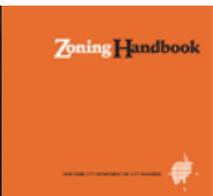
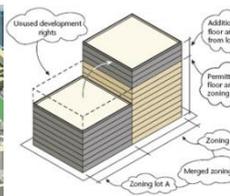




# Advanced Zoning

Land Use, Planning and Development Division  
Office of Manhattan Borough President Gale A. Brewer



# Advanced Zoning



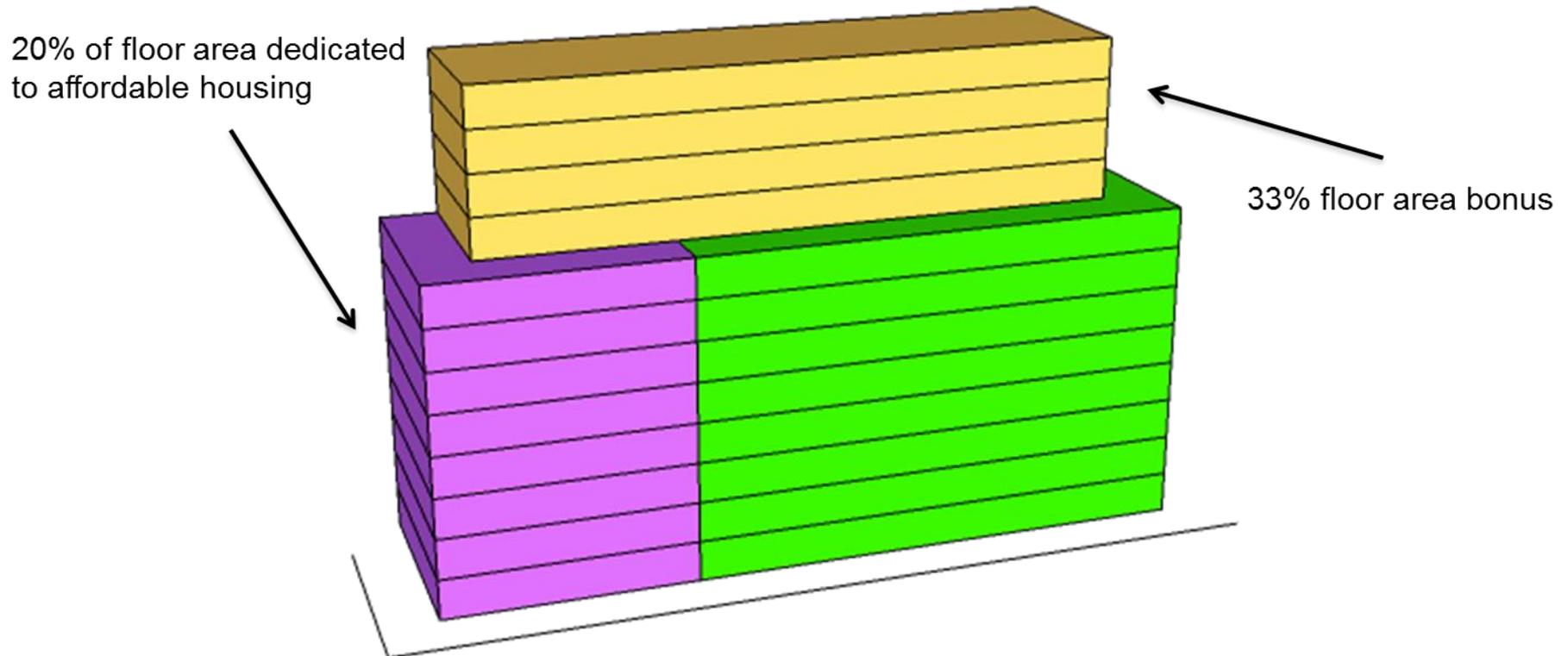
1. Zoning Calculations
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# 1916 v 1961 Zoning Resolution

