th Street stations, a transit easement shall be provided to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass

transit facilities, including, but not limited to, emergency egress or ventilation structures, the Metropolitan Transportation Authority shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

### **95-0323**

#### **Location of transit easements**

\* \* \*

### **95-05**

#### **Terms and Conditions for Permitted Uses and Construction within Transit Easement Volume**

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, ~~or~~ elevators; or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#. When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

\* \* \*

### **95-051**

#### **Development of transit access facilities**

All access facilities, including any light wells or sky lights required within a transit easement volume established pursuant to the provisions of Section 95-031 (Selection of transit easement at certain stations), or access and ancillary facilities required pursuant to the provisions of Section 95-032 (Determination of transit easement at other stations), shall be constructed and maintained by the Metropolitan Transportation Authority except for any #building# columns, footings or any other permitted obstructions allowed therein.

\* \* \*

### **95-052**

#### **Special access facilities for persons with disabilities at certain stations**

For #zoning lots# subject to the provisions of Section 95-031 (Selection of transit easement at certain stations), ~~S~~special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

\* \* \*

## **Article IX Special Purpose Districts**

### **Chapter 7 Special 125th Street District**

#### **97-00 GENERAL PURPOSES**

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (h) to ensure, in the Park Avenue Hub Subdistrict, compatibility with the purposes of the #Special East Harlem Corridors District#; and
- ~~(h)~~(i) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

\* \* \*

#### **97-03 District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special 125th Street District# Plan. The District Plan, including Map 1 (Special 125th Street District and ~~Core~~ Subdistricts) and Map 2 (Permitted Small Sidewalk Cafe Locations), is set forth in Appendix A of this Chapter and is hereby



incorporated as part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

#### **97-04**

##### **Establishment of ~~Core~~ Subdistricts**

In order to carry out the purposes and provisions of this Chapter, ~~the Core two subdistricts is are~~ established within the ~~#Special 125th Street District# and; the Core Subdistrict and the Park Avenue Hub Subdistrict.~~ Each subdistrict includes specific regulations designed to support an arts and entertainment environment and other relevant planning objectives along 125th Street. The boundaries of the ~~Core Subdistricts~~ are shown on Map 1 in Appendix A of this Chapter.

\* \* \*

#### **97-06**

##### **~~Applicability of Special Transit Land Use District Regulations~~ Applicability of ~~District~~ Regulations**

[Note: existing provisions moved to Section 97-061]

#### **97-061**

##### **Applicability of Special Transit Land Use District Regulations**

[Note: existing provisions moved from Section 97-06 and updated a cross reference. The specification of the ~~#Special Transit Land Use District#~~ was eliminated since they are specified in Zoning Maps.]

Wherever the ~~#Special 125th Street District#~~ includes an area which also lies within the ~~#Special Transit Land Use District#~~, the requirements of the ~~#Special Transit Land Use District#~~, as set forth in Article IX, Chapter 5, shall apply, subject to the modifications described in paragraphs ~~(e)~~ (a)(4) and ~~(f)~~ (a)(5) of Section 97-433 ~~(Street wall location)~~ 442 (Height and setback regulations within the Core Subdistrict and areas outside of a subdistrict).

~~The #Special Transit Land Use District# includes the area within the #Special 125th Street District# bounded by a line 50 feet west of Second Avenue from 124th Street midway to 125th Street where such area widens to a line 100 feet west of Second Avenue.~~

#### **97-062**

##### **Applicability of the Quality Housing Program**

[Note: existing provisions moved from 97-40 (SPECIAL BULK REGULATIONS)]

In the #Special 125th Street District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program, and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

**97-063**

**Applicability of Inclusionary Housing Program**

[Note: existing provision moved from Section 97-421 (Inclusionary Housing) and changed to include Mandatory Inclusionary Housing applicability]

For the purposes of applying the Inclusionary Housing Program provisions set forth in Section 23-154 (Inclusionary Housing) and in Section 23-90 (INCLUSIONARY HOUSING), #Inclusionary Housing designated areas# and #Mandatory Inclusionary Housing areas# within the #Special 125th Street Districts# are shown on the maps in APPENDIX F of this Resolution.

**97-10**

**SPECIAL USE AND LOCATION REGULATIONS**

\* \* \*

**97-14**

**Transient Hotels Within the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or
- (b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:
  - (1) sufficient sites are available in the area to meet the #residential development# goal; or
  - (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

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

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 4,470 #dwelling units# within the combined areas of the #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, have received temporary or final certificates of occupancy subsequent to [date of adoption].

**97-20**

**LOCATION AND ACCESS REGULATIONS**

[Note: applicability of Article II, Chapter 8 has been moved to Section 97-062]

Within the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, the provisions of Section 97-21 (Location and Access Requirements in Certain Areas), inclusive, shall apply.

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the provisions of Section 97-21, inclusive, shall apply to any #zoning lot#, or portion thereof, specified in Section 97-21, and the provisions of Section 97-22 (Use Location Regulations in the Park Avenue Hub Subdistrict), inclusive, shall apply to all other #zoning lots#, or portion thereof.

For the purposes of applying the provisions of this Section, defined terms shall include those set forth in Sections 12-10 (DEFINITIONS) and 37-311 (Definitions).

**97-21**

**Location of and Access to Arts and Entertainment Uses  
Supplemental Use and Streetscape Regulations along 125th Street**

[Note: existing 97-21 provisions moved to Section 97-211]

[Note: existing provisions, moved from Section 97-20]

Within the #Special 125th Street District#, ~~F~~for any #zoning lot# that fronts upon 125th Street, the #use# regulations of the underlying districts shall be modified by the ~~locational and access~~ requirements of this Section, inclusive. However, ~~O~~on #through lots# or #corner lots# with frontage along 125th Street, such requirements shall apply within the first 100 feet of the 125th Street #street line#.

