II. REPORTS

ASSIGNMENT

Borough of Manhattan

No. 8

CPD 7 **(CP-22229)**

IN THE MATTER OF:

(1) COMMUNICATION, dated October 30, 1972, from the Manhattan and Bronx Surface Transit Operating Authority **surrendering City-owned property loctaed within** the block bounded by **Eighth Avenue, Ninth Avenue, West 53rd Street and West 54th** Street, Part of Lot 3 in Block 1044, Borough of Manhattan, **and;**

(2) COMMUNICATION, dated October 30, 1972, from the New York City Transit Authority requesting the **assignment** of property **for use as site for a Power System Control Center,** Manhattan.

(On November 28, 1972, Cal. No. 97, the Committee on Acquisition and Disposition of City Property of the Board of Estimate referred this matter to the Commission.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The property to be transferred comprises Block 1044, part of Lot 3, Borough of Manhattan. It is an irregularly shaped parcel with its boundary beginning at a point on the northerly line of West 53rd Street at a distance of 409.32 feet east of the intersection formed by the easterly line of Ninth Avenue and the northerly line of West 53rd Street and running thence in a general northerly direction for a distance of 42.33 feet; thence in a general westerly direction for a distance of 164.76 feet; thence in a general northerly direction for a distance of 5.08 feet; then in a general easterly direction for a distance of 275.00 feet; then in a general southerly direction for a distance of 56.75 feet to the northerly building line of West 53rd Street; then in a general westerly direction along the northerly line of West 53rd Street for a distance of 115.08 feet to the point of beginning.

The Site Selection Board approved the above site along with Lot 11 in Block 1044, Borough of Manhattan, on April 19, 1971 (SS-643) Calendar No. 7 for a Power System Centralized Supervisory Control Center, Borough of Manhattan.

The City Planning Commission recommends that (1) the surrender of a part of Lot 3 in Block 1044, Borough of Manhattan, by the Manhattan and Bronx Surface Transit Operating Authority and (2) the assignment of this property to the New York City Transit Authority be approved.

DONALD H. ELLIOTT, Chairman.

NP:eg

CITY MAP CHANGES

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Borough of Richmond

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No. 9

CPD 3 **(CP-22175)**

IN THE MATTER OF communication dated October 17, 1972 from the President, Borough of Richmond, submitting **map establishing the lines and grades of North Railroad Avenue from Riedel Avenue to Windemere Avenue** and Riedel Avenue from North Railroad Avenue to Windemere Avenue, also eliminating a portion of Willowbrook Parkway and a park strip therein, Borough of Richmond, in accordance with a Map No. 3855 signed by the Borough President and the Commissioner of Parks and dated September 14, 1972.

(On October 26, 1972, Cal. No. 225, the Board of Estimate referred this matter to the Commission; on November 29, 1972, Cal. No. 11, the Commission scheduled December 13, 1972, for a hearing; on December 13, 1972, Cal. No. 34, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The map relates to a limited area in the Oakwood Heights section of the Borough and provides primarily for establishing the lines and grades of North Railroad Avenue at a width of 60 feet from Riedel Avenue to Windemere Avenue and of Riedel Avenue at a width of 47 feet from North Railroad Avenue to Windemere Avenue. The map further eliminates the lines of a proposed northbound entrance ramp to the Willowbrook Parkway from Amboy Road and of two narrow park strips.

The map restores street lines previously demapped by map change CP-20539, approved by the Board of Estimate on April 24, 1969 (Calendar No.149).

The State of New York had requested the mapping of the entrance ramp to conform to a change in the Willowbrook Parkway in order that acquisition of the property affected by its location could be effectuated. The map change CP-20539 was therefore adopted, as noted.

On July 31, 1972 the City Planning Commission was informed by the Transportation Administration that the funds to acquire the properties required for the proposed entrance ramp to the Willowbrook Parkway, are not available and consequently the original street lines should be restored.

The map under consideration reestablishes the original street lines and grades and thus removes the cloud on title of the private property involved in the original demapping.

On November 29, 1972 (Calendar No.11) the City Planning Commission scheduled a PUBLIC HEARING on the map change. The hearing was duly held on December 13, 1972. A representative of the Oakwood Civic Association appeared in opposition. He complained that the grades as shown on the map would cause flooding in the surrounding area. The hearing was closed.

Subsequently, in response to the complaint, the City agencies concerned restudied the grades in the area and determined that grades established in Windemere Avenue and its intersection with Riedel Avenue and Amboy Road could be lowered.

Consequently the map was modified to reflect a reduction of those grades ranging from 0.2 of a foot below to 1.1 foot below the previously proposed grades in order to minimize the possibility of flooding the abutting property.

The Commission considers that the map change, designed to remove a cloud on title of private property and permit its development, is an appropriate modification of the City Map.

The Commission recommends that the map change under consideration be adopted.

DONALD H. ELLIOTT, Chairman

MIK:eg

Borough of Manhattan

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No. 10

CPD 8 **(CP-22062)**

IN THE MATTER OF a map initiated by the City Planning Commission, pursuant to the provisions of Section 199c of the City Charter, providing for the **eliminating, discontinuing and closing of volumes of Franklin D. Roosevelt Drive for institutional expansion, from** the extension of the northerly line of **East 62nd Street**, to a point about 102.5 feet northerly of the northerly line of **East 71st Street; East 63rd Street and East 70th Street from York Avenue to Franklin D. Roosevelt Drive**; and a **portion of East 71st Street from** a point 417.5 feet easterly of the easterly line of **York Avenue to Franklin D. Roosevelt Drive**; all above a designated lower-limiting plane; including the **widening of East 63rd Street**, and the layout of an elevated Pedestrian Way adjacent to the U.S. Pierhead and Bulkhead Line of East River and extending from East 63rd Street to East 72nd Street, Borough of Manhattan.

(On July 12, 1972, Cal. No. 6, the Commission scheduled August 2, 1972, for a hearing; on August 2, 1972, Cal. No. 30, the hearing was continued to September 20, 1972; on September 20, 1972, Cal. No. 25, the hearing was closed.)

On motion, laid over.

Borough of The Bronx

No. 11

CPD 4 **(CP-22195)**

IN THE MATTER OF communication dated October 27, 1972, from the President, Borough of The Bronx, submitting map showing the **modification of street lines of East 158th Street from Concourse Village East to Park Avenue, Park Avenue from East 156th Street to East 162nd Street** and amending the discontinuing and closing of Park Avenue West from Concourse Village to East 161st Street, Borough of The Bronx., in accordance with a Map No. 11898 signed by the Borough President and dated October 19, 1972.

(On November 10, 1972, Cal. No. 303, the Board of Estimate referred this matter to the Commission; on December 13, 1972, Cal. No. 4, the Commission scheduled January 3, 1973, for a hearing; on January 3, 1973, Cal. No. 24, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The map relates to an area in the Melrose and Morrisania sections of the Borough and provides for the adjustment of block dimensions and angles in East 158th Street from Concourse Village East to Park Avenue and Park Avenue from East 156th Street to East 162nd Street.

The map also provides for amending the discontinuing and closing of Park Avenue West from Concourse Village East to East 161st Street as previously adopted.

On January 13, 1972 (Cal. No. 4), the Board of Estimate approved a map (CP-21779), providing for the elimination, discontinuance and closing of several streets and volumes of streets within the area bounded by East 149th Street, Park Avenue, Concourse Village East, East 161st Street, Park Avenue, East 162nd Street, Courtlandt Avenue, Park Avenue East and Morris Avenue in order to provide a basis for the development of the Morrisania Urban Renewal Area and the Melrose Urban Renewal Area. The modifications of the block dimensions and angles shown are based on more recent survey information and no change in the street system is intended thereby.

On December 13, 1972 (Cal. No. 4) the Commission scheduled a PUBLIC HEARING on the map change. The hearing was duly held on January 3, 1973 (Cal. No. 24). There were no appearances and the hearing was closed.

The Commission considers that the proposed map change, designed to update the mapping of the street system within the Morrisania and Melrose Urban Renewal areas, constitutes an appropriate modification of the City Map.

The Commission recommends to the Board of Estimate that the map change be approved.

DONALD H. ELLIOTT, Chairman

TT:mb

No. 12

CPD 12 **(CP-22196)**

IN THE MATTER OF communication dated October 27, 1972 from the President, Borough of The Bronx, submitting **map eliminating the lines of DeReimer Avenue from Givan Avenue to New England Thruway** and discontinuing and closing a portion of DeReimer Avenue between Givan Avenue and New England Thruway and the adjusting of legal grades therein, Borough of The Bronx, in accordance with a Map No. 11894 signed by the Borough President and dated October 19, 1972.

(On November 10, 1972, Cal. No. 304, the Board of Estimate referred this matter to the Commission; on December 13, 1972, Cal. No. 5, the Commission scheduled January 3, 1973, for a hearing; on January 3, 1973, Cal. No. 25, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The map relates to a residential area in the Eastchester section of the Borough and provides for the elimination, discontinuance, and closing of DeReimer Avenue from Givan Avenue to the New England Thruway in order to permit the street bed to be incorporated with the property which abuts both sides of the street.

The abutting property is owned by the Archdiocese of New York which intends to create a site for the development of a nursing home facility to be known as "Sacred Heart Home for the Aged, Bronx, New York," under the sponsorship of the Little Sisters of The Poor. The facility will accommodate 250 residents and 50 staff people and will have on-site parking areas. It will be financed by the State Housing and Finance Agency and is in accordance with existing zoning.

DeReimer Avenue, between the limits considered, is mapped at 60 feet, is not in use, and is for the most part in City ownership. It is not required for traffic or frontage purposes and its elimination appears to be unobjectionable provided the City's interest is fully protected by an agreement between the abutting property owners and the City. It is understood that such an agreement is in the course of preparation.