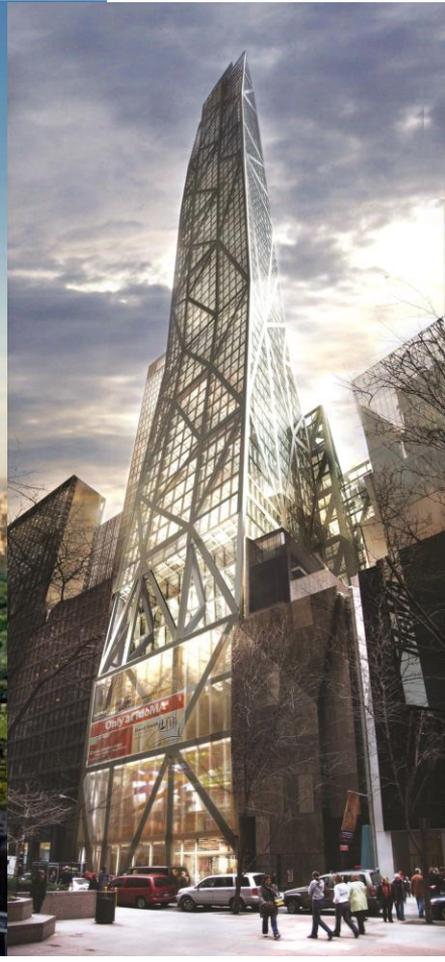


# Incentive Zoning

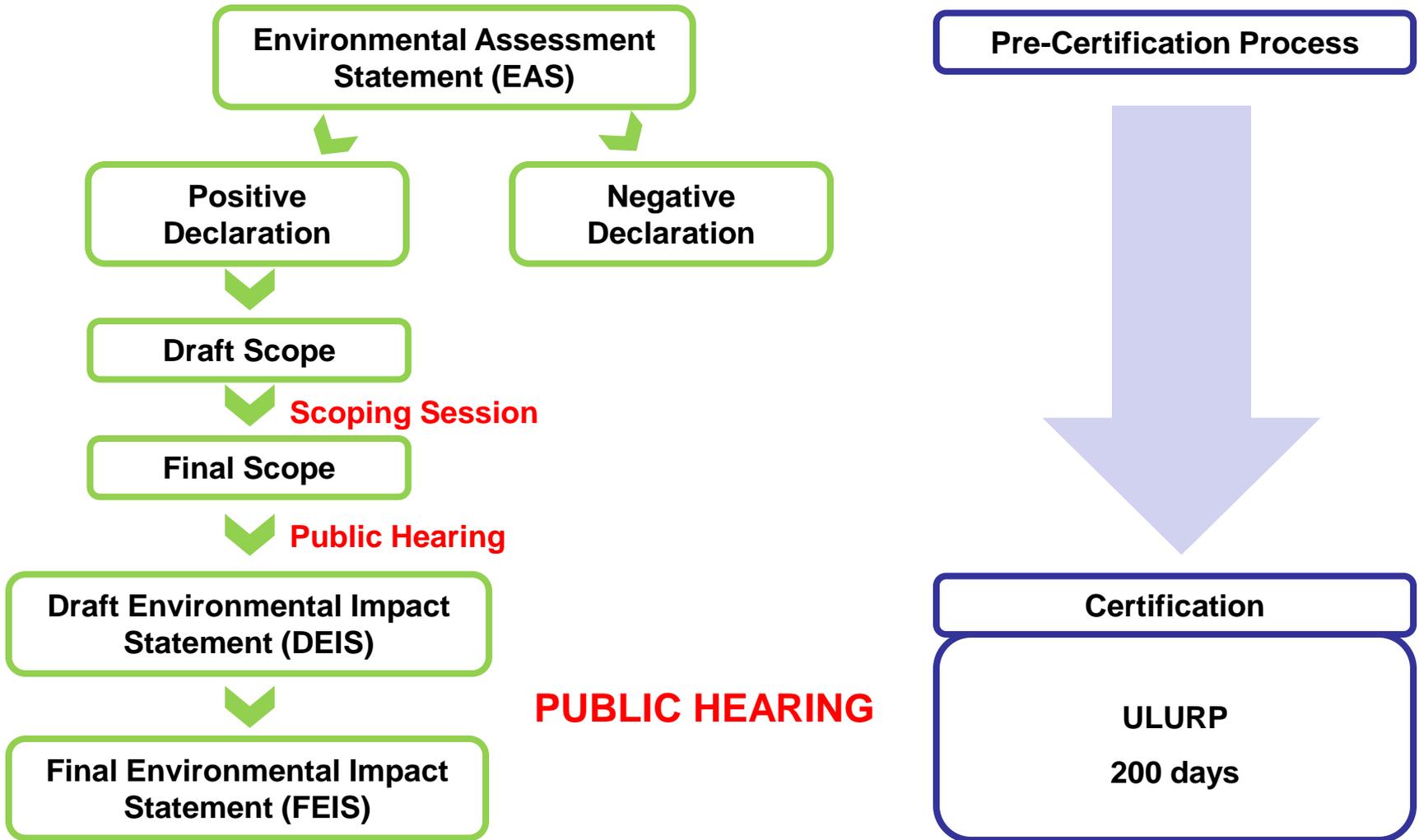
Bonuses allow bigger buildings in exchange for a public benefit.



# As-of-Right v Discretionary

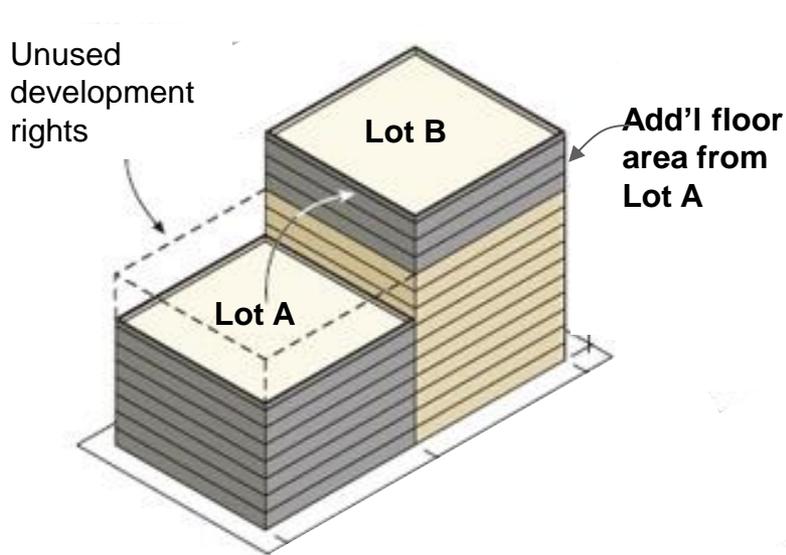


# CEQR & ULURP

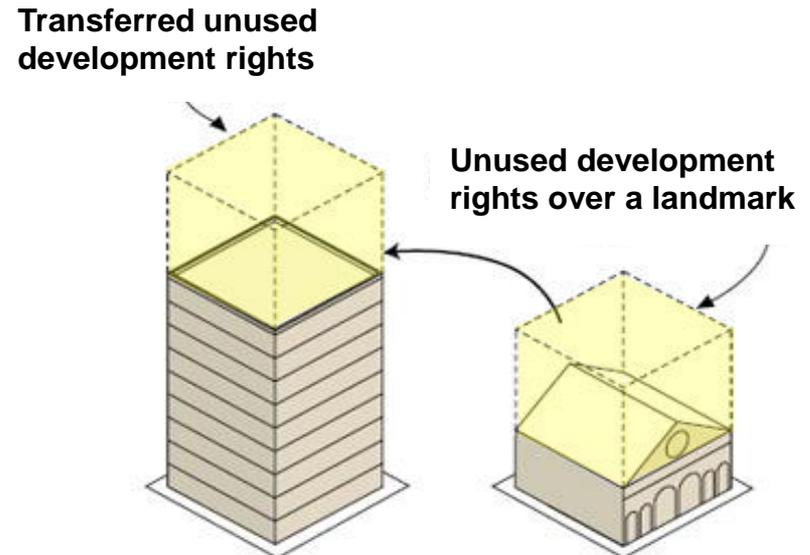


# Transfer of Development Rights

- Zoning tool that allows for greater density or floor area in a development.