**97-211**

**Location and Access to Art and Entertainment Uses**

[Note: existing provisions, moved from Section 97-21]

Any arts and entertainment #uses# listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

\* \* \*

**97-212**

**Uses not permitted on the ground floor of buildings**

[Note: existing provisions moved from Section 97-22 and modified]

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 97-~~221~~ 213 (Access to non-ground floor uses).

\* \* \*

### **97-213**

#### **Access to non-ground floor uses**

[Note: existing provisions, moved from Section 97-221]

The maximum ground floor #street# frontage on 125th Street allocated to entranceways or lobby space for non-ground floor #uses# listed in Section 97-22 shall be as set forth for Type 1 lobbies in Section 37-33 (Maximum Width of Certain Uses), except that for #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

Additionally, within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.

### **97-214**

#### **Transparency requirements along 125th Street**

[Note: existing provisions, moved from 97-23]

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

### **97-22**

#### **Uses Not Permitted on the Ground Floor of Buildings**

#### **Supplemental Use and Streetscape Regulations within the Park Avenue Hub Subdistrict**

[Note: existing 97-22 provisions moved to Section 97-212]

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, for #zoning lots#, or portion thereof, that are not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, the provisions of this Section, inclusive, shall apply.

### **97-221**

#### **Access to non-ground floor uses**

#### **Modification of supplemental use location regulations**

[Note: existing 97-221 provisions moved to Section 97-213]

The supplementary #commercial use# regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial uses# on any #story#, provided that at any level containing #residences#, no access exists between such #commercial# and #residential uses# and provided that such #commercial uses# are not located directly over any #residential use#.

## **97-222**

### **Ground floor use and streetscape regulations**

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements#. Any portion of a #ground floor level# allocated to a transit easement required by the MTA pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section.

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along Park Avenue that is not subject to the provisions of Section 97-21 (Location and Access Regulations along 125th Street), inclusive, as well as any #narrow street# frontage within 50 feet of Park Avenue, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#.

#### **(a) Along #primary street frontages#**

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

#### **(b) Along #secondary street frontages#**

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

## **97-23**

### **Transparency Requirements**

[Note: existing 97-23 provisions moved to Section 97-214]

\* \* \*

**97-40**  
**SPECIAL BULK REGULATIONS**

[Note: the applicability of Article II, Chapter 8 moved to Section 97-062]

Within the ~~#Special 125th Street District#~~, ~~all #developments# or #enlargements# containing #residences# shall comply with the requirements of Article II, Chapter 8 (Quality Housing), and the applicable #bulk# regulations of the underlying districts shall apply, except as modified in by the provisions of this Section, inclusive.~~

**97-41**  
**Special Floor Area Regulations**

The maximum ~~#floor area ratio#~~, ~~#open space ratio#~~ and ~~#lot coverage#~~ requirements of the applicable underlying district shall apply within the ~~#Special 125th Street District#~~, unless modified by the following regulations.

**97-411**  
**Maximum floor area ratio in C4-4D, C4-7 and C6-3 Districts within the Core Subdistrict and areas outside of a subdistrict**

In C4-4D, C4-7 or C6-3 Districts in the Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter and areas outside of a subdistrict, the maximum permitted ~~#floor area ratios#~~ shall be as listed in the following table for ~~#residential#~~, ~~#commercial#~~ and ~~#community facility uses#~~, and may only be increased pursuant to Section 97-42 (~~Additional Floor Area Bonuses Regulations~~), inclusive.

\* \* \*

**97-412**  
**Maximum floor area ratio in the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio#

The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:

- (1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel#

pursuant to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or

- (2) a minimum #floor area ratio# of 0.5, or a minimum amount of floor space equivalent to such 0.5 #floor area ratio#, shall be provided on such #zoning lot#. Such #floor area# or equivalent floor space shall be exclusively used for those visual or performing arts #uses#, designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses), and shall be certified by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 (Certification for floor area bonus for visual or performing arts uses) have been met.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

For #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet, or for #zoning lots# subject to the provisions of paragraph (d)(4) of Section 23-154 (Inclusionary Housing), the maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as follows:

- (1) the minimum non-#residential floor area# requirements set forth in paragraph (a) of this Section shall be optional for #zoning lots# existing on or before [date of adoption] with a #lot area# of less than 5,000 square feet. For #zoning lots# utilizing the provisions of this paragraph, the minimum non-#residential floor area# or visual or performing arts space requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for #zoning lots#, subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area# provision of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
- (3) for #zoning lots# utilizing the provisions of paragraph (b)(1) or (b)(2) of this Section, the maximum overall #floor area ratio# shall be 10.0, except that such maximum #floor area ratio# may be increased pursuant to the provisions of paragraph (b) of Section 97-422 (Floor area bonus for visual or performing arts uses).

## **97-42**

### **Additional Floor Area Bonuses Regulations**

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, ~~the~~ maximum #floor area ratio# may be increased ~~by a~~ pursuant to the #floor area# bonus, pursuant to provisions of Sections ~~23-154 (Inclusionary Housing)~~ 97-421 (Inclusionary Housing) or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

## **97-421**

## Inclusionary Housing

[Note: the Inclusionary Housing Program applicability provision moved to 97-063 (Applicability of Inclusionary Housing Program)]

~~Within the #Special 125th Street District#, In #Inclusionary Housing designated areas# within C4-4D, C4-7 and C6-3 Districts in the Core Subdistrict or areas outside of a subdistrict, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Section 23-154 (Inclusionary Housing).~~

### 97-422

#### Floor area bonus for visual or performing arts uses

- (a) ~~In C4-4D, C4-7 or C6-3 Districts within the #Special 125th Street District#~~ Core Subdistrict or areas outside of a subdistrict, for a #development# or #enlargement# with frontage on 125th Street, the maximum #floor area ratio# otherwise permitted for #residential# or #commercial uses# listed in Section 97-411 may be increased up to the maximum #floor area ratio# specified in the table in this Section, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of such bonused #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.