The map also provides for an adjustment of legal grades which was occasioned by the street elimination and which will not adversely affect sewerage and surface drainage requirements.

On December 13, 1972 (Calendar No.5) the City Planning Commission scheduled a PUBLIC HEARING on the map change. The hearing was duly held on January 3, 1973 (Calendar No.25). There were no appearances and the hearing was closed.

The Commission considers the map change, designed to eliminate unnecessary street area and facilitate the development of a nursing home facility, constitutes an appropriate modification of the City Map.

The Commission recommends that the map change under consideration be adopted after approval of an appropriate agreement by the Corporation Counsel and its acceptance by the Board of Estimate.

DONALD H. ELLIOTT, Chairman

MIK:eg

No. 13

CPD 1 **(CP-22197)**

IN THE MATTER OF communication dated October 27, 1972 from the President, Borough of The Bronx, submitting **map eliminating the lines of and showing the discontinuing and closing of parts of Hegney Place from Westchester Avenue to East 156th Street,** Carr Street from St. Ann's Avenue to Hegney Place, adjusting of legal grades therein, increasing the width of and establishing a cul-de-sac on Rae Street from St. Ann's Avenue to Hegney Place and establishing sewer easements on Hegney Place and Carr Street, Borough of The Bronx, in accordance with a Map No. 11881 signed by the Borough President and dated October 19, 1972.

(On November 10, 1972, Cal. No. 305, the Board of Estimate referred this matter to the Commission; on December 13, 1972, Cal. No. 6, the Commission scheduled January 3, 1973, for a hearing; on January 3, 1973, Cal. No. 26, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The map relates to the Bronxchester Urban Renewal Area of the Borough and is designed to facilitate the first stage development of the Bronxchester Urban Renewal Project.

The map specifically provides for the following:

(1) The elimination, discontinuance and closing of:

a. Hegney Place from Westchester Avenue to East 156th Street; and

b. Carr Street from St. Ann's Avenue to Hegney Place.

Both Hegney Place and Carr Street under consideration are mapped at widths of 50 feet, improved, in use and in City ownership for street purposes. They are not required for traffic or frontage purposes and their elimination and subsequent discontinuance and closing do not appear objectionable.

(2) The widening of Rae Street from a width of 50 feet to a width of 70 feet by shifting its southerly line 20 feet southwardly and the mapping of a 90 foot square turnaround at its westerly terminus.

The widened street will provide improved access to P.S. 38 located to the north of the street and the proposed Federally-aided housing project to the south. At such time as it becomes necessary and feasible Rae Street will be extended to Brook Avenue.

Rae Street is presently mapped at a width of 50 feet, improved, in use and in City ownership for street purposes. The area involved in the widening as well as the cul-de-sac is also in City ownership.

(3) The delineation of sewer easements in the beds of Hegney Place at a width of 30 feet and of Carr Street at a width of 40 feet. The sewer easements are required by the Department of Water Resources for the operation and maintenance of sewerage facilities.

(4) Modifications of the grades in the bounding street system occasioned by the street eliminations.

The elimination, discontinuance and closing of Hegney Place and Carr Street will facilitate the implementation of a revised Plan and Project (CP-21487) approved by the Commission on March 3, 1971 (Cal. No. 17) and by the Board of Estimate on April 22, 1971 (Cal. No. 258) for the area bounded by St. Ann's Avenue, East 156th Street, Hegney Place and Carr Street. The Plan indicates that the site is to be developed with 234 low-income dwelling units in three 8 - 10 story structures.

On January 8, 1973 (Cal. No. 1) the Commission approved an Amended Neighborhood Development Plan (CP-22218A) for South Bronx Model Cities which includes the Bronxchester URA and supersedes the Plan (CP-21890) approved by the Board of Estimate on April 20, 1972 (Cal. No. 8). The Amended Plan is presently pending before the Board.

On December 13, 1972 (Cal. No. 6), the Commission scheduled a PUBLIC HEARING on the map change. The hearing was duly held on January 3, 1973 (Cal. No. 26). There were no appearances and the hearing was closed.

The Commission considers that the map change, designed to implement the 1st phase development of the Urban Renewal Plan for the Bronxchester Urban Renewal Area, constitutes an appropriate change in the City Map.

The Commission recommends to the Board that the map change be approved.

DONALD H. ELLIOTT, Chairman

Borough of Queens

No. 14

CPD 10 **(CP-22190)**

IN THE MATTER OF communication dated October 25, 1972, from the President, Borough of Queens, submitting **map showing the layout of a park addition on the north side of Conduit Avenue** 386.53 feet **east of 130th Place,** Borough of Queens , in accordance with a Map No. 4631 signed by the Borough President and the Commissioner of Parks and dated October 5, 1972.

(On November 10, 1972, Cal. No. 232, the Board of Estimate referred this matter to the Commission; on December 31, 1972, Cal. No. 8, the Commission scheduled January 3, 1973, for a hearing, on January 3, 1973, Cal. No. 28, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The map relates to a park area in the South Ozone Park section of Queens and provides for the inclusion of the former Oconee Pumping Station site within the existing park bounded by 130th Street, 135th Road, 135th Avenue, 134th Street and North Conduit Avenue.

The park was mapped by a map adopted by the Board of Estimate on October 19, 1950 (Calendar No. 93), excluding the pumping station site. On February 20, 1964, (Calendar No. 79) the Board of Estimate, by resolution, placed the entire site, including the pumping station area, under the jurisdiction of the Parks, Recreation and Cultural Affairs Administration. Currently, plans for the development of the site are in the course of preparation.

The map under consideration formally lays out the parcel as a Park Addition to the existing Park.

On December 13, 1972 (Calendar No. 8), the City Planning Commission scheduled a PUBLIC HEARING on the map change. The hearing was duly held on January 3, 1973 (Calendar No. 28). There were no appearances and the hearing was closed.

The Commission considers the map change, designed to officially map a Park Addition in order to facilitate its development, to be an appropriate modification of the City Map.

The Commission therefore recommends to the Board of Estimate that the map change under consideration be adopted.

DONALD H. ELLIOTT, Chairman

CS:eg

No. 15

CPD 11 **(CP-22191)**

IN THE MATTER OF communication dated October 25, 1972, from the President, Borough of Queens, submitting **map showing a modification of the lines of Marathon Parkway from Little Neck Parkway to Northern Boulevard,** Borough of Queens , in accordance with a Map No. 4620 signed by the Borough President and dated September 1, 1972.

(On November 10, 1972, Cal. No. 233, the Board of Estimate referred this matter to the Commission; on December 13, 1972, Cal. No. 9, the Commission scheduled January 3, 1973, for a hearing; on January 3, 1973, Cal. No. 29, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The map relates to a highly developed residential area in the Little Neck section of the Borough and provides primarily for reducing the mapped width of Marathon Parkway from 80 feet to 70 feet, between Northern Boulevard and Little Neck Parkway.

The portion of Marathon Parkway under consideration is mapped at 80 feet (CP-5776A, approved by the Board of Estimate on April 27, 1950, Calendar No. 218A) and is in use at a narrower width. It is not in City ownership.

The map will lay the basis for acquisition and improvement of the street under consideration without adversely affecting traffic circulation for the foreseeable future and will result in considerable savings in land acquisition and a reduction in abutting property damage.

No reduction in the mapped width of Marathon Parkway southerly of the portion under consideration is contemplated because traffic is considerably heavier there since the street extends over the Long Island Expressway and down to its southerly terminus at Grand Central Parkway.

Modifications in grades are occasioned by the street line changes and will not adversely affect sewerage or surface drainage requirements.

On December 13, 1972 (Calendar No.9) the City Planning Commission scheduled a PUBLIC HEARING on the map change. The hearing was duly held on January 3, 1973 (Calendar No. 29). There were no appearances and the hearing was closed.

The Commission considers the map change, designed to provide a basis for street acquisition and improvement with a minimum of damage to private property, to be an appropriate modification of the City Map.

The Commission recommends that the map change be adopted.

DONALD H. ELLIOTT, Chairman

MIK:eg

No. 16

City-Wide **(CP-21965A)**

IN THE MATTER OF **amendments**, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, **relating to various sections concerning new infill zoning provisions.**

(On October 24, 1972, Cal. No. 1, the Commission scheduled November 8, 1972, for a hearing; on November 8, 1972, Cal. No. 6, the hearing was closed.)

Appearance: Joseph Nirenberg, Professional Engineer - applicant.

On motion, the following favorable report was unanimously adopted:

(Statement of Commissioner Martin Gallent attached)

January 17, 1973

and Housing Maintenance Code in recognizing the three-family house as an appropriate and desirable housing type.

BACKGROUND

The low vacancy rate and the decreasing production of privately built housing have resulted in an escalating demand for private housing for middle-income families.

The 1970 Gross Vacancy Rate for renters and homeowners - excluding seasonal and dilapidated units - was only 2.4 per cent. For renters, and nearly three-quarters of City dwellers rent their accommodations, the vacancy rate was only 2 per cent. The lowest vacancy rate for homeowners and for rental units was in the generally middle-income borough of Queens. An even lower vacancy rate, 1.4 per cent, prevails in nearby Nassau, Bergen and Union counties, meaning limited housing opportunities for those who might want to locate outside the City as well.

1970 Vacancy Rate

	Homeowners	Rental	Gross
New York City	2.76%	2.0%	2.38%
Bronx	2.25%	2.2%	2.22%
Brooklyn	2.89%	2.0%	2.44%
Queens	1.85%	1.7%	1.77%
Richmond	3.41%	2.7%	2.55%
Manhattan	3.79%	1.9%	2.84%
Nassau County	NA	NA	1.4%
Bergen County	NA	NA	1.4%
Union County	NA	NA	1.4%

Source: Tri-State Regional Planning Commission

To provide decent housing for middle-income families, the City cannot depend on limited public subsidies alone, but must find ways to stimulate the private market to build the kind of housing many middle-income New Yorkers need, want and can afford.