Shifting density to adjacent lots  
(zoning lot merger)



Transfer for special purposes  
(e.g. historic preservation)

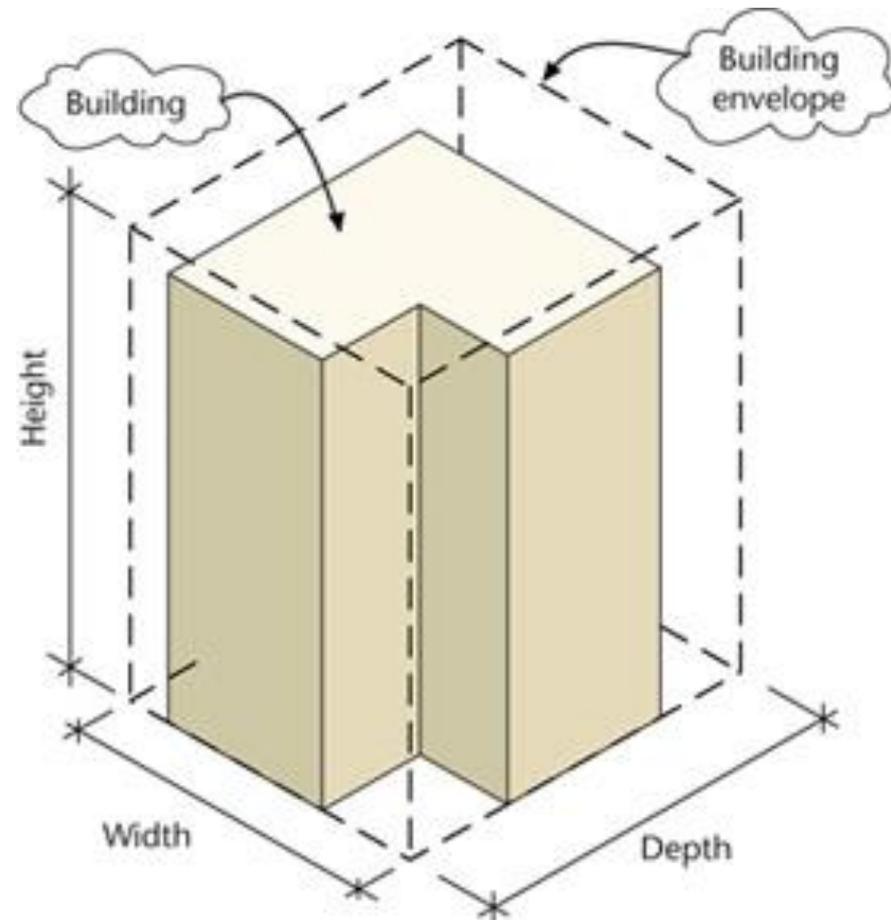
# Advanced Zoning



- 1. Zoning Calculations**
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# Bulk Controls

- Open Space
- Height and Setback



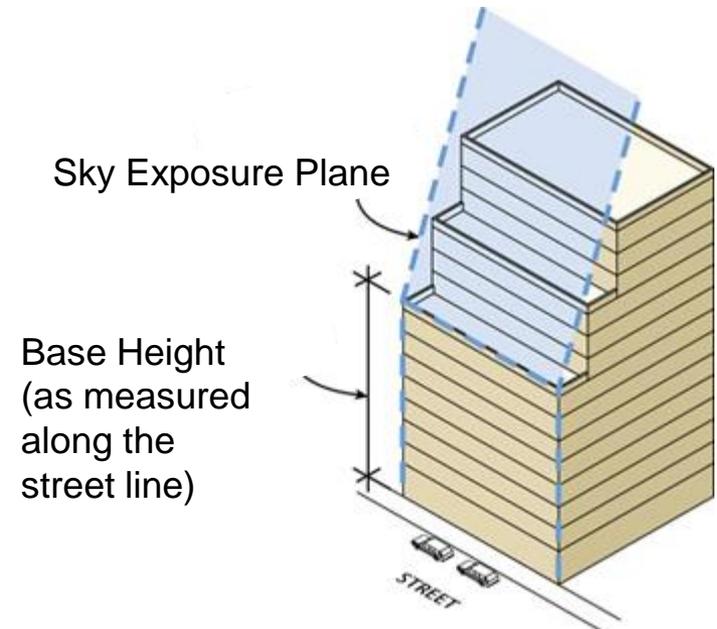
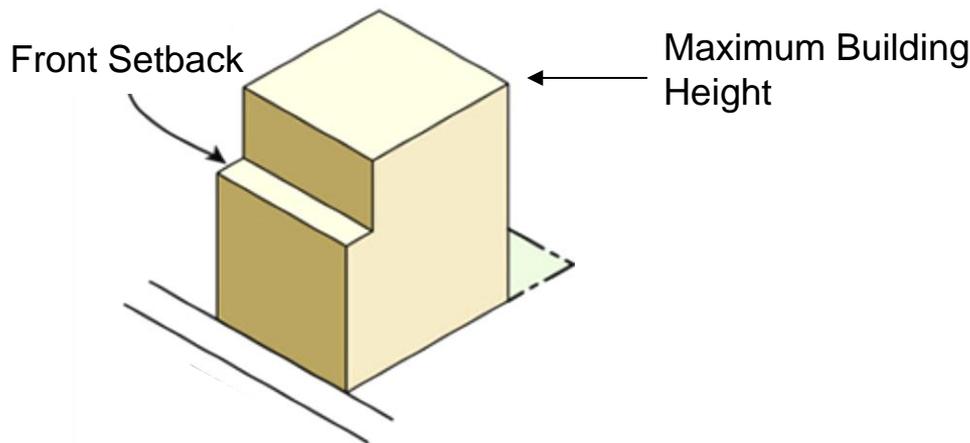
*Image from NYC Department of City Planning*