MAXIMUM PERMITTED FLOOR AREA RATIO (FAR)  
FOR RESIDENTIAL AND COMMERCIAL USES WITH  
FLOOR AREA BONUS FOR VISUAL OR PERFORMING ARTS USES

<del>Outside the Core District</del> Within areas <u>outside of a subdistrict</u>		Within the Core Subdistrict	
#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#	#Residential Floor Area Ratio#	#Commercial Floor Area Ratio#
*	*	*	*

- (b) In C6-4 Districts within the Park Avenue Hub Subdistrict, for a #development# or #enlargement#, the maximum #floor area ratio# permitted in paragraph (b) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) may be increased up to a maximum #floor area ratio# of 12.0, provided that for every four square feet of bonused #floor area#, an amount of space equivalent to one square foot of #floor area# shall be used for those visual or performing arts #uses# designated in paragraph (b) of Section 97-11 (Special Arts and Entertainment Uses). Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the conditions set forth in Section 97-423 have been met.



**97-423**

**Certification for floor area bonus for visual or performing arts uses**

The minimum non-residential floor area# or equivalent floor space provisions of paragraph (a)(2) of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) or the #floor area# bonus provisions of Section 97-422 shall apply only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions have been met:

- (a) Drawings have been provided that clearly designate all #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412, or all #floor area# that will result from the permitted increase in #floor area ratio# pursuant to Section 97-422, including the location of such #floor area#.
- (b) Drawings also have been provided that clearly designate all #floor area# and/or below grade floor space for any new visual or performing arts #uses# provided for the purposes of satisfying the provisions of paragraph (a)(2) of Section 97-412, or for which a bonus is to be received pursuant to Section 97-422.

Such drawings shall be of sufficient detail to show that such designated space shall be designed, arranged and used for the new visual arts or performing arts #uses#, and shall also show that:

- (1) all such visual or performing arts #uses# are located at or above the ground floor level of the #building#, except that performance space meeting the requirements of paragraph (b)(4) of this Section may be located below grade, and #accessory uses# may be located below grade, subject to the requirements of paragraph (b)(5) of this Section;
- (2) all bonused #floor area# or below grade space occupied by visual or performing arts #uses# is primarily accessed from 125th Street, except where such visual or performing arts #floor area# or floor space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422;
- (3) in the case of primary rehearsal space, where such space does not consist of #accessory uses# subject to the requirements of paragraph (b)(4), such space:

\* \* \*

- (iii) has a #street wall# with at least 50 feet of frontage along 125th Street, except that where such primary rehearsal space is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422 such #street wall# with 50 feet of frontage need not be along 125th Street, and has a minimum area of 2,000 square feet, with a floor-to-ceiling height of not less than nine feet six inches; and

\* \* \*

- (5) #Accessory# space
  - (i) For primary rehearsal spaces, no more than 25 percent of such minimum required

#floor area# or equivalent below grade floor space, or such ~~the~~ bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such primary rehearsal spaces. #Accessory uses# shall include but are not limited to educational and classroom space, administrative offices, circulation space, restrooms and equipment space;

- (ii) For visual or performing arts #uses# other than a primary rehearsal space, no more than 40 percent of such minimum required #floor area# or equivalent below grade floor space, or such bonused #floor area# or below grade floor space, shall be occupied by #uses accessory# to such visual or performing arts #uses#, provided no single #accessory use# occupies more than 25 percent of ~~the~~ such total minimum required #floor area# or equivalent below grade floor space, or bonused #floor area# or below grade floor space. #Accessory uses# shall include but are not limited to educational and classroom space, non-primary rehearsal space, administrative offices, lobbies, circulation space, ticket offices, restrooms, dressing rooms, other backstage areas and equipment space; and

\* \* \*

(6) Signage

- (i) Signage that identifies the visual or performing arts facility shall be provided at the 125th Street entrance of the visual or performing arts facility, subject to the requirements of Section 97-30, inclusive, except where such visual or performing arts facility is provided pursuant to paragraphs (a)(2) of Section 97-412 or (b)(2) of Section 97-422; and

\* \* \*

- (e) A legal commitment by the owner has been provided for continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received; pursuant to ~~this~~ Section 97-422, as a visual or performing arts space only in accordance with the drawings and design plans provided pursuant to paragraphs (b) and (c)(5) of this Section, and providing further that in the event of a change of operator, the owner or operator shall obtain a new certification pursuant to this Section. An #adult establishment use# shall be prohibited for the life of the #development# or #enlargement#.

\* \* \*

- (g) A legal commitment by the owner has been provided that, in the event of an adjudicated violation of the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# or equivalent floor space provided for the purposes of satisfying minimum equivalent non-#residential# floor space provisions of paragraph (a)(2) of Section 97-412, or for which a bonus has been received, pursuant to Section 97-422, as a visual and performing arts space only, the owner shall not permit the occupancy of any #floor area# in the #development# or #enlargement# which is vacant as of the date of such adjudication or thereafter, or up to the amount of the increased #floor area# permitted under Section 97-422, as applicable, until such time as the Chairperson of the City Planning Commission has determined that the visual or performing arts space is occupied in accordance with the provisions of this Section.

\* \* \*

The owner shall not apply for or accept a temporary certificate of occupancy for such portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Commissioner of the Department of Cultural Affairs has certified that the visual or performing arts space is substantially complete. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion of the #development# or #enlargement#, until the visual or performing arts space has been finally completed in accordance with the approved plans and such final completion has been certified by the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#. The temporary or final certificate of occupancy for any portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the #floor area# permitted pursuant to the provisions of paragraph (a)(2) of Section 97-412 or the increased #floor area# permitted pursuant to Section 97-422 shall include the provisions of paragraph (e) of this Section, requiring the continued occupancy of all #floor area# for which a bonus has been received as a visual or performing arts space only, as a condition of occupancy of such portion of the #development# or #enlargement#.