Private housing construction hit a recent peak in 1963, and has been declining since. The reasons for the spurt in the early 1960's and the drop thereafter are varied. Many attribute the spurt to the rush of builders seeking to file and build under provisions of the more lenient pre-1961 zoning ordinance. Rising construction and financing costs, coupled with a sagging economy are the prime cause for the downturn.

PRIVATE HOUSING CONSTRUCTION*

	N.Y.C.	Bronx	Brooklyn	Manhattan	Queens	Richmond
1961	28,744	3,058	8,308	5,671	10,555	1,152
1962	33,208	4,148	6,612	6,901	13,557	1,984
1963	45,256	5,349	9,657	12,740	15,577	1,933
1964	34,771	4,079	6,888	11,949	10,162	1,693
*1965	25,760	2,551	4,356	7,145	9,787	1,921
1966	21,008	2,252	4,860	5,848	5,918	2,130
1967	14,031	1,934	1,508	4,114	4,187	2,288
1968	10,019	1,011	1,393	1,301	3,657	2,657
1969	10,158	477	1,206	2,050	3,311	3,114
1970	10,103	953	903	1,072	3,873	3,302
1971	7,095	453	655	1,613	1,896	2,478

*Dwelling unit count is based on issuance by H.D.A. Department of Buildings of final Certificate of Occupancy or building inspector's sign-off prior to issuance. These figures reflect part of the "grace period" spurt, while the pre-1961 regulations were still followed.

Source: New Dwelling Units Completed 1921-1971 in New York City, published by the New York City Planning Department, Housing and Community Development Section, October, 1972.

We have carefully examined the Zoning Resolution to determine whether and how it should be adjusted to deal with the problem. Economic factors far outweigh any impact zoning may have on the downward trend. A general relaxation of controls would result in lower standards, but little new housing.

But there are important changes that we believe could be made that will update the Resolution. Certain regulations have tended to inhibit appropriate development, and they should be changed.

The Zoning Resolution is geared to lots 40 by 100 feet in size. However, these lots are the exception in much of the City. Nearly all in Brooklyn, Queens and the Bronx have been developed. What remains are leftover 20-foot and 25-foot lots. They could - and should - be developed with needed new housing. Many are located in the middle of a block while the Zoning Resolution contemplated that typical development would be detached or semi-detached two- or three-family houses, rowhouses and garden apartments in R4 and three-family rowhouses or garden apartments in R5.

Effect of 1961 Zoning Resolution

Our analysis has shown that the contemplated low density development on 40 x 100 foot lots only took place in R3-1 districts. Elsewhere there were many lots less than 40 feet wide. These have not been built upon because of a combination of zoning and economic constraints. Building of any appropriate housing in these districts usually required a bulk waiver from the Board of Standards and Appeals. The zoning, in fact, had been a deterrent to reasonable development.

For example, the two-unit rowhouse is now rarely built because a two-unit building with a marketable room count can only be built at R5 densities or higher - where more profitable non-complying three-unit construction is taking place.

The new provisions would make it possible to build such a two- or three-unit house at R4 densities, the district where it was initially considered appropriate.

At the present time feasible two-unit development is a two-family detached building on a 40-foot lot or two two-family semi-detached buildings on a 60-foot lot. The houses usually have one large two-bedroom or three-bedroom apartment, generally owner-occupied, and a smaller rental unit, usually one bedroom. Based on current construction costs and varying land values, the sales price ranges from $40,000 to $65,000, and the required down-payment from $14,000 to $22,000. Because two-unit rowhouses on 40-foot lots require less land to built on, the land cost per apartment would drop. This savings in land cost can be passed on to the purchaser and renter. The resulting decrease in needed down-payment should bring the two-family home within reach of more middle-income buyers who could afford to pay for municipal services and would not have to seek housing outside the City.

The effect of the proposed changes for feasible three-unit development in predominantly built-up areas would be to legalize the third unit and allow its development in infill locations. Maximum development under the proposal would allow a building up to 55 feet deep and 32 feet in height. This would give sufficient floor area to include a one-bedroom apartment on the first floor and a three-bedroom unit on each of the two higher floors. This is the typical building now marketed in many areas of the City. These units are selling for about $65,000 to $90,000. Since the three-unit building usually provides income from two rented apartments, this housing type is frequently sold to lower middle income buyers who have saved towards a down-payment. Some banks say they would give a $50,000 mortgage to a person earning $10,000 to $15,000 a year who has a $30,000 cash down-payment because of the low net annual expenses.

The Mechanics of Infill

Infill seeks to do three things: A) Stimulate appropriate new low-rise construction; B) permit the conversion of existing one- and two-family structures by adding an additional unit; and C) recognize as appropriate those instances where such conversions have already taken place.

A. Infill seeks to stimulate construction of new two- and three-family homes generally on vacant leftover small lots - in districts where such housing is appropriate - in predominantly built-up areas. The basic mechanism is to increase the floor area ratio by an amount at least sufficient to compensate for inclusion of the lowest floor of living space in calculating bulk.

B. In order not to penalize owners of existing one- and two-family structures who may want to add a unit, infill provides a new zoning formula that would make such conversions possible where they might formerly have violated zoning laws. Simply, to make such conversions possible, the lowest floor of living space would not be included in calculating allowable bulk.

C. Similarly, in order not to penalize owners where such conversions have already taken place, the lowest floor would also not be counted.

Infill for Leftover Lots in Built-Up Areas

The provision to stimulate construction of new two- and three-family homes generally on leftover vacant lots in built-up areas is a significant part of the infill package. It could produce many new unsubsidized housing units that middle-income families could afford. It should also be noted that infill does not apply to undeveloped areas where we would rather encourage planned unit development.

The overriding issue is whether lots should remain vacant, often ill-kempt, because of zoning criteria based on market and land use conditions existing more than a decade ago, or whether we should revise the zoning so that they can be developed with desperately needed and eminently marketable private housing - that is, fully taxpaying, nonsubsidized middle-income housing.

At first glance, it would appear that increasing the number of units that can be built could increase the zoned capacity for the neighborhoods involved. Actually, it will not. If the vacant lots we are concerned with were a bit larger, they already would be developed. The zoned capacity in the 1961 zoning was based on over-all neighborhood acreage, not the total of all the zoning lots in a neighborhood. This zoned capacity is much higher than the present population (see table below); it can never be reached because many parcels are already developed well below the allowed capacity. The changes in bulk called for in our proposals would still keep the areas involved well within the theoretical zoned capacity of the 1961 Zoning Resolution, and many lots affected would only be built with the number of units originally envisioned because they would merely be exempted from technical regulations which have precluded development. Thus, the intent of the 1961 zoning in matching density with existing and planned facilities would be followed.

POPULATION AND ZONED CAPACITY

	1961 Zoned Capacity	1970 Census	Difference
Total City Population	11,830,000	7,894,862	-3,935,138
Manhattan	2,230,000	1,539,233	-690,767
Bronx	1,990,000	1,471,701	-518,299
Brooklyn	3,580,000	2,602,012	-977,988
Queens	3,130,000	1,986,473	-1,143,527
Richmond	900,000	295,443	-604,557

Source: New York City Planning Commission, Rezoning New York City, December, 1959.

Community facilities will not pose a significant problem because these lots are generally scattered throughout the City. Infill is also a gradual process. Development will take place over time. The impact will be minimal and the City should be able to provide the services and facilities required.

The prime objective of these amendments is to provide rowhouse construction on smaller, vacant lots in built-up areas located normally in the middle of a block in the low density zones of R4 and R5 districts in which they were supposed to be built. In other words, two-family residences in two-family residential neighborhoods and three-family residences in three-family neighborhoods.

Converting Existing Buildings

In existing buildings, the problem was more complicated. The owner of a two-family structure who converts it into a three-family house would often wind up in violation of the Zoning Resolution. It would be difficult to make improvements to such a building, and difficult to sell.

The problem occurred because the lowest story, which generally contained a garage, boiler room, recreation and storage space, and a bathroom, was not counted in calculating allowable bulk because it was not living space. Convert it to living space and it is counted and violates the zoning code.

The Zoning Resolution has not been updated to reflect the changes in other codes. Conversions were prohibited at one time by the Multiple Dwelling Law and the Housing Maintenance Code. Both were amended, however, in 1968 (Article 6, Section 170-a) and 1971 (Article 34, Section D26-34.11, paragraph d), respectively, to allow conversion if specified physical improvements are made: Installation of fire retarding doors and a third gas meter; minor plumbing changes; erection of a masonry boiler room; fire retarding the boiler room ceiling; installation of a one-hour test door; provision of a mechanical vent duct; erection of a one-platform fire escape, drop ladder and ladder to roof; enlargement of the window opening; installation of kitchen fixtures and closets; and painting. Construction estimates for converting a two-family unit to a three-family unit place the cost at about $3,000 for residences built before the 1961 Zoning Resolution and $2,000 for residences built after the 1961 Zoning Resolution.

The third unit conflicts not only with the allowable floor area, but also with the open space ratio and parking requirements.

Therefore, in buildings constructed before adoption of the proposed changes, it is proposed that the floor area of the lowest story of three stories or less be excluded from floor area computation, whether or not the lowest story includes a separate dwelling unit. This will allow conversions within existing structures without requiring the impossible task of devising specific bulk regulations which could apply to all existing buildings.

These proposed changes will bring the Zoning Resolution into agreement with the Multiple Dwelling Law and the Housing Maintenance Code. More importantly, by bringing the lowest level of this building type into the province of the Zoning Resolution, it will bring the Zoning Resolution more in line with current conditions. Further, it will legalize a building type which is now being created, through construction or conversion, and being successfully marketed. Finally, it will free the Buildings Department to seek out explicit violations, such as the conversion of required parking to dwelling space, without having to resolve the discrepancy between the Zoning Resolution and other housing codes.