# Open Space

- Open Space Ratio (OSR)
  - Percent of Zoning Lot Floor Area
  - Unobstructed to the sky
- Lot Coverage
  - Percent of Zoning Lot that can be covered
- Yards
  - Open area at lowest level

# Height and Setback

- Street Wall and Street Line
- Base Height v Building Height
- Sky Exposure Plane



*Images from NYC Department of City Planning*

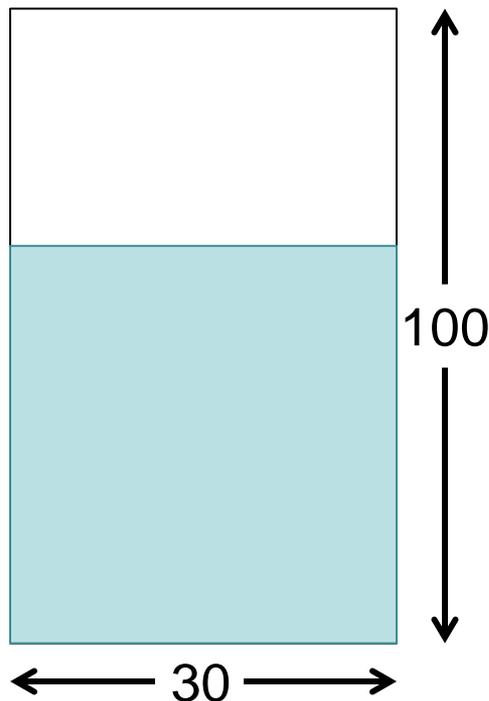
# Types of Air Rights

- Condo Rights (same lot, different owners)
- Development Rights
  - “Extra” Floor Area (two lots, same zoning lot)
  - Distribution of floor area  
(same zoning lot, different zoning districts)
  - Transfer of development rights (TDR)  
(different zoning lots)