\* \* \*

**97-44 43**  
**Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

**97-441 431**  
**Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

**97-442 432**  
**Height and setback regulations for ~~C4-7 and C6-3~~ Districts in the Core Subdistrict and areas outside of a subdistrict**

[Note: provisions of paragraph (a) moved from Section 97-443 and modified]

- (a) Street wall location

In all #Commercial Districts# within the Core Subdistrict and areas outside of a subdistrict, the #street wall# shall be located on the #street line# of 125th Street and extend along the entire #street# frontage of the #zoning lot# up to at least the applicable minimum base height of the underlying district, or the height of the #building#, whichever is less.

The #street wall# location provisions of such #Commercial Districts# shall be modified, as follows:

- (a)(1) On Park Avenue, within 10 feet of its intersection with any #street#, the #street wall# may be located anywhere within 10 feet of the Park Avenue #street line#. However, to allow articulation of the #street walls# pursuant to the provisions of paragraph (b) of this Section, the #street walls# may be located anywhere within an area bounded by a #street line#, the #street wall# on Park Avenue and a line connecting these two lines 15 feet from their intersection.
- (b)(2) To allow articulation of #street walls# at the intersection of any two #streets# within the Special District, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.
- (c)(3) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of the second #story# and up to the applicable maximum base height, recesses are permitted for #outer courts# or balconies, provided that the aggregate width of such recesses does not exceed 30 percent of the width of the #street wall# at any level, and the depth of such recesses does not exceed five feet. No recesses shall be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except in compliance with corner articulation rules.
- (d)(4) The #street wall# location and minimum #street wall# height provisions of this Section shall not apply to any existing #buildings# that are to remain on the #zoning lot#.
- (e)(5) For any #development# or #enlargement# ~~within the #Special 125th Street District#~~ that is partially within the #Special Transit Land Use District# and located directly over the planned Second Avenue subway line tunnel, the #residential# portion of such #development# or #enlargement# may be constructed pursuant to the R8A #street wall# requirements and the #commercial# portion of such #development# or #enlargement# may be constructed pursuant to the C4-4D #street wall# requirements in lieu of the requirements of this Section.
- (f)(6) The requirements of this Section shall apply within the #Special Transit Land Use District# except that, for the area of the #Special Transit Land Use District# that is also within the #Special 125th Street District#, a #street wall# of a #development# or #enlargement# located on the #street line# of a #zoning lot# need not exceed 15 feet if that portion of the #development# or #enlargement# is located directly over the planned Second Avenue subway line tunnel.

(b) Maximum height of building and setback

The following modifications of the underlying district regulations shall apply for C4-7 and C6-3 Districts within ~~the Special District~~ the Core Subdistrict and areas outside of a subdistrict:

~~(a)~~(1) The minimum and maximum base height of the #street wall# and the maximum height of a #building or other structure# shall be as set forth in the following table:

\* \* \*

~~(b)~~(2) Special regulations for certain C4-7 Districts

~~(1)~~(i) For the area located within 50 feet of the 126th Street frontage and between 200 feet east of Adam Clayton Powell Boulevard and 150 feet west of Lenox Avenue/Malcolm X Boulevard, the height of any portion of a #building or other structure# shall be limited to 80 feet.

~~(2)~~(ii) For #zoning lots# bounded by 125th Street, Park Avenue and 124th Street, the maximum height of a #building or other structure# shall be 330 feet.

~~(3)~~(iii) For Lots 1 and 7501 on Block 1910, the requirements of City Environmental Quality Review (CEQR) Environmental Designation Number (E-102) have been modified, as set forth in the Technical Memorandum to the Final Environmental Impact Statement for CEQR Number 07DCP030M, dated July 18, 2008.

~~(e)~~(3) In C6-3 Districts, the maximum length of any #story# located above a height of 85 feet shall not exceed 150 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 85 feet. No side of such rectangle shall exceed a width of 150 feet.

**97-44 43  
Special Height and Setback Regulations**

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

**97-441 431  
Permitted obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

**97-442 432  
Height and setback regulations for ~~C4-7 and C6-3 Districts~~ in the Core Subdistrict and areas outside of a subdistrict**

**97-443 433**

**Street wall location**

**Height and setback regulations in the Park Avenue Hub Subdistrict**

[Note: existing provisions of Section 97-443 moved to paragraph (a) of Section 97-432]

In C6-4 Districts within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the following provisions shall apply.

(a) #Street wall# location

The applicable provisions of Section 35-651 shall be modified as follows:

(1) Along 125th Street

Along 125th Street, the minimum base height shall be 60 feet, or the height of the #building#, whichever is less, except that for #buildings# or portions thereof within 50 feet of Park Avenue, the minimum base height shall be 40 feet, or the height of the #building#, whichever is less. The street wall location provisions of this paragraph shall be modified to allow a sidewalk widening pursuant to the provisions of paragraph (a)(2) of this Section; and

(2) Along Park Avenue and #narrow streets#

Along Park Avenue and any #narrow streets#, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

In addition, for #zoning lots# with frontage along Park Avenue between 124th Street and 125th Street, any #development# or horizontal #enlargement# shall provide a sidewalk widening along the #street line# of Park Avenue. Such sidewalk widening shall have a depth of 10 feet, be improved to Department of Transportation standards for sidewalks, and be at the same level as the adjoining public sidewalk.

(b) Basic maximum #building# height and setback regulations

The maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base height shall be as set forth in paragraph (a) of this Section, and the maximum base height for #buildings or other structures# along the #street line# of 125th Street and within 50 feet of such #street line# shall be 85 feet.

For the purposes of applying the provisions for #qualifying ground floors#, the provisions of Section 97-20 (LOCATION AND ACCESS REGULATIONS), inclusive, shall apply in lieu of the applicable provisions of paragraph (b)(2) of Section 35-652.

(c) Optional height and setback regulations

As an alternative to the provisions of paragraph (b) of this Section, the provisions of this paragraph (c) may be applied to #zoning lots# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or #zoning lots# where 50 percent or more of the #floor area# is allocated to non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in paragraph (a) of this Section, nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of a #building# or #buildings# on the #zoning lot# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower allocated exclusively to non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

**97-45 44**

**Special Provisions for Zoning Lots Divided by District Boundaries**

\* \* \*

**97-50**

**SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS**

\* \* \*

**97-51**

**Required Accessory Off-Street ~~Residential~~ Parking Within the Core Subdistrict and areas outside of a subdistrict**

[Note: existing provisions moved to Section 97-511]

**97-511**

**Required Accessory Off-Street Residential Parking**

[Note: existing provisions moved from Section 97-51]

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive.