MAJOR PROPOSALS

1. Built-Up Area Definition and Height Limit

   The infill provisions will apply only to those neighborhoods that are predominantly built-up as R4 and R5 zones. They will apply only to those blocks which are no more than four acres in size, and which are at least 50 per cent developed. Infill development can take place on no more than 1.5 acres of the total acreage on the block after which the provisions of Planned Unit Development would apply. The buildings on the developed portion of the block must pre-date any application for a building permit by at least three years.

   New infill development can be no higher than 32 feet. Therefore, no high-rise structure can be built.

2. Bulk and Density Changes

   In order to make it possible to develop these lots, bulk provisions are proposed to be changed that would increase the coverage of the building without increasing the amount of units and thereby make viable the marketability of the low profile housing. Furthermore, other provisions

will create more open space. More importantly, the lowest story containing living spaces not now counted in these calculations will be reflected by increasing floor area ratios proportionately. The floor area ratio (FAR) will be increased from 0.75 to 1.50 in R4 districts and from 1.25 to 1.65 in R5 districts for infill construction only along with related changes in the open space ratios.

These changes will make it possible to build new two-unit or three-unit houses in the appropriate district and they will also remove the cloud from existing developments where conversions have taken place.

COMPARATIVE COVERAGES

	Non-Predominantly Built-Up Areas			Predominantly Built-Up Areas		
Zone	Existing FAR (Not including Lowest Story)	No. of Units	Coverage	Proposed FAR (Including Lowest Story)	No. of Units	Coverage
R4	.75	2	37%	1.50	2	52%[1]
R4	.75	3	25%	1.50	3	50%
R5	1.25	3	41%	1.65	3	52%[2]

[1]Numerical coverage would be 75%; however, with an 18 foot front yard and a 30 foot rear yard, actual coverage is 52%.

[2]Numerical coverage is 55%; however, the front and rear yard requirements restrict ground coverage to 52%. With a three-foot overhang allowed as a permitted obstruction, maximum coverage of 55% can be achieved and thereby the maximum allowable rooms.

Source: New York Planning Department.

3. Related Density Controls

A related minor change would alter the way the number of allowable rooms are calculated. At present, the number of rooms permitted is related to the size of the building lot. The proposed change would tie the number of rooms to the allowed floor area, thus relating this density control more directly to interior living space.

A Floor Area Per Room (FAPR) requirement of 190 square feet is proposed for R3-1 and R3-2 zones where detached or semi-detached development predominates and common interior space is minimal. In R4, where rowhouses can be built, the FAPR requirement would be 205 square feet, and in R5, where two-family and three-family rowhouses are common, it would be 215 square feet. The additional area provides necessary space for corridors, entry ways, and stairwells typically included in these types of development.

For predominantly developed areas, the FAPR requirement would be 225 square feet for R4 and R5 districts to accommodate the lowest story as reflected in the increased floor area ratios. Open space would continue to be regulated by the open space ratio regulations. The table below indicates the proposed FAPR requirements and compares the present maximum density with the proposed density, both reflected in room counts for a 2,000 square foot lot. The table also distinquishes between non-predominantly built-up areas and predominantly built-up areas.

COMPARATIVE DENSITIES

2,000 Square Foot Lot

For Non-Predominantly Built-Up Areas

Zone	FAR	Existing Lot Area Per Room		Proposed Floor Area per Room	
		LAPR	Rms/2,000 sq. ft. lot	FAPR	Rms/2,000 sq. ft. lot
R3-2	.5	375 sq. ft.	5.33	190 sq. ft.	5.26
R4	.75	225 sq. ft.	7.27	205 sq. ft.	7.31
R5	1.25	173 sq. ft.	11.56	215 sq. ft.	11.62

For Predominantly Built-Up Areas

R4	1.50	275 sq. ft. 1/	7.27	225 sq. ft. 2/	13.33
R5	1.65	173 sq. ft.	11.56	225 sq. ft.	14.66

1/ LAPR does not provide for inclusion of lowest story in determining room count.

2/ FAPR of 225 sq. ft. includes lowest story.

Source: New York Planning Department

4. Yard Revisions

There are basically two changes. Front yard provisions that relate to all new developments in R3, R4 and R5 districts and side yard provisions that relate to only R4 and R5 in predominantly built-up areas. The first change provided for larger front yards which contain driveways so that cars will not project into the sidewalk. Many cars jut out because present front yard requirements are only 15 feet in R3 and R4, and 10 feet in R5 districts. We are proposing to make all front yards in these

zoning districts a mandatory 18 feet. However, for larger lots of 6,000 square feet that use off-street parking in the rear, a six foot front yard is allowed provided no garage is incorporated into the residential building.

The second change eliminates side yard requirements and changes their dimensions if they are provided in R4 and R5 districts only. Presently, in R4 and R5 districts, two side yards are required with a minimum of five feet on one side and eight feet on the other. We are proposing to eliminate them with the following exceptions: if a first side yard is provided, it must be at least 10 feet; if a second is provided, it must be at least five feet.

To increase design options, we had also proposed to eliminate the requirement that a side yard be provided every 185 feet in R4 and R5 districts. However, this was deleted after the May 17 public hearing.

PUBLIC HEARINGS

After a thorough study of the problems described in the previous sections, the Department of City Planning published a report entitled, Infill Zoning. It described the results of the study and contained the basic recommendations, later modified, and incorporated into the text scheduled for public hearing. The publication was given to Community Planning Boards, civic groups, and professional organizations and served as the basis for more than 60 neighborhood presentations. (We are including a list of organizations to whom presentations were made on pages 15, 16, and 17. As a result of these meetings, and other correspondence, the text was modified and prepared for a public hearing.

On April 26, 1972 (Cal. No. 10) the Commission scheduled a PUBLIC HEARING on the proposed amendment. The hearing was duly held on May 17, 1972 (Cal. No. 53). There were a number of appearances and the hearing was closed. After a thorough review of the testimony given at the hearing, further modifications were mandated.

In consequence, on October 24, 1972 (Cal. No. 1) the Commission scheduled a PUBLIC HEARING on a modified amendment, CP-21965A. The hearing was duly held on November 8, 1972 (Cal. No. 6). There were a number of appearances and the hearing was closed.

A list of the organizations represented is attached to pages 18 and 19.

MODIFICATION AFTER PUBLIC HEARING

Between the May 17 and November 8 public hearings, the Commission made several modifications in the infill provisions - noted earlier - to reflect the opinions expressed by community planning boards, civic associations and professional societies. These modifications include:

--The exclusion of R3-2 areas from the infill zoning provisions. Many speakers suggested that the infill approach would not be appropriate for communities overwhelmingly developed with single family homes and that the resulting rowhouses in such areas would be intrusive. The prime concern of others was that some existing homes might be demolished and that developers could assemble and consolidate a series of sites on which to erect new row housing under the more liberal infill provisions. We do not believe these fears as justified. However, we are responding by excluding the R3-2 district so that this is no longer at issue.

--The reduction of the height limit of new structures from 36 feet to 32 feet. The problem relates to the likelihood that new three-unit houses would be converted to illegal four's. The Department of Buildings has assured us that this is highly remote. There is no parallel between the previous conversion of two- to three-unit homes and the possibility of converting from three- to four-unit residences. A four-unit development is treated as a different kind of structure by the Department of Buildings. Requirements are much more stringent; so stringent, in fact, as to make such conversions all but impossible within the framework of the Multiple Dwelling Law and Housing Maintenance Code, as well as the Zoning Resolution. Boilers, stairways, plumbing and other major structural elements would require prohibitively expensive modifications. Because of this large difference in the two building types, the Department of Buildings processes them differently. There is none of the ambiguity which surrounds regulations about converting from a two- to a three-unit house.

In addition, to eliminate even the remotest possibility of squeezing a four-story (and four-unit) structure into the proposed zoning envelope, we have reduced the height limitation for new buildings from 36 to 32 feet.

--There was testimony on both sides relating to whether new block-long row housing was desirable. We decided to retain the small breaks at every 185 feet in R4 and R5 districts.

--Small adjustments of the open space ratio on lots in R4 and R5 districts have been made to allow the construction of a structure with a sufficient number of rooms.

--Architects and builders stated that they might encounter difficulties with plans on file at the Department of Buildings who might not allow them to proceed with construction if these amendments are adopted. Therefore, the Commission has added a provision in Section 11-23 which will allow developers with plans filed within six months of the adoption of these amendments to build under the pre-existing zoning.

A number of other comments merit consideration:

Several architects' groups, while generally supporting the proposal, sought a modification in side yard provisions. It was said that the proposed yard provisions would result in 25- foot wide detached buildings, which were alleged to be less marketable than 27-foot wide structures, on 40-foot lots. In fact, taking advantage of the common driveway provision would result in a 30-foot building. We believe that 25-foot, 27-foot and 30-foot detached buildings are all marketable houses. But the 15-foot yard requirement will make for better neighborhoods, with adequate parking and open space.

Some residents expressed a desire to place a moratorium on development of these vacant lots. The lots are privately owned. The City would have to acquire them with public funds if it wished to maintain the status quo. We question whether this would be a wise policy in light of the present fiscal constraints and housing shortage.

Issues Requiring Further Study

There were other technical issues raised concerning regulations which require further study. Those who raised the issues said they were not sufficiently central to delay action on the over-all amendments. We concur, and will make recommendations relating to these issues in the near future.

1. Many architects said that the 18-foot front yard setback is too restrictive. They said it should one be mandated if off-street parking is required and rear yard area is reduced proportionately.

2. Another problem relates to balconies. Balconies cannot be built under the provision requiring an 18-foot front yard. Formerly, they could be built since required yards were smaller.