# How to Calculate Floor Area

Maximum Floor Area = Lot Area x FAR

Maximum Floor Area – Existing Floor Area = Available Floor Area



Example 1: R8B District, 4.0 Residential FAR

Interior Lot Coverage = 70% + 30 foot rear yard

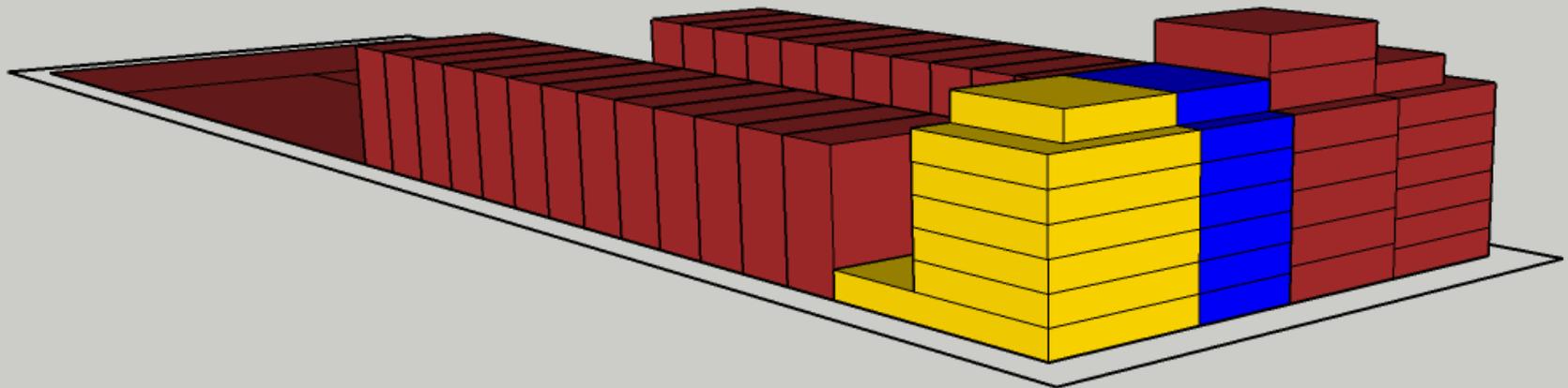
Lot Area:  $30 \times 100 = 3000$  sf

Maximum Residential FA:  $3,000 \times 4.0$  FAR = 12,000 sf

Buildable lot area = 2100 sf

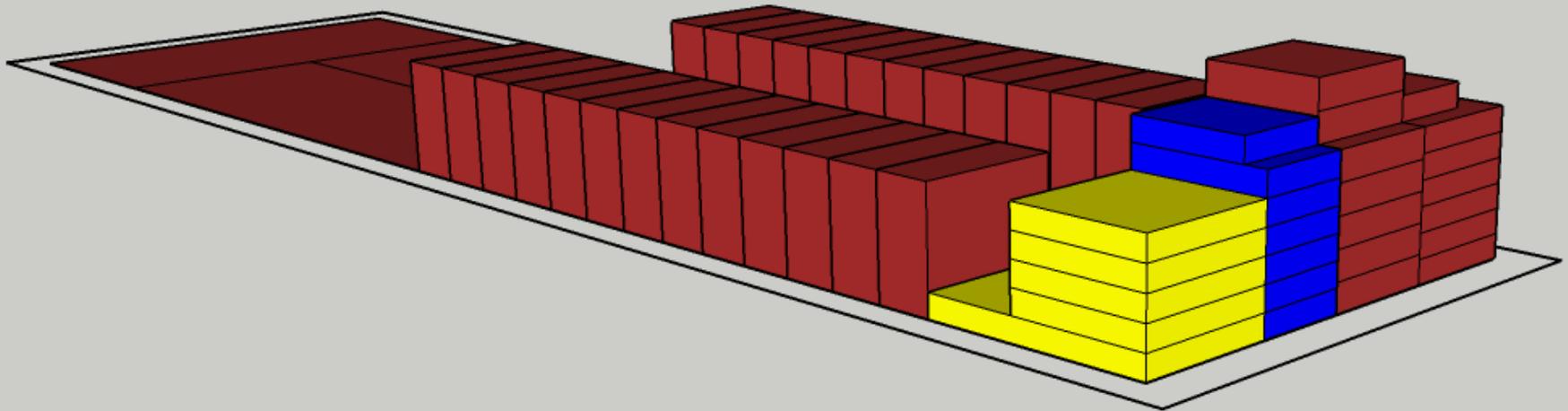
# Zoning Lot Mergers

- R72 District
- Residential FAR = 4.0 (wide); 3.44 (narrow)
- Full build-out



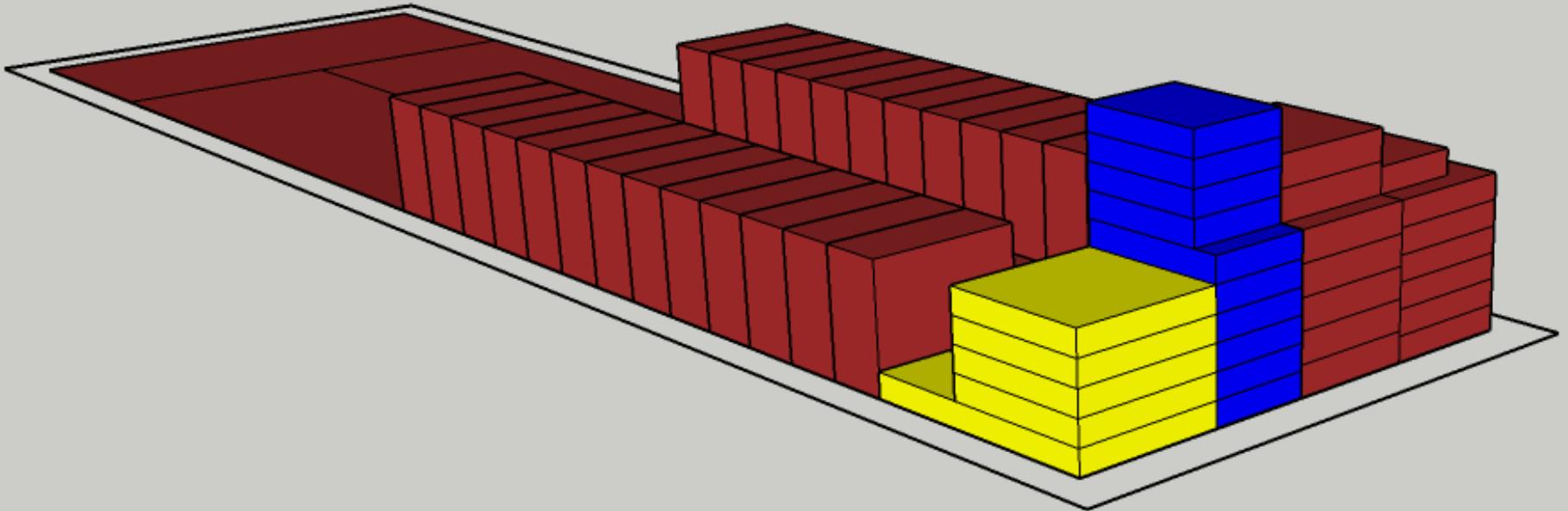
# Zoning Lot Mergers

- R72 District
- Residential FAR = 4.0 (wide); 3.44 (narrow)
- Yellow lot, underbuilt; blue lot, full FAR



