



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ZONING

September 20, 1989

Commissioner George Berger
Department of Buildings
60 Hudson Street
New York, NY 10007

Dear Commissioner Berger:

Please be advised that the recently adopted low density contextual zoning amendment contains a discrepancy between Sections 23-12 and 25-64. Paragraph (a) (2) in Section 23-12 (Permitted Obstructions in Open Space) provides that only 33 percent of the required open space may be occupied by parking and driveways in R4 or R5 districts. Section 25-64 (Restrictions on the Use of Required Open Space for Parking) permits 66 percent of the open space to be used for parking and driveways in R4 or R5 districts.

The text of Section 25-64 is correct: 66 percent of the required open space may be used for parking and driveways.

This letter will also clarify the intent of the lower density contextual zoning amendment with regard to the height and setback regulations of Tier II developments in the Special Hillside Preservation District.

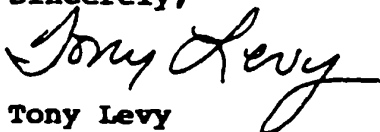
Section 119-212 establishes adjoining grades all along the periphery of a building as the points from which building height is measured. Section 23-631 establishes the base plane, as the point from which building height is measured. The former respects the contour of a hillside; the latter creates a horizontal average which ignores the differences in grades and is inappropriate for use on hillsides.

Upon reviewing Section 119-212 it is also apparent that the original concept of maintaining infill housing at a height of 32 feet is unclear. The height of 32 feet should be measured from all points adjacent to the building from the adjoining ground

up and not from curb level as in Section 23-691 or from base plane as in Section 23-631.

The Department proposes to amend Section 23-12 to eliminate the discrepancy and Section 119-212 to clarify its intent as expeditiously as possible.

Sincerely,

A handwritten signature in cursive script that reads "Tony Levy". The signature is written in black ink and is positioned to the right of the typed name.

Tony Levy