3. The third issue concerns ways to support the overhang on brick construction rowhouses. The cost of using additional steel in the structural system of these brick residences could affect the marketability of the unit. Columns, which are less costly, are not now permitted.

November 8 Public Hearing

Testimony on the Infill provisions was generally favorable. Several major Queens civic associations endorsed the proposals based on the modifications heard November 8, particularly the elimination of R3-2 from the Infill provisions and the restoration of existing side yard requirements.

Groups initially opposing Infill but now supporting it include: the North Shore Council of Homeowners, consisting of 22 civic associations; the Queens Federation of Civic Councils with over 200,000 homeowners; the Whitestone Taxpayers Association; and the Northeast Queens Action Committee. Others testifying in favor, as they also did May 17, include: the Community Service Society; the Citizens Housing and Planning Council; the Women's City Club; the Queens County Builders and Contractors Association; and architects and engineers who primarily work outside Manhattan. Groups opposing the proposals include: the Far Rockaway Taxpayers Civic Associations; Community Planning Board #14 in Queens; and the Kew Gardens Civic Association. Queens Community Planning Board #12 requested more time.

The Queens Chamber of Commerce endorsed the proposals with specific suggestions. Among some of the comments are allowing structural supports for any cantilevered or projecting portion of the building and the retention of the 10 feet front yard provision in R5 instead of the proposed 18 feet. While the Architects' Council initially supported the the proposal, the group expressed serious reservations because action had not yet benn taken on all their suggestions.

INFILL ZONING SPEAKING ENGAGEMENTS

	DATE	ORGANIZATION
1971	2 December	Citizens's Union - Zoning and Housing Committees
	17 December	Board of Estimate - Members
	20 December	Community Service Society - Housing Committee
	29 December	American Institute of Planners - Metropolitan Chapter Executive Board
1972	14 January	Queens Borough Improvement Board
	14 January	Queens Chamber of Commerce
	26 January	Citizens Housing and Planning Council - Executive Board
	26 January	Public Development Corporation
	9 February	Staten Island CPD Chairman
	9 February	CPD #8 Manhattan - Upper East Side
	16 February	New York Chapter American Institute of Architects
	18 February	American Institute of Planners, N.Y. Met. Chapter Physical Development Committee
	29 February	New York Builders Association
	6 March	Bronx Borough Improvement Board
	8 March	Queens CPD chairman
	9 March	Citizens Union - Zoning and Housing Committees
	15 March	Citizens Housing and Planning Council - Zoning Committee
	15 March	Queens Chamber of Commerce
	20 March	CPD #7 Queens - Flushing/Whitestone
	21 March	Bronx Chapter, American Institute of Architects
	22 March	CPD #5 Queens in Ridgewood
	23 March	Queens Builders and Contractors Association
	23 March	CPD #13 - Queens in Jackson Heights/Corona

1972	24 March	Women's City Club and CSS - Joint meeting
	31 March	Citizens Housing and Planning Council, follow-up
	1 April	CPD #2 - Queens in Maspeth, Woodside
	4 April	CPD #3 Queens Queens in Jackson Heights/Elmhurst/Corona
	5 April	Brooklyn CPD Chairman
	11 April	Brooklyn Chapter, American Institute of Architects
	12 April	Queens Chapter, American Institute of Architects
	12 April	CPD #8 Queens in Kew Gardens
	17 April	CPD #1 in Astoria
	19 April	New York Society of Architects
	19 April	New York Board of Real Estate
	19 April	CPD #13 - Queens in Glen Oaks
	19 April	CPD #17 - Brooklyn in Canarsie
	20 April	Citizens Union - Zoning and Housing Committees
	21 April	Queens Chamber of Commerce
	24 April	Kew Gardens Civic Association
	26 April	CPD #11 - Queens in Bayside (closed session)
	1 May	CPD #5 - Queens in Ridgewood
	3 May	CPD #1 - Queens in Astoria, L.I.C.
	4 May	CPD #10 - Queens in Lindenwood
	4 May	CPD #2 - Manhattan in Greenwich Village
	8 May	CPD #14 - Brooklyn in Midwood
	10 May	CPD #13 - Queens in Glen Oaks
	10 May	CPD #11 - Queens in Bayside
	11 May	Queens Democratic Club of Glendale in Ridgewood
	11 May	CPD #6 - Queens in Forest Hills
	11 May	CPD #17 - Brooklyn in Bensonhurst

11 May	CPD #9 - Queens in Kew Gardens
12 May	Queens Chamber of Commerce (follow up)
15 May	N.Y. Met. Chap. AIP Economic and Physical Development Committees
15 May	CPD #8 and #9 - Bronx in West Farms and Soundview
15 May	Staten Island Community Planning Board Chairman
15 May	Queens Chamber of Commerce
16 May	CPD #10 - Bronx in Throgs Neck
23 May	CPD #12 - Brooklyn in Borough Park
12 June	CPD #8 - Queens in Jamaica Hills
27 June	Queens County Builders and Contractors Association
22 Nov.	CPD #12 - Queens in Jamaica
12 Dec.	CPD #L$ - Queens in Far Rockaway

The following list are those organizations, public officials and community groups and planning districts that either testified and submitted written statements at the May 17 Public Hearing or sent in written comments after the public hearing.

IN FAVOR

Congressman Ed Koch

Womens City Club of New York

Architects Council of New York

Community Planning District #16 in Brooklyn

New York City Builders Association

Queens County Builders and Contractors Association

Citizens Housing and Planning Council

Village Mall Community Group at Bayside in Queens

American Institute of Planners

Community Service Society

New York Chamber of Commerce

Community Planning Board #5 in Queens

IN OPPOSITION

North Shore Homeowners Association of Flushing (supported modifications Nov. 8.)

Community Planning District #9 in Queens

Far Rockaway Taxpayers and Civic Association

Kew Gardens Civic Association

East Elmhurst Action Committee

Springfield Homeowners Action Croup

Community Planning District #4 in Queens

Community Planning District #11 in Queens

Greater Whitestone Taxpayers Association

Community Planning District #2 in Queens

Auburndale Improvement Association

Community Planning District #13 in Queens

United Civic Council of Queens County

Community Planning District #10 in Queens

IN OPPOSITION

College Point Taxpayers Association (supported modifications Nov. 8)

Community Planning District #13 in Queens

Rosedale Civic Association

Queens Federation of Civic Councils (supported modifications Nov. 8)

109th Precinct Community Council

Ridgewood Metropolitan Association

North Canarsie Civic Association

Redwood Civic Association

Utopia Improvement Association

Flushing Suburban Civic Association

Forest Hills-Kew Gardens Committee on Urban Scale

Old Country Club Civic Association in Queens

Queens Village Civic Association

Ridgewood Homeowners and Tenants Civic Association

Beechurst Property Owners Association

Udalls Cove Preservation Committee of Queens

REQUESTS FOR DELAY

Councilman Edward Sadowsky

Broadway-Flushing Homeowners Association

Community Planning District #1 in Staten Island

Flushing Council of Womens Organizations

The Commission determined that the amendments are appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate, pursuant to Section 200 of the New York City Charter.

RESOLVED, By the City Planning Commission, that the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changes relating to various Sections concerning new Infill zoning provisions as follows:

Matter in **Bold Type** is new;

Matter in brackets [ ], is old, to be omitted;

Matter in *italics* is defined in Section 12-10.

* * * *

11-23

Effective date of amendments concerning predominantly built-up areas, floor area, and yards to provide a grace period for development affected by certain more restrictive zoning amendments.

For a period of six months subsequent to the effective date of amendments, plans and specifications may be filed with the Buildings Department based on the Zoning Resolution without said amendments provided, however, that all building permits issued pursuant to this section shall not be valid if construction is not begun within six months from the date of the issuance of the building permit. Development utilizing this grace period shall comply with all zoning requirements in effect prior to the effective date of amendments to the Zoning Resolution concerning predominantly built-up areas (Section 12-10), floor area (Section 12-10 (1) and (j)), front yard (Section 23-45), and side yards (Section 23-461 and Section 23-462).

12-10 Definitions

* * * *

Floor Area

. . . floor area includes:

* * * *

(i) Floor space used for permitted or required *accessory* off-street parking spaces located more than 23 feet above *curb level*, and floor space in excess of 250 square feet per parking space used for required *accessory* parking within a *residential building* not more than 32 feet in height in R4 and R5 districts.

* * * *

However, the *floor area* of a *building* shall not include:

* * * *

(f) Floor space used for permitted or required *accessory* off-street parking spaces located not more than 23 feet above *curb level*, except where such floor space used for *accessory* off-street parking spaces is contained within a *public parking garage* or where such permitted or required accessory parking is located within a *residential building* not more than 32 feet in height in R4 and R5 districts and occupying in excess of 250 square feet per required parking space.

* * * *

(i) Except in R4 and R5 districts, the lowest *story* (whether a *basement* or otherwise) of a *residential building*, provided that:

(1) Such *building* contains not more than two *stories* above such *story*, and

(2) Such *story* and the *story* immediately above it are portions of the same *dwelling unit*, and

(3) Such *story* is used as a furnace room, utility room, auxiliary recreation room, or for other purposes for which *basements* are customarily used, and

(4) Such *story* has at least one-half its height below the level of the ground along at least one side of such *building*, or such *story* contains a garage.]

(j) The lowest *story* (whether a *basement* or otherwise) of one, two, or three-family residences not more than 32 feet in height in R4 and R5 districts which received a certificate of occupancy prior to December 1, 1972.

* * * *

Floor Area per Room

"Floor Area per Room" is the amount of the *residential floor area* required for each *room* in determining the number of *rooms* allowed in a *residential building* or the *residential* portion of a *building*.