**97-512**

**Required Accessory Off-Street Commercial Parking**

[Note: existing provisions moved from Section 97-52]

In #Commercial Districts# within the ~~#Special 125th Street District#~~ Core Subdistrict, as shown on Map 1 in Appendix A of this Chapter, and areas outside of a subdistrict, #accessory# off-street parking spaces shall be provided if required by Section 36-21, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, except that no #accessory# parking spaces shall be required for #commercial uses# in C4-4D Districts.

**97-52**

**Required Accessory Off-Street Commercial Parking Within the Park Avenue Hub Subdistrict**

[Note: existing provisions moved to Section 97-512]

In the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the regulations of the underlying district.

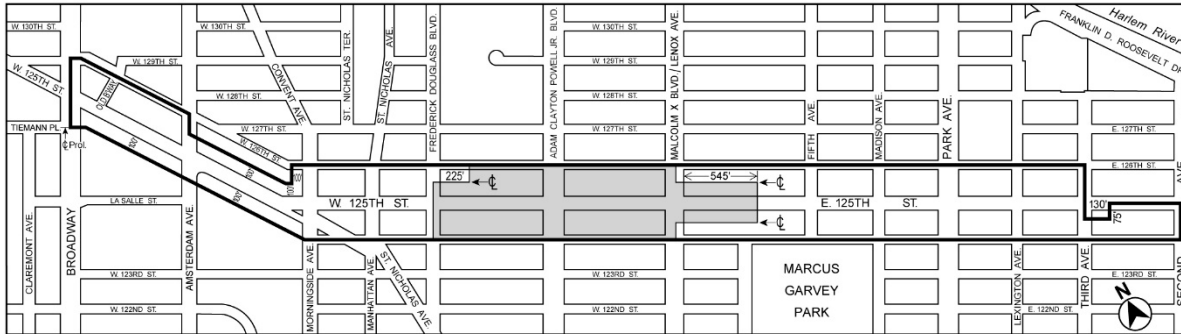
\* \* \*



# Appendix A Special 125th Street District Plan

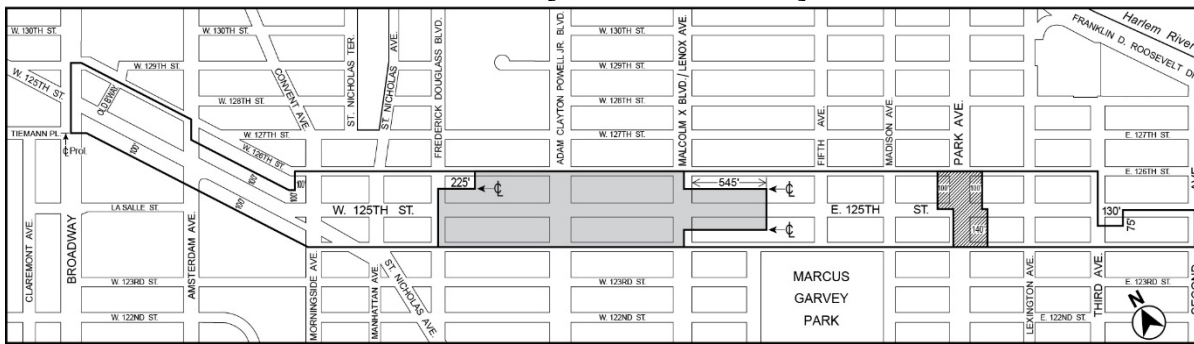
Map 1: Special 125th Street District and Core Subdistricts

[EXISTING MAP]



- Special 125th Street District boundary
- Core Subdistrict

[PROPOSED MAP]



- Special 125th Street District boundary
- Core Subdistrict
- Park Avenue Hub Subdistrict

\* \* \*

**Article XIII**  
**SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 8**  
**Special East Harlem Corridors District**

**138-00**  
**GENERAL PURPOSES**

The “Special East Harlem Corridors 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) encourage and guide the development of East Harlem as a dynamic mixed-use neighborhood by permitting the expansion and development of residential, commercial, community facility and light manufacturing uses in appropriate areas;
- (b) encourage the development of residential uses along appropriate corridors ;
- (c) encourage the development of permanently-affordable housing;
- (d) facilitate the development of high-density commercial and manufacturing uses in order to locate jobs near transit connections in ;
- (e) enhance the vitality of both existing and emerging commercial corridors by ensuring that ground floor frontages are occupied by active uses that enliven the pedestrian experience along the street;
- (f) ensure that the form and use of new buildings relates to and enhances neighborhood character and responds to unique neighborhood conditions such as the Park Avenue viaduct; and
- (g) promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

**138-01**  
**General Provisions**

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. 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.

## **138-02**

### **District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special East Harlem Corridors District# Plan. The District Plan includes the map, “Special East Harlem Corridors District and Subdistrict,” in the Appendix to this Chapter which is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter apply.

## **138-03**

### **Subdistrict**

In order to carry out the provisions of this Chapter, the Park Avenue Subdistrict is established within the #Special East Harlem Corridors District#. The location of the Subdistrict is shown in the Appendix to this Chapter.

## **138-04**

### **Applicability**

#### **138-041**

##### **Applicability of Article IX, Chapter 5**

In the event of a conflict between the provisions of this Chapter and Article IX, Chapter 5 (Special Transit Land Use District), the provisions of Article IX, Chapter 5 shall control.

#### **138-042**

##### **Applicability of Article XII, Chapter 3**

In M1 Districts paired with a Residence District, the special #use#, #bulk# and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use Districts) shall apply, except where modified by the provisions of this Chapter, and shall supplement or supersede the provisions of the designated #Residence# or M1 District, as applicable.