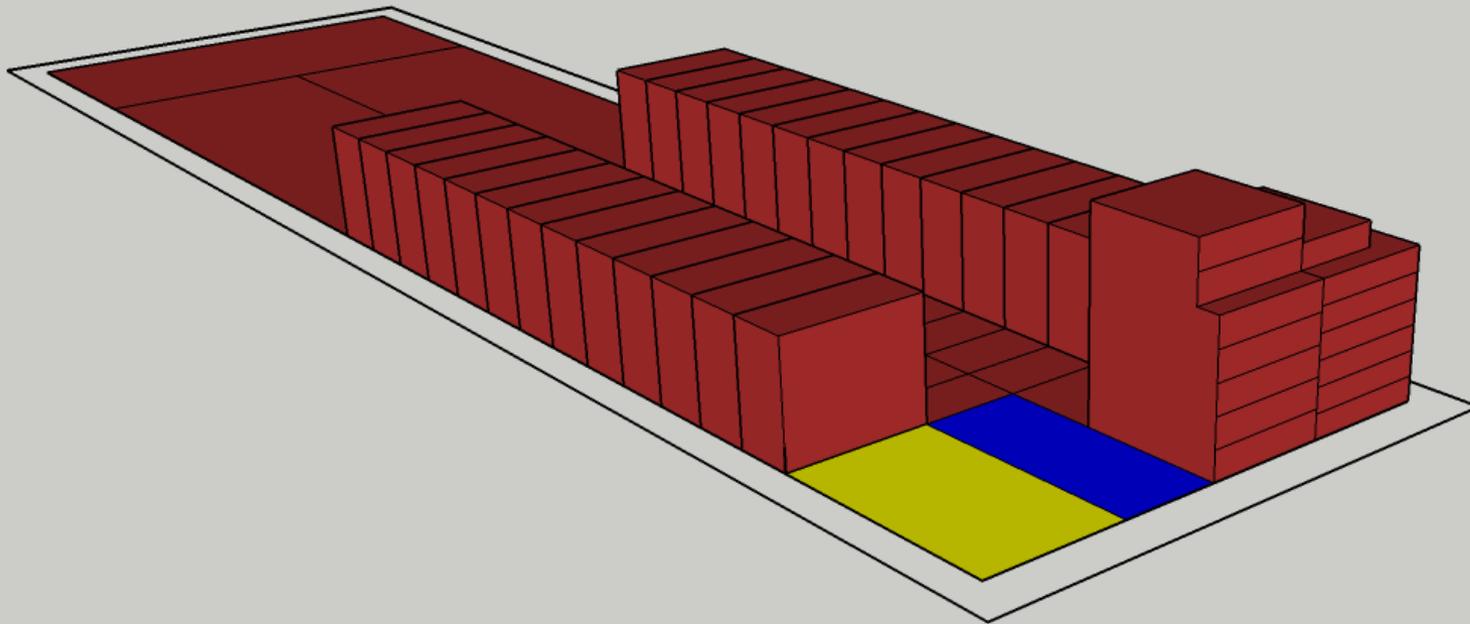
# Zoning Lot Mergers

- R72 District
- Residential FAR = 4.0 (wide); 3.44 (narrow)
- Lots merged to single zoning lot



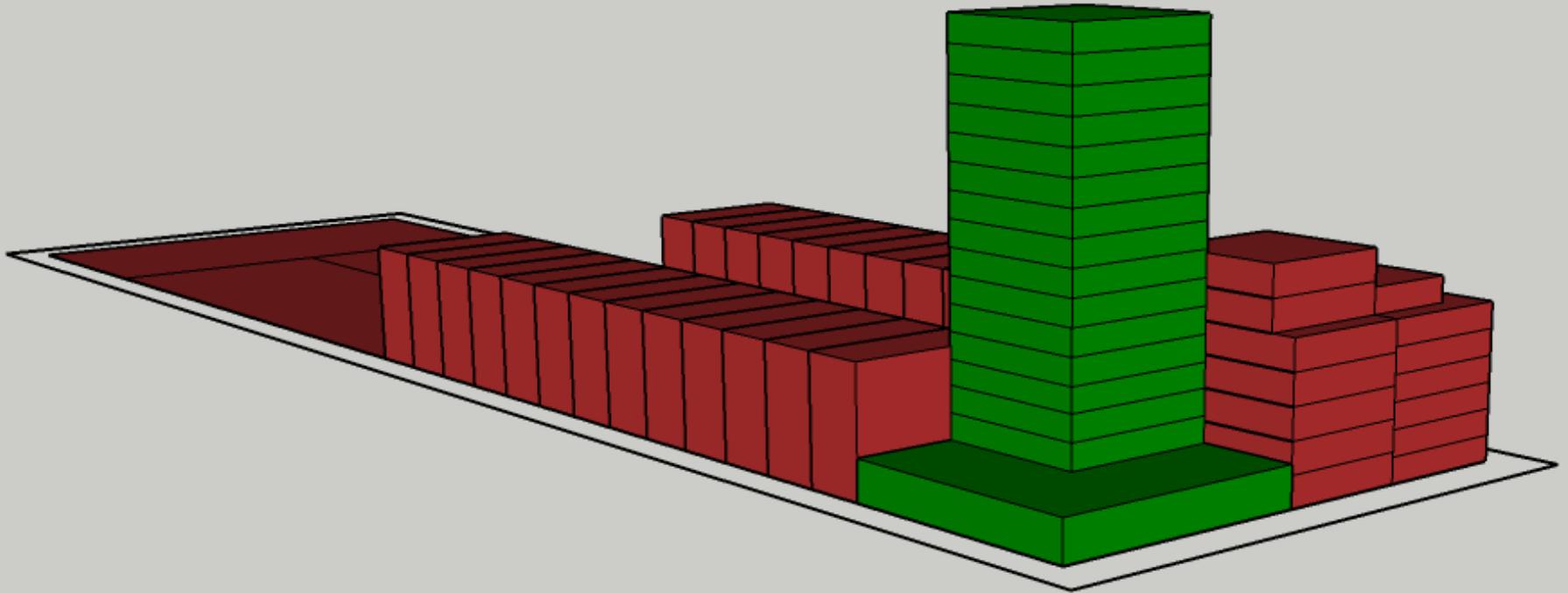
# Zoning Lot Mergers

- R72 District
- Residential FAR = 4.0 (wide); 3.44 (narrow)
- Two vacant lots



# Zoning Lot Mergers

- R72 District
- Residential FAR = 4.0 (wide); 3.44 (narrow)
- Single zoning lot, Height Factor building.