The maximum *residential floor area* allowed by the applicable district regulations on such *zoning lot* shall be divided by the required *floor area per room* to determine the number of *rooms*, except for *community facility buildings* or *mixed buildings*.

For the purposes of room count for community facility buildings or mixed buildings, the "maximum residential floor area" is either:

(a) the maximum *floor area* permitted for *residential uses*, or

(b) the *floor area* permitted for the entire *building*, minus the *floor area* used for non-*residential uses*, whichever of (a) or (b) is less.

Such resulting *residential floor area* on the *zoning lot* shall be divided by the required *floor area per room* to determine the number of *rooms*.

* * * *

Predominantly Built-Up Area

A "predominantly built-up area" is a *block* having a maximum area of 4 acres in R4 or R5 districts or in a *commercial district* mapped within such *residential* district and which is developed with *buildings* on *zoning lots* comprising 50 percent or more of the area of the *block*. All such *buildings* shall have certificates of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit.

Special optional regulations applying to *zoning lots* in a *predominantly built-up area* are set forth in the following sections:

Section 23-14 (Minimum Open Space Ratio and Maximum Floor Area Ratio in R1 through R9 Districts)

Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room)

Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)

Section 23-631 (Front Setbacks in districts where front yards are required)

Section 23-691 (Special height regulations for developments in predominantly built-up areas)

Section 25-22 (Requirements Where Individual Parking Facilities are Provided)

Section 25-23 (Requirements Where Group Parking Facilities are Required)

* * * *

23-11 Definitions (repeated from Section 12-10)

Predominantly Built-Up Area

A "predominantly built-up area" is a *block* having a maximum area of 4 acres in R4 or R5 districts or in a *commercial* district mapped within such *residential* district and which is developed with *buildings* on *zoning lots* comprising 50 percent or more of the *block*. All such *buildings* shall have certificates of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit.

* * * *

Special optional regulations applying to *zoning lots* in a *predominantly built-up area* are set forth in the following sections:

Section 23-14 (Minimum Open Space and Maximum Floor Area Ratio in R1 through R9 Districts)

Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room, or Floor Area per Room)

Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)

Section 23-631 (Front Setbacks in districts where front yards are required)

Section 23-691 (Special height regulations for developments in a predominantly built-up area)

* * * *

23-12

Permitted Obstructions in Open Space

In the districts indicated, the following shall not be considered obstructions when located in any *open space* required on a *zoning lot*, except that no portion of such *open space* which is also a required *yard* or *rear yard equivalent*, or is needed to satisfy the minimum required area or dimensions of a *court*, may contain any obstructions not permitted in such *yard*, *rear yard equivalent*, or *court*:

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * * *

(f) Enclosed *accessory* off-street parking spaces, not to exceed one space per *dwelling unit*, when *accessory* to a one-family [or], two-family, three-family, or four-family *residence*, provided that the total area occupied by a *building* used for such purposes does not exceed 20 percent of the total required *open space* on the *zoning lot*.

* * * *

23-141

In R1, R2, R3, [or] R4 [Districts], or **R5 Districts**

R1 R2 - R3 R4 **R5**

* * * *

Minimum required *open space ratio*	Maximum *floor area ratio*	
150.0	0.50	R1 R2 R3
80.0	0.75	R4
40.0	**1.25**	**R5**

In the case of a *development* of a *zoning lot* of less than 1.5 acres in a *predominantly built-up area*, the minimum *open space ratio* and the maximum *floor area ratio* for any *building* or *buildings* on such *zoning lot* shall be as set forth in the following table:

Minimum required open space *ratio*	Maximum *floor area ratio*	
32.0	1.50	R4
29.0	1.65	R5

23-142

In [R5] R6, R7, R8, or R9 Districts

[R5] R6 R7 R8 R9

* * *

MINIMUM REQUIRED OPEN SPACE RATIO AND MAXIMUM FLOOR AREA RATIO, [R5] R6 THROUGH R9 DISTRICTS

For building with a *height factor of*	In R5 Districts		In R6 Districts		In R7 Districts		In R8 Districts		In R9 Districts	
	Min. required *open space ratio*	Max. *floor area ratio*	Min. required *open space ratio*	Max. *floor area ratio*	Min. required *open space ratio*	Max. *floor area ratio*	Min. required *open space ratio*	Max. *floor area ratio*	Min. required *open space ratio*	Max. *floor area ratio*
1	47.0	0.68	27.5	0.78	15.5	0.87	5.9	0.94	1.0	0.99
2	50.0	1.00	28.0	1.28	16.0	1.52	6.2	1.78	1.4	1.95
3	53.0	1.16	28.5	1.62	16.5	2.01	6.5	2.51	1.8	2 85
4	56.0	1.23	29.0	1.85	17.0	2.38	6.8	3.14	2.2	3.68
5	59.0	1.26	29.5	2 02	17.5	2.67	7.1	3.69	2.6	4.42
6	62.0	1.27	30.0	2.14	18.0	2.88	7.4	4.15	3.0	5.08
7	65.0	1.26	30.5	2.23	18.5	3.05	7.7	4.55	3.4	5.65
8	68.0	1.24	31.0	2.30	19.0	3.17	8.0	4.88	3.8	6.13
9	71.0	1.22	31.5	2.35	19.5	3.27	8.3	5.15	4.2	6.54
10	74.0	1.19	32.0	2.38	20.0	3.33	8.6	5.38	4.6	6.85
11	77.0	1.16	32.5	2.40	20.5	3.38	8.9	5.56	5.0	7.09
12	80.0	1.13	33.0	2.42	21.0	3.41	9.2	5.71	5.4	7.30
13	83.0	1.10	33.5	2.43	21.5	3.42	9.5	5.81	5.8	7.41
14	86.0	1.07	34.0	2.43	22.0	3.44	9.8	5.92	6.2	7.52
15	89.0	1.04	34.5	2.43	22.5	3.42	10.1	5.95	6.6	7.52
16	92.0	1.02	35.0	2.42	23 0	3.41	10.4	5.99	7.0	7.52
17	95.0	0.99	35.5	2 42	23.5	3.40	10.7	6.02	7.4	7.52
18	98.0	0.97	36.0	2.40	24.0	3.38	11.0	6.02	7.8	7.46
19	101.0	0.94	36.5	2.39	24.5	3.36	11.3	6.02	8.2	7 41
20	104.0	0.92	37.0	2.38	25.0	3.33	11.6	6.02	8.6	7.35
21	107.0	0.89	37.5	2.36	25.5	3.30	11.9	5.99	9.0	7.25

* * * * *

23-20 DENSITY REGULATIONS—

REQUIRED LOT AREA PER DWELLING UNIT [OR PER ROOM], **LOT AREA PER ROOM, OR FLOOR AREA PER ROOM**

Definitions

23-21

Definitions (repeated from Section 12-10)

* * * * *

Floor Area per Room

"Floor Area per Room" is the amount of the *residential floor area* required for each room in determining the number of *rooms* allowed in a *residential building* or the *residential* portion of a *building*.

The maximum *residential floor area* allowed by the applicable district regulations on such *zoning lot* shall be divided by the required *floor area per room* to determine the number of *rooms*, except for *community facility buildings* or *mixed buildings*.

For *community buildings* or *mixed buildings*, the "maximum residential floor area" is either:

(a) the maximum *floor area* permitted for *residential uses* or

(b) the *floor area* permitted for the entire building, minus the *floor area* used for non-*residential uses*, whichever of (a) or (b) is less.

Such *floor area* on the *zoning lot* shall be divided by the required *floor area* per *room* to determine the number of *rooms*.

* * * * *

23-22

Required Lot Area per Dwelling Unit [or per Room]

Lot Area per Room or Floor Area per Room

(a) In R1 or R2 Districts, the *lot area* requirement is expressed in terms of *dwelling units*.

(b) In R3, R4, and R5 Districts the *floor area per room* shall apply, and the *floor area* required per *room* shall not be less than as set forth in this Section, except as provided in the following Sections:

Section 23-24 (Adjustment for Floor Area Remainder)

Section 23-25 (Special Provisions for Buildings Used Partly for Non-Residential Uses)

Section 23-28 (Special Provisions for Zoning Lots Divided by District Boundaries)

(c) In R6, R7, R8, R9 and R10 Districts, the *lot area* required is expressed in terms of *rooms*, and

[in all districts] as indicated, the total *lot area* of a *zoning lot* shall not be less than as set forth in this Section, except as provided in the following Sections:

Section 23-23 (Density Bonus for a Plaza, Plaza-Connected Open Area, or Arcade)

Section 23-24 (Adjustment for Lot Area Remainder)

Section 23-25 (Special Provisions for Buildings Used Partly for Non-Residential Uses)

Section 23-26 (Lot Area Bonus for a Plaza, Plaza-Connected Open Area, or Arcade)

Section 23-27 (Special Provisions for Existing Small Zoning Lots)

Section 23-28 (Special Provisions for Zoning Lots Divided by District Boundaries).

[In R1 or R2 Districts, the *lot area* requirement is expressed in terms of *dwelling units*. In all other districts it is expressed in terms of *rooms*.]

Any given *lot area* shall be counted only once in meeting the *lot area* requirements.

This Section shall apply to all conversions, *extensions*, or *enlargements* of existing *buildings* which increase the number of *dwelling units*, *rooms*, or rooming units **except as provided in Section 54-311** as well as to all new *development*.

* * * * *

[23-222

In R3, R4, or R10 Districts

Except as otherwise provided in Section 23-225 (Lot Area Requirements for Non-profit Residences for the Elderly, in the districts indicated, the required *lot area per room* shall not be less than as set forth in the following table: R3 R4 R10

Required Lot Area Per Room (in square feet)

375	R3
275	R4
30	R10]

23-222

In R3, R4, or R5 Districts

In the districts indicated, the required *floor area per room* shall not be less than as set forth in the following table: **R3 R4 R5**

Required Floor Area Per Room (in square feet)

190	**R3**
205	**R4**
215	**R5**

In the case of development in a predominantly built-up area, the *floor area per room* requirement shall be 225 square feet.