#### **138-043**

##### **Applicability of the Quality Housing Program**

In the #Special East Harlem Corridors District#, #buildings# containing #residences# shall be

#developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

### **138-044**

#### **Applicability of the Inclusionary Housing Program**

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the #Special East Harlem Corridors District# shall be a #Mandatory Inclusionary Housing area#.

### **138-10**

#### **SPECIAL USE REGULATIONS**

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use Districts), as applicable, are modified by the provisions of this Section, inclusive.

### **138-11**

#### **Location of Residential Use Within Buildings**

In C4 or C6 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified, for #mixed buildings# that are #developed# or #enlarged#, to permit #dwelling units# on the same #story# as a #commercial use# provided no access exists between such #uses# at any level containing #dwelling units# and provided no #commercial uses# are located directly over any #dwelling units#. However, such #commercial uses# may be located over #dwelling units# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

### **138-12**

#### **Transient Hotels**

C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or

(b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:

- (1) sufficient sites are available in the area to meet the #residential development# goal; or
- (2) a harmonious mix of #residential# and non-#residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.

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

For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 4,470 #dwelling units# within the combined areas of #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of Article IX, Chapter 7 (Special 125th Street District), have received temporary or final certificates of occupancy subsequent to [date of adoption].

### **138-13**

#### **Physical Culture or Health Establishments**

Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right in C2-5, C4-6, and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

### **138-14**

#### **Public Parking Garages**

C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10

In the districts indicated, for the purpose of applying regulations applicable to #public parking garages# set forth in Article III, Chapter 2 (Use Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), the regulations set forth for C1-4 Districts shall apply to C1-5 Districts, and the regulations set forth for C2-4 Districts shall apply to all other districts. In an M1 District paired with an R9 or R10 District, the regulations of #public parking garages# in Article XII, Chapter 3 (Special Mixed Use Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

### **138-20**

#### **SPECIAL BULK REGULATIONS**

In the #Special East Harlem Corridors District#, all #developments# and #enlargements# shall comply with the #bulk# regulations for #Quality Housing buildings#, as modified by the provisions of this Section, inclusive.

In all districts, the #floor area# provisions of Section 138-21 (Floor Area Regulations), inclusive, and the #street wall# location provisions of Section 138-22 (Street Wall Regulations), shall apply. In #Commercial Districts#, the height and setback provisions of Section 138-23 (Height and Setback Regulations in Commercial Districts) shall apply. In M1 Districts paired with an R9 or R10 Districts, the height and setback provisions set forth in Section 138-24 (Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District) shall apply.

### **138-21**

#### **Floor Area Regulations**

### **138-211**

#### **Floor area regulations in the Park Avenue Subdistrict**

The maximum #floor area ratio# for #zoning lots# within the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, is set forth in paragraph (a) of this Section. Such provisions are modified for certain #zoning lots# in accordance with paragraph (b).

(a) Maximum #floor area ratio#

In M1-6 Districts paired with an R9 District, the maximum #floor area ratio# shall be 8.5. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5.

In C6-4 Districts and M1-6 Districts paired with an R10 District, the maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 2.0.

Where a #development# or #enlargement# of a #building# on a #zoning lot# contains #residential floor area#, such #zoning lot# shall provide a minimum non-#residential floor area ratio# of 1.5 in M1-6 Districts paired with an R9 District, and 2.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.

(b) Modified maximum #floor area ratio# for certain #zoning lots#

The maximum #floor area ratios# set forth in paragraph (a) of this Section shall be modified, as

follows:

- (1) the minimum non-residential floor area requirements set forth in paragraph (a) of this Section shall be optional for zoning lots existing on or before [date of adoption] with a lot area of less than 5,000 square feet. For zoning lots utilizing the provisions of this paragraph (b)(1), the minimum non-residential floor area requirements set forth in paragraph (a) of this Section shall not apply;
- (2) for zoning lots subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154 (Inclusionary Housing), the maximum residential floor area ratio of the underlying district as specified in Section 23-153 (For Quality Housing buildings) shall apply; and
- (3) for zoning lots subject to paragraphs (b)(1) or (b)(2) of this Section, the maximum floor area ratio for all uses shall be 7.52 in M1-6 Districts paired with an R9 District, and 10.0 in C6-4 Districts and M1-6 Districts paired with an R10 District.

### **138-212**

#### **Floor area regulations outside of the Park Avenue Subdistrict**

For zoning lots, or portions thereof, outside of the Park Avenue Subdistrict, as shown in the Appendix to this Chapter, the underlying floor area regulations shall apply, except that:

- (a) in C2 Districts mapped within an R9 District, for any zoning lot containing residential floor area, the maximum residential floor area ratio for zoning lots complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary housing), or, for affordable independent residences for seniors, shall be 8.5, the maximum residential floor area ratio for zoning lots utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154 shall be 7.52, and the maximum floor area ratio for any combination of uses shall be 8.5; and
- (b) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the floor area provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.

### **138-22**

#### **Street Wall Regulations**

All developments and enlargements within the Special East Harlem Corridors District shall comply with the street wall regulations of Section 35-651 (Street wall location), as specified and modified in this Section. Where M1 Districts are paired with R9 or R10 Districts, developments and

#enlargements# within such districts shall comply with the provisions of paragraph (b) of this Section. The applicable provisions of Section 35-651 are specified and modified as follows:

(a) Along #wide streets# other than Park Avenue

Along all #wide streets# other than Park Avenue, and along #narrow streets# within 50 feet of an intersection with such #wide street#, the provisions of paragraph (b) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(b) Along Park Avenue

Along Park Avenue and along #narrow streets# located within 100 feet of Park Avenue, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 40 feet, or the height of the #building#, whichever is less.

(c) Along all other #streets#

Along all #streets# not subject to the provisions of paragraph (a) or (b) of this Section, the provisions of paragraph (a) of Section 35-651 shall apply, except that the minimum base height shall be 60 feet, or the height of the #building#, whichever is less.