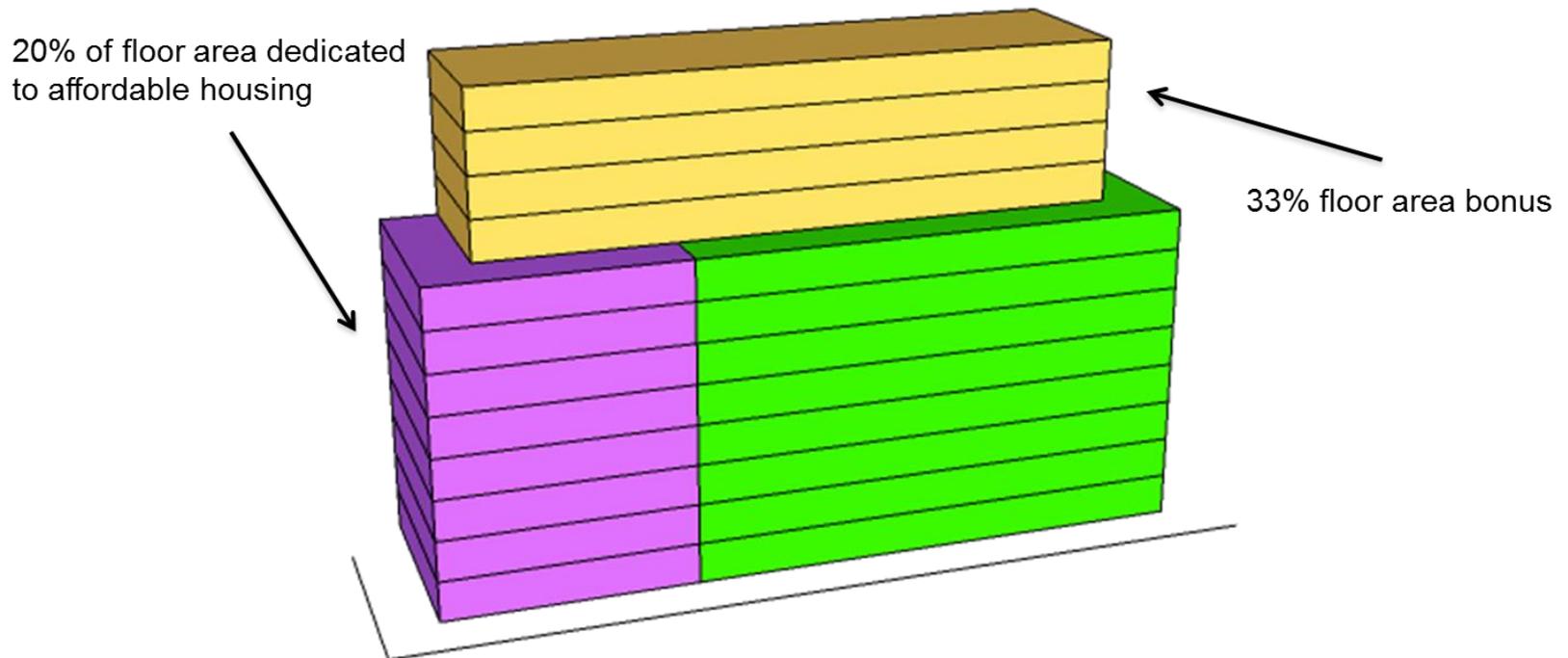
# Advanced Zoning



1. Zoning Calculations
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# Floor Area Bonus

- Base FAR + Bonus = Maximum FAR
- 1.25 sf for every 1 sf of affordable housing
- Affordable must be permanent.



# On Site v Off Site

- On Site = Affordable + Market Rate
- Off Site= Two separate zoning lots, one with affordable, one with market rate + FAR bonus of additional market rate



# Advanced Zoning



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# The Landmark Process

1. Identify Potential Landmark or District
2. Submit RFE
3. Research Analysis and Determination
4. Calendaring
5. Public Hearing
6. LPC Vote
7. CPC Review and Vote
8. City Council Vote

# The Landmark Law

- Passed in 1965
- Created the LPC
- Did not mandate process
- Designation is not a “taking”



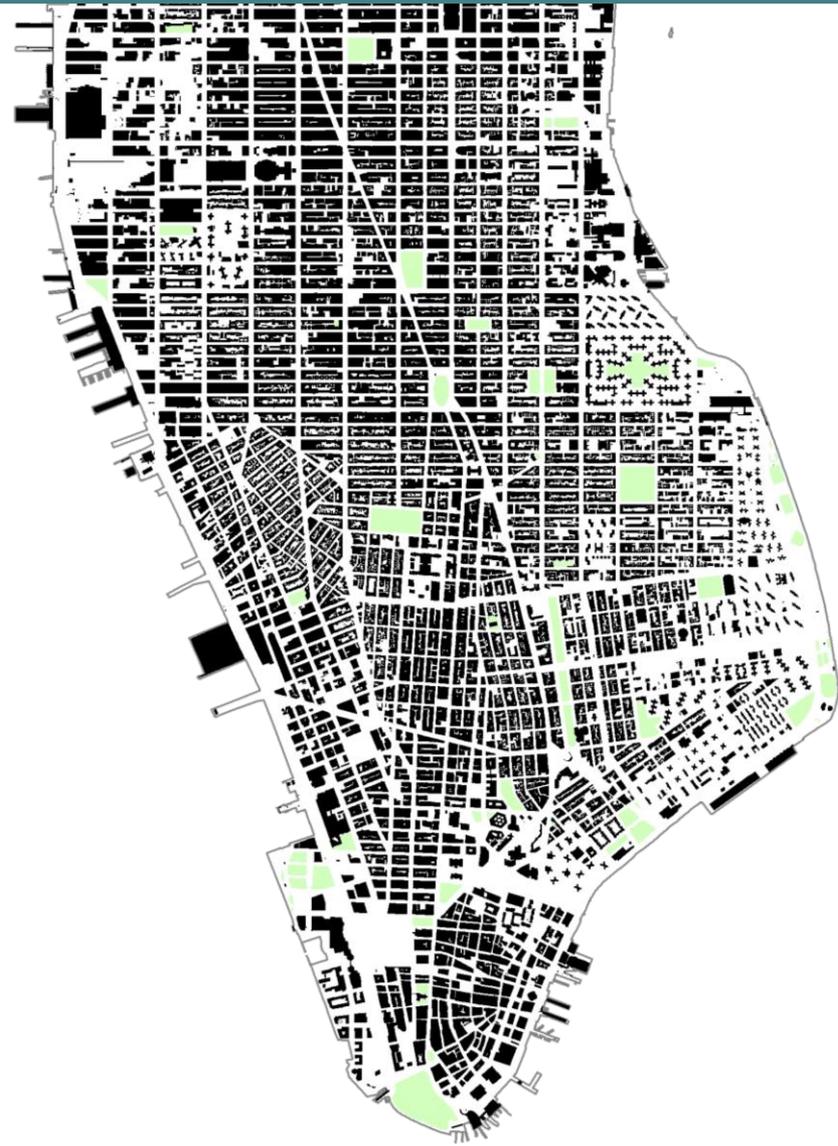
# Landmarks & Zoning

- Zoning applies in Historic Districts
- Zoning rules + LPC requirements
- Eligible for special permits and TDRs