23-223

In [R5] R6, R7, R8, [or] R9 **or R10** Districts

(1) Except as otherwise provided . . .

REQUIRED LOT AREA PER ROOM

A Basic *lot area* requirement (square feet)	B *Open space ratio* base point	C Reduction per point of *open space ratio* above *open space ratio* base point (square feet)	D Minimum *lot area* requirement (square feet)	
[215	44.0	1.75	173	**R5]**
110	27.0	1.75	96	R6
85	15.0	1.20	72	R7
60	5.6	3.00	44	R8
46	0.6	0.70	39	**R9**

(2) In the district indicated, the required *lot area per room* shall not be less than 30 square feet. **R10**

* * * *

23-24

Adjustment for Lot Area [Remainder] or Floor Area Remainder

(a) In [all districts, as] **the districts** indicated, if an amount of *lot area* not allocated to a *dwelling unit* or *room* is less than that required for one such *dwelling unit* or *room* as applicable, in Section 23-22 (Required Lot Area per Dwelling Unit [or per Room] **Lot Area per Room or Floor Area per Room)** such remaining *lot area* may be used to satisfy such *lot area* requirements if it represents not less than three-fourths thereof. **R1** R2 R6 R7 R8 R9 R10

(b) In the districts indicated, if an amount of *floor area* not allocated to a *room* is less than that required for one such *room* as applicable in Section 23-22, such remaining *floor area* may be used to satisfy such requirements if it represents not less than three-fourths thereof. **R3 R4 R5**

* * * *

23-44

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all *Residence Districts*, the following shall not be considered obstructions when located in a *yard* or *rear yard* equivalent:

(a) In any *yard* or *rear yard* equivalent

* * * *

Open *accessory* off-street parking spaces, except such spaces located within a *front yard*, which are:

(1) Accessory to one-family or two-family *residences*, detached or attached, **in R1, R2, or R3 districts.**

* * * *

(2) **Except in R4 and R5 districts** not screened from *zoning lots* situated across the *street* in the manner specified in Section 25-66 (Screening).

* * * *

For R4 and R5 districts, that portion of a *building* above the first *story* excluding the basement which projects not more than three feet into the *front yard* for *buildings* in a *predominantly built-up area*. In no case shall the lowest level of the projected portion be less than six feet above the level of the *front yard* at the face of the *building*.

* * * *

23-45

Minimum Required Front Yards

In the districts indicated, *front yards* shall be provided as set forth in the following table, except that for a *corner lot* in an R1-2 District, one *front yard* may have a depth of 15 feet, and for a *corner lot* in an R3, or R4 [District,] **or R5 District** one *front yard* may have a depth of 10 feet.

R1 R2 R3 R4 R5

FRONT YARD
(in feet)

20	R1
15	R2 [R3 R4]
[10] **18**	**R3 R4 R5**

23-451

Special Provisions for Required Front Yards in *predominantly built-up areas* on Certain Lots

On *zoning lots* of 6,000 square feet or more, a *front yard* of at least 6 feet may be provided if:

(a) *Accessory* off-street parking is provided as set forth in Section 25-23 (Requirements Where Group Parking Facilities are Required).

(b) *Accessory* off-street parking spaces are provided for at least 80% of the total number of dwelling units.

* * * *

23-461

Side yards for one-, two-, or **three-family residences**

(a) In all districts, as indicated, for one-family *detached residences* or, where permitted, for two-family *detached residences, side yards* shall be provided as set forth in the following table:

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

MINIMUM REQUIRED SIDE YARDS

Number required	Required total width (in feet)	Required minimum width of any *side yard* (in feet)	
2	35	15	R1-1
2	20	8	R1-2
2	13	5	R2 R3 [R4 R5 R6 R7 R8 R9 R10]

(b) In the districts indicated, for one-, two-, or three-family *residences*, no *side yard* is required. If one *side yard* is provided, it shall be at least 10 feet except as set forth in Section 23-512 (Special provisions for side yards used as common driveways). If a second *side yard* is provided, it shall be at least 5 feet.

R4 R5 R6 R7 R8 R9 R10

23-462

Side yards for all other residential buildings

In the districts indicated, for all other *residential buildings,* [*side yards* shall be provided as follows: R3 R4 R5 R6 R7 R8 R9 R10

(a) In the districts indicated, two *side yards,* each with a minimum required width of eight feet, shall be provided. However, if a *detached residential building* has an *aggregate width of street walls* of more than 80 feet, two *side yards* shall be provided, each equal to not less than 10 percent of such *aggregate width of street walls.* For *residential buildings* not exceeding two *stories* and *basement* in height, no such *side yard* need be more than 15 feet wide.] [R3 R4 R5]

[(b) In the districts indicated,] no *side yards* are required. However, if any open area extending along a *side lot line* is provided, it shall be at least [eight] **ten** feet wide. [R6 R7 R8 R9 R10]

23-464

Side yards for buildings used for permitted non-residential uses

(a) In the districts indicated, if a *building* used for permitted non-*residential uses* has an *aggregate width of street walls* equal to 60 feet or less, two *side yards* shall be provided, each with a minimum required width of eight feet. If such *building* has an *aggregate width of street walls* equal to more than 60 feet, two *side yards* shall be provided, each equal to not less than 15 percent of the *aggregate width of street walls.* R1 R2 R3 [R4 R5]

(b) In the districts indicated, no *side yards* are required. However, if any open area extending along a *side lot line* is provided it shall be at least 10 feet wide. R4 R5 R6 R7 R8 R9 R10

23-49

Special Provisions for Party or Side Lot Line Walls

In the district indicated, a *residence* may be constructed so as to: R3 [R4 R5]

(a) Utilize a party wall or party walls, or abut an independent wall or walls along a *side lot line,* existing on the effective date of this resolution or lawfully erected under the terms of this resolution; or

(b) Incorporate a straight line extension of such a wall existing on the effective date of this resolution or lawfully erected under the terms of this resolution; or

(c) Share a party wall or party walls with other *residences* being erected at the same time on an adjoining *zoning lot* or *zoning lots.*

If a *residence* is so constructed, the *side yard* requirements shall be waived along that boundary of the *zoning lot* coincident with said party wall or party walls, or independent wall or walls along a *side lot line,* and one *side yard* at least [eight] **ten** feet wide shall be provided along any *side lot line* of the *zoning lot* where such a wall is not so utilized.

* * * *

23-512

R3 R4 R5

Special Provisions for side yards used as common driveways

In the districts indicated, for a common driveway along a side lot line, the width of the side yard shall not be less than 5 feet, provided that the total width of such common driveway is 10 feet and there is an agreement with the owner of the adjoining lot for driveway access to the parking area recorded in the land records and indexed against the applicable zoning lots.

The driveway shall not be used for *accessory* off-street parking.

23-631

Front setbacks in districts where front yards are required

In the districts indicated, where *front yards* are required, the front wall or any other portion of a *building or other structure* shall not penetrate the *sky exposure plane* set forth in the following table; except in the case of a ***development*** in a ***predominantly built-up area***, where the provisions of Section 23-691 (Special height regulation for developments in predominantly built-up areas) shall apply. R1 R2 R3 R4 R5

* * * *

23-691

Special Height Regulations for Developments in Predominantly Built-Up Areas

In the case of *development* of a *zoning lot* of not more than 1.5 acres in a *predominantly built-up area*, the maximum height of any portion of a *residential building* shall not exceed 32 feet.

23-71

Minimum Distance between Buildings on a Single Zoning Lot

In all districts, as indicated, the minimum distance between a *residential building* and any other *building* on the same *zoning lot* shall be as provided in this Section except that these provisions do not apply: R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * * *

(b) to space between a one-family [or] two-family, **or three-family** *residence* and a garage *accessory* thereto.

* * * *

23-73

Minimum Distance Between Buildings on Adjacent Lots R3 R4 R5 R6

In the districts indicated, for any *residential development* on a *zoning lot* for which a *side yard* is not provided, that *development* shall be set back five feet from the *lot line*, provided that:

(a) The *building* or *buildings* on the adjacent *zoning lot* are within three feet of, but not on, the separating *lot line*, and

(b) The *building* or *buildings* on the adjacent zoning lot existed on December 1, 1972.

* * * *

23-83

Building Walls Regulated by Other than Minimum Spacing Formula

* * * *

In the case of a *development* in a *predominantly built-up area* which complies with the provisions of Section 12-10 these regulations shall not apply.

* * * *

23-86

Minimum Distance Between Legally Required Windows and Walls or Lot Lines

In all districts, as indicated, the minimum distance between *legally required windows* and walls or *lot lines* shall be as set forth in the section, except that this Section shall not apply to *legally required windows* in [:(a)] *residential buildings* of 32 feet or less [than three stories] or with a maximum of three units	R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * * *

24-21

Required Lot Area

In all districts, as indicated, if a *building* is used partly for *residence* and partly for *community facility use*, [for each 100 square feet of *floor area* used for such *community facility use*, at least the amount of *lot area* set forth in the following table shall be provided. Such *lot area* shall be in addition to that required for the *residential uses*, which shall be as set forth in Section 23-22 (Required Lot Area per Dwelling Unit or per Room).	R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Any given *lot area* shall be counted only once in meeting the *lot area* requirements.

REQUIRED LOT AREA
PER 100 SQUARE FEET OF FLOOR AREA
USED FOR COMMUNITY FACILITY USE
(in square feet)

100	R1 R2 R3
50	R4 R5
20	R6 R7-1
15	R7-2 R8
10	R9 R10]

the provisions of this section shall apply.