(d) Within #flood zones#

For #buildings# within the #flood zone#, the provisions of paragraphs (a), (b) and (c) of this Section, as applicable, shall be modified as follows:

- (1) for #developments# or horizontal #enlargements#, or portions thereof, where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk pursuant to the provisions of Section 37-34 (Minimum Transparency Requirements), for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#;
- (2) for portions of #developments# and #enlargements# where the provisions of paragraph (a) of this Section apply, such #street wall# shall not be located beyond five feet of the #street line#, except that such #street wall# may be located beyond such distance pursuant to the applicable provisions of paragraph (b) of Section 35-651 or of Section 64-333 (Street wall location in certain districts); and
- (3) the area between such #street wall# and the sidewalk, or portions thereof, that do not contain any planting pursuant to the provisions of paragraph (a) of Section 138-32 (Special Streetscape Provisions for Blank Walls), shall be improved to Department of



Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. In addition, such area shall provide visual mitigation elements in accordance with the provisions of Section 138-32.

## **138-23**

### **Height and Setback Regulations in Commercial Districts**

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

#### (a) Basic Height and Setback Regulations

Except as provided in paragraph (b) and (c) below, in #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations).

The regulations of paragraph (b)(2) of Section 36-652 relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section 138-30 (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

#### (b) Alternate Height and Setback Regulations in Certain Districts

Except as provided in paragraph (c) below, in C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# meeting the applicable criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

##### (1) Setbacks

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

##### (2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum

#lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower containing exclusively non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum #building# height

No height limit shall apply to towers.

(c) Special Height and Setback Regulations in Certain Areas

In #Commercial Districts# in certain areas, the following maximum height and setback modifications shall apply.

(1) In C2-5 Districts mapped over R9 Districts and in C4-6 Districts in the following locations, the provisions of paragraph (a) of this Section shall apply, except that the maximum #building# height shall be 175 feet:

- (i) The area bounded by the centerline of East 124th Street, the centerline of Second Avenue, the centerline of East 123rd Street, and a line 100 feet west of the westerly #street line# of Second Avenue;
- (ii) The area bounded by a line 100 feet north of the northerly #street line# of East 116th Street, a line 100 feet east of the easterly #street line# of Lexington Avenue, a line 100 feet south of the southerly #street line# of East 116th Street, and a line 100 feet west of the westerly #street line# of Lexington Avenue;
- (iii) The area bounded by the centerline of East 124th Street, a line 100 feet east of the easterly #street line# of Third Avenue, the centerline of East 123rd Street, the centerline of Third Avenue, the centerline of East 122nd Street, and a line 100 feet west of the westerly #street line# of Third Avenue.

(2) In C2-5 Districts mapped over R9 Districts and C2-5 Districts mapped over R10 Districts in the following locations, the provisions of paragraph (a) of this Section shall apply, except that the maximum #building# height shall be 215 feet:

- (i) The area bounded by a line 100 feet east of the easterly #street line# of Park Avenue, the centerline of East 115th Street, a line 100 feet west of the westerly #street line# of Park Avenue, the centerline of East 122nd Street, the centerline of Park Avenue, and the centerline of the #block# located between East 120th Street and East 119th Street;

- (ii) The area bounded by the centerline of East 132nd Street, the centerline of Park Avenue, the centerline of East 131st Street, and a line 100 feet west of the westerly #street line# of Park Avenue.

### **138-24**

#### **Height and Setback Regulations in M1 Districts Paired With an R9 or R10 District**

In M1 Districts paired with an R9 or R10 District, the applicable #street wall# location and minimum base height provisions of paragraph (c) of Section 138-22 (Street Wall Regulations) shall apply. The maximum height of #buildings or other structures# and setback provisions set forth in Section 123-66 (Height and Setback Regulations) shall apply as modified in this Section.

- (a) In M1 Districts paired with an R9 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 105 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). The maximum #building# height shall be 215 feet; and
- (b) in M1 Districts paired with an R10 District, at a height not lower than the minimum base height set forth in Section 138-22, nor higher than a maximum base height of 155 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662. The maximum #building# height shall be 215 feet.

### **138-30**

#### **STREETSCAPE REQUIREMENTS**

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a ground floor level that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5 need not comply with the streetscape requirements of this Section, inclusive.

### **138-31**

#### **Ground Floor Use Regulations**

The special #ground floor level# streetscape provisions set forth in Section 37-30, shall apply to Second Avenue, Third Avenue, Lexington Avenue, Park Avenue and East 116th Street, within the #Special East Harlem Corridors District# which, for the purposes of applying such provisions, shall be considered designated retail streets, and any portion of a #ground floor level street# frontage along the designated

retail streets, as well as any #narrow street# frontage within 50 feet of such #streets#, shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall also include those defined in Section 37-311 (Definitions).

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 2 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements), except that:

- (1) in M1-6 Districts paired with an R9 or R10 District, where the #ground floor level# is occupied by #uses# in Use Groups 16, 17 and 18, up to 50 percent of the #ground floor level street wall# width may be exempt from such regulations, provided that any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide planting or screening in accordance with the provisions of paragraphs (a) or (f) of Section 138-32 (Special Streetscape Provisions for Blank Walls) for at least 75 percent of such blank wall; and
- (2) in #flood zones#, where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 15 feet, visual mitigation elements shall be provided in accordance with Section 138-32 for such blank wall.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #group parking facilities# on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

**138-32**  
**Special Streetscape Provisions for Blank Walls**

Where visual mitigation elements are required on a blank wall along the #ground floor level street wall# pursuant to the provisions of Section 138-31 (Ground Floor Use Regulations), at least 75 percent of the linear footage of any such blank wall shall be treated by one or more of the following visual mitigation elements which shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations. Such features when utilized as visual mitigation elements shall include:

(a) Planting

Any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of this paragraph.