# Advanced Zoning

1. Zoning Calculations
2. Inclusionary Housing
3. Landmarks & Zoning
4. **Special Permits**
5. Large-Scale Developments



# Why do we have special permits?

- A way to account for exceptions to the rule
- Must qualify under set conditions
- Must meet findings for approval



# Structure of Special Permits

- **Applicability:** Where a special permit can be requested
- **Conditions:** Initial threshold for consideration
- **Findings:** What the project must meet to be granted approval

# Community Board Comments

- Consider the Draft Scope
- Focus on the findings
  - Neighborhood Character
  - Services
  - Circulation
  - Light & Air
- Remember the Scope

# Community Board Comments

74-90

## USE AND BULK MODIFICATIONS FOR CERTAIN COMMUNITY FACILITY USES

In all #Residence# and #Commercial Districts# except C7 and C8 Districts, which are in the Community Districts within which, pursuant to Section 22-42 (Certification of Certain Community Facility Uses), nursing homes and health-related facilities are not permitted as-of-right, the City Planning Commission may permit the #development#, #extension# or #enlargement# or change of #use# involving such nursing homes and health-related facilities where such #uses# are not permitted as-of-right, provided that the Commission finds:

# Community Board Comments

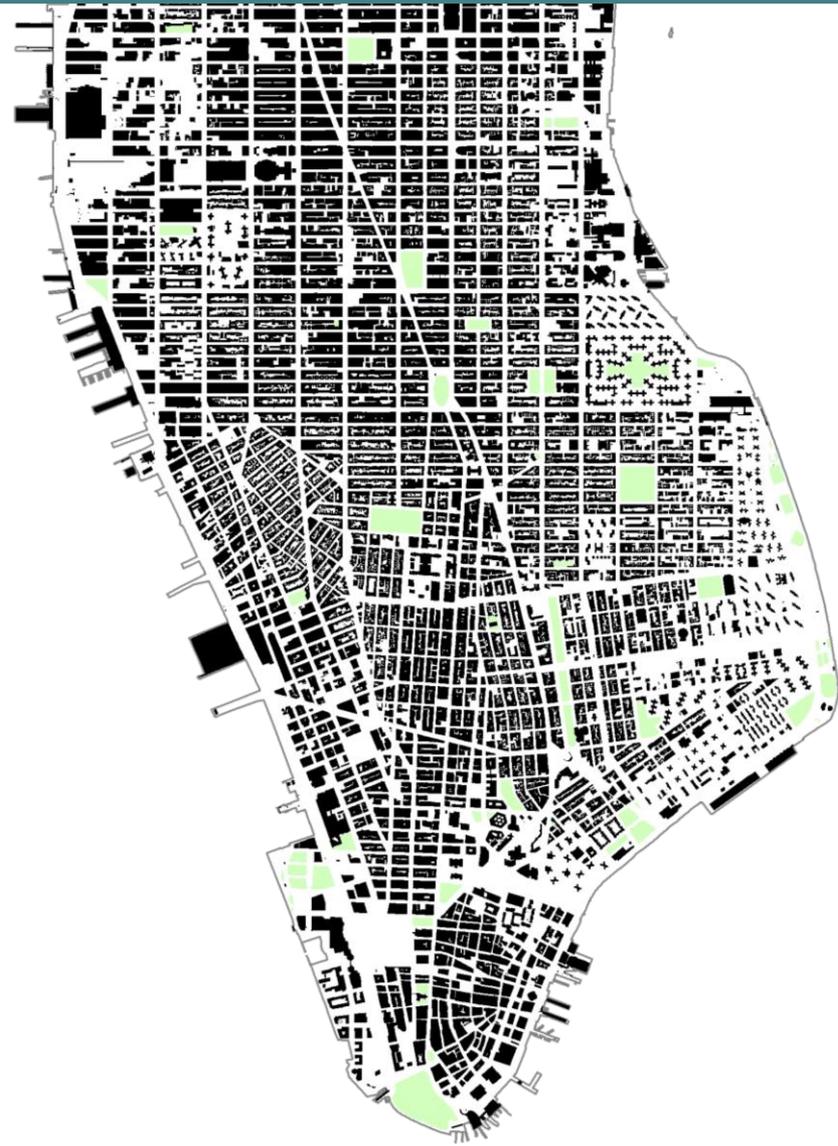
- (a) that the architectural landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography of the surrounding area;
- (b) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic;
- (d) that the disadvantages to the community imposed by the concentration of these facilities in the Community District are outweighed by the benefits derived from the proposed #use#; and
- (e) that in R1 and R2 Districts, such facilities are not proprietary nursing homes, proprietary health-related facilities or proprietary domiciliary care facilities for adults.

The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.

Where such #use# is authorized by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Sections 74-901 or 74-902.

# Advanced Zoning

1. Zoning Calculations
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# What is a Large-Scale Development?

- (3) Types defined in ZR Section 12-10
- Requirements for minimum area, use, ownership
- Allows for greater site plan control while permitting more types of waivers.

# Types of Large-Scale Development

- Large-Scale General Development
  - Established and modified under ZR 74-743
  - Use modifications under 74-744
  - Allows for a mix of uses
- Large-Scale Community Facility Development
  - Governed by Article 7, Chapter 8
- Large-Scale Residential Development
  - Governed by Article 7, Chapter 9

# Office of Manhattan Borough President Gale A. Brewer

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BASHA GERHARDS, Dep. Director  
CBs 1 and 8

JESSE BODINE, Dir. Of Community  
Development  
CBs 2, 6 and 7

MICHAEL SANDLER, Urban Planner  
CBs 3, 4, and 5

LUCIAN REYNOLDS, Urban Planner  
CBs 9, 10, 11, and 12

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CBs 9, 10, and 12



# Advanced Zoning

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