(b) Benches

Fixed benches with or without backs shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

#### **138-40**

#### **OFF-STREET PARKING AND LOADING REGULATIONS**

The applicable parking and loading regulations of Article II, Chapter 5, Article III, Chapter 6, Article IV, Chapter 4 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS) or Section 123-70 (PARKING AND LOADING), inclusive, shall be modified in this Section, inclusive.

#### **138-41**

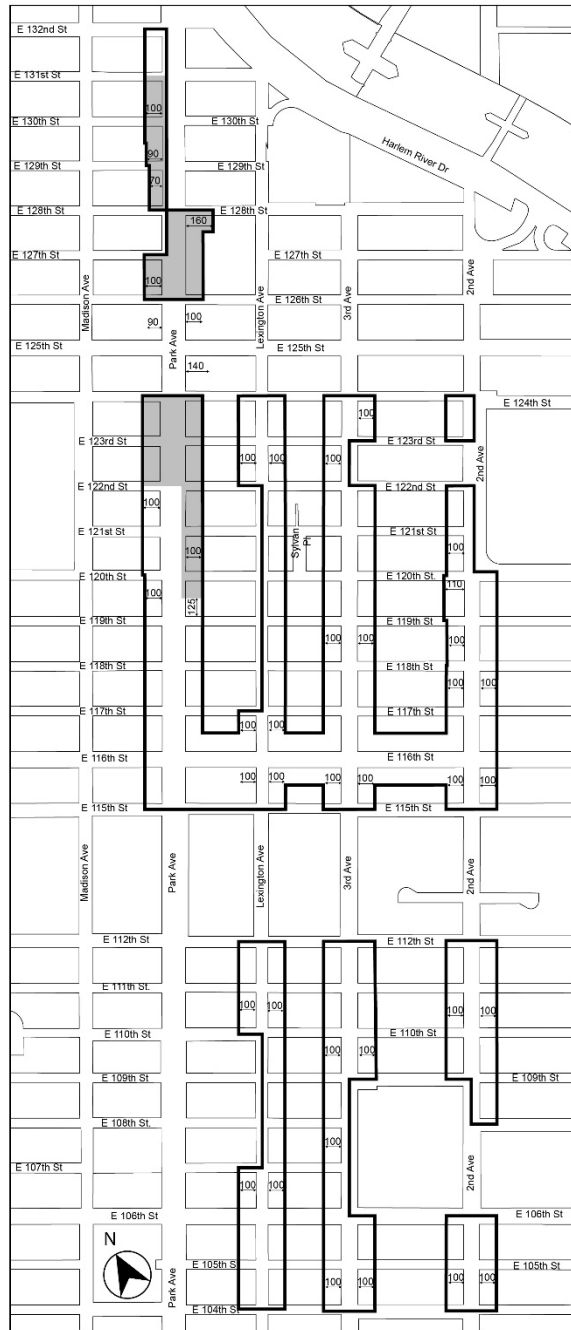
#### **Required Accessory Off-street Parking Spaces for Residences**

In the #Special East Harlem Corridors District#, no #accessory# off-street parking shall be required for #residences#. Off-street parking shall be permitted in accordance with the underlying district regulations.



# APPENDIX: SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN

## Special East Harlem Corridors District and Subdistrict

[PROPOSED MAP]



EAST HARLEM DISTRICT PLAN  
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

-  Special East Harlem Corridors District
-  Park Avenue Subdistrict

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**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**MANHATTAN**

\* \* \*

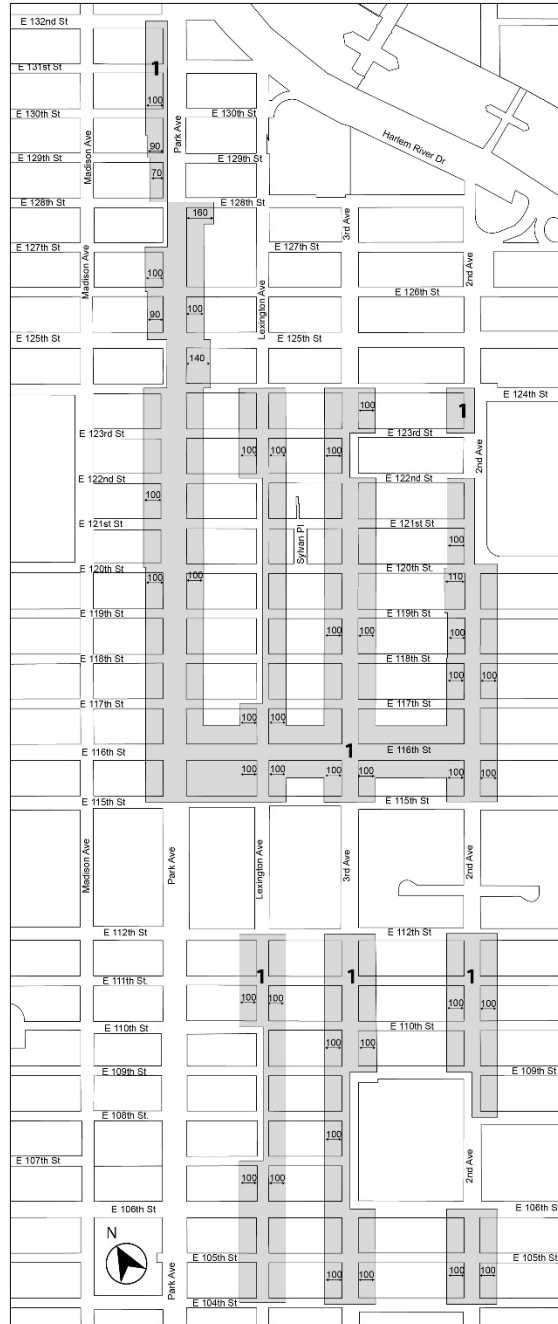
**Manhattan Community District 11**

In the R7D, R9 and R10 Districts within the areas shown on the following Map 1 and Map 2:

\* \* \*



[PROPOSED MAP]



 **Mandatory Inclusionary Housing Program area** *see Section 23-154(d)(3)*  
**Area 1** [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 11, Manhattan

\* \* \*