In R1, R2, R6, R7, R8, R9, and R10 districts, for each 100 square feet of *floor area* used for such ***community facility use,*** at least the amount of ***lot area*** set forth in the following table shall be provided. Such lot area shall be in addition to that required for the *residential uses*, which shall be as set forth in Section 23-22.

Any given lot area shall be counted only once in meeting the lot area requirements.

Required *Lot Area*
Per 100 Square Feet of *Floor Area*
Used for *Community Facility Use*
(in square feet)

100	R1 R2
20	R6 R7-1
15	R7-2 R8
10	R9 R10

In R3, R4, and R5 districts the required *floor area per room* in the *residential* portion shall not be less than as set forth in Section 23-22.

* * * *

25-022

Applicability of regulations to zoning lots in predominantly built-up areas

In the case of *residential development* on *zoning lots* in *predominantly built-up areas*, off-street parking shall be provided as set forth in Section 25-23.

* * * *

25-21

General Provisions

* * * *

For the purposes of calculating the number of required parking spaces for any *residential development*, any fraction of a space 50 percent or greater shall be counted as an additional space.

* * * *

25-22

Requirements where Individual Parking Facilities are Provided

In the districts indicated, where ***group parking facilities*** are not provided, one *accessory* off-street parking space, open or enclosed, shall be provided for each *dwelling unit*, except in the case of two- or three-family ***residential buildings*** in a ***predominantly built-up area***, two *accessory* parking spaces per building shall be provided.

R1 R2 R3 R4 R5 R6 R7-1

25-23

Requirements where Group Parking Facilities are Provided

* * * *

For all new ***residences*** in a ***predominantly built-up area*** where ***group parking facilities*** are provided, *accessory* parking spaces shall be provided for at least that percentage of the total number of ***dwelling units*** set forth in the following table:

Percentage of Total *Dwelling Units*	
66	R4 R5

34-223 Special Provisions applying along district boundaries

* * * *

(b) In the districts indicated, along such portion of the boundary of a *Commercial District* which coincides with a *side lot line* of a *zoning lot* in an R1, R2, [R3, R4, or R5], an open area not higher than *curb level* and with a width of at least eight feet is required for a *residential building* on a *zoning lot* within a *Commercial District*. For such portion of the boundary of a Commercial District which coincides with a *side lot line* of a *zoning lot* in an R3, R4, or R5 district such open area with a width of at least ten feet is required.

35-41

Lot Area Requirements for Non-Residential Portions of Mixed Buildings

† In the districts indicated, except as otherwise provided in Section 35-42 (Density or Lot Area Bonus in Mixed Buildings), Section 82-08 (Modification of Bulk and Heights and Setback Requirements) and Section 85-04 (Modifications of Bulk Regulations), in addition to the *lot area* for the *residential portion* of a *mixed building* required under the provisions of Sections 35-21 to 35-23, inclusive, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, for each 100 square feet of *floor area* used for *commercial or community facility use*, an amount of *lot area* shall be provided not less than as set forth in this Section. Any given *lot area* shall be counted only once in meeting the *lot area* requirements.

[C1 C2 C3 C4 C5 C6 C7]

C1-1*C2-1* C4-2 C5 C6
C1-2*C2-2* C4-3
C1-3*C2-3* C4-4
C1-4*C2-4* C4-5
C1-5*C2-5* C4-6
C1-6 C2-6 C4-7
C1-7 C2-7
C1-8 C2-8
C1-9

* When mapped within R1, R2, R6, R7, R8, R9 or R10 districts.

35-411

In C1 or C2 Districts mapped within Residence Districts

* * * *

District within which C1 or C2 District is mapped	Required *lot area* (in square feet) *Commercial use*	*Community facility use*
R1, R2, [R3]	100	100
[R4	100	65
R5	100	50]
R6	50	20
R7-1	30	20
R7-2	30	15
R8	20	15
R9	15	10
R10	10	10

35-112

In other C1 or C2 Districts or in C3, C4, C5, C6, or C7 Districts

In the districts indicated, the minimum required *lot area* per 100 square feet of *floor area* used for *commercial* or *community facility use* in a *mixed building* shall not be less than as set forth in the following table:

REQUIRED LOT AREA PER 100 SQUARE FEET OF FLOOR AREA IN COMMERCIAL OR COMMUNITY FACILITY USES (in square feet)

Commercial use	*Community facility use*	C1-6 C1-7 C1-8 C1-9	C2-6 C2-7 C2-8	[C3]	C4	C5	C6	[C7]
[200	100			C3				
100	50				C4-1			
50	50							C7]
30	20				C4-2 C4-3			
30	15	C1-6	C2-6		C4-4 C4-5			
20	15	C1-7						
	15						C6-1 C6-2	
15	10	C1-8	C2-7				C6-3	
10	10	C1-9	C2-8		C4-6 C4-7	C5-1 C5-2 C5-4	C6-4 C6-5 C6-8	
6.5	6.5					C5-3 C5-5	C6-6 C6-7 C6-9	

* * * *

35-43

Floor Area Requirements in Mixed Buildings

In the districts indicated, the required *floor area per room* in the *residential* portion shall not be less than as set forth in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room, or Floor Area per Room).

C1-1* C1-2* C1-3* C1-4* C1-5*	C2-1* C2-2* C2-3* C2-4* C2-5*	C3	C4-1	C7

*** When mapped in R3, R4, or R5 districts.**

* * * *

54-311

Buildings non-complying as to lot area per dwelling unit [or per room], **lot area per room or floor area per room.**

† If a *building* does not comply with the applicable district regulations on *lot area per dwelling unit* or *per room* (because the *lot area* of the *zoning lot* is smaller than required for the number of *dwelling units* or *rooms* on such *zoning lot*) such *building* may be converted (and, in a *building* used partly for *residential use* and partly for non-*residential use*, the *residentiol use* may be *extended*), provided that the deficiency in the required *lot area* is not thereby increased. (For example, a *non-complying building* on a *zoning lot* of 3,500 square feet, which before conversion required a *lot area* of 5,500 square feet and was therefore deficient by 2,000 square feet, can be converted to any combination of *dwelling units* or *rooms* requiring a *lot area* of no more than 5,500 square feet).

If a *building* does not comply with the applicable district regulations on *floor area per room* (because the *floor area* of the *residential building* or use within a *mixed use building* is smaller than required for the number of rooms), such *building* may be converted or the *residential use* extended in a *mixed use building* provided that the deficiency in the required *floor area* is not thereby increased.

* * * *

In the case of a one-, two-, or three-family *residential building* not more than 32 *feet* high in R4 or R5 districts which received a certificate of occupancy prior to December 1, 1972 as set forth in Section 12-10 (Definitions) paragraph (i) of the "Floor Area" definition, the lowest *story* is exempted from the *floor area per room requirement*.

* * * *

77-25

Lot Area [Requirements] **or Floor Area Requirements**

In R1, R2, R6, R7, R8, R9, or R10 districts, the

[The] *lot area per dwelling unit or per room, floor area per room*, or *lot area* for *commercial* or *community facility uses*, required for the *building* or *buildings* on the *zoning lot* shall be computed separately for that portion of the *zoning lot* located in each district under the applicable regulations of the Chapters indicated below. The total *lot area* of the *zoning lot* shall not be less than the sum of such required *lot areas* so computed.

* * * *

In R1, R2, R6, R7, R8, R9, or R10 districts, if

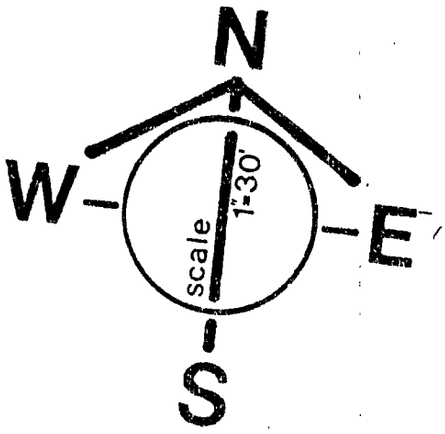
[If] a building is used partly for *residential uses* and partly for *community facility* or *commercial uses*, no *lot area* shall be counted twice in fulfillment of the requirements for *lot area per dwelling unit* or *per room* and for *lot area* for *commercial* or *community facility uses*.

In R3, R4, or R5 districts, if a *building* is used partly for *community facility* or *commercial uses*, the *residential floor area* shall be as defined in Section 23-21 (Definitions).

Regulations applying to **lot area *per room* or *floor area per room*** requirements are set forth in the Chapters indicated below:

* * *

DONALD H. ELLIOTT, Chairman;



ZONING LOT & LOT AREA	= 144 375.ϕ	
TOTAL ACTUAL FLOOR AREA	= 156 193.71 ϕ	
ACTUAL FLOOR AREA RATIO	= 1.08	
LOT COVERAGE	= 56 275.20 ϕ	
OPEN SPACE	= 88,098.80 ϕ	
OPEN SPACE RATIO	= 56.40	
MAX F.A.R. R-4 = @ .75	= 108,281.25 ϕ	
MIN O.S.R. R-4 = @ 80	86,625.00 ϕ	
O S REQ = 56.40 = 100% / 156,193.71 ϕ	= 88,093.25 ϕ @ 25%	
SPECIAL PERMIT REQUIRED	78-34	
SPECIAL BONUS REQUIRED (GOOD SITE PLAN + COMMON O.S)	78-351	BONUS FOR INCREASED O.S.
NOTE THAT THE DEVELOPMANT IS A CONDOMINIUM AND IS 100% COS		
SPECIAL BONUS REQUESTED (BONUS FOR INCREASED ROOM SIZE)	78-354	ADD FAR OSR
FLOOR AREA PER RM REQ		225
18.43 = 5.5 RMS + 3.5 RMS = 9.0 × 24	= 216	156.1 E
21 × 54 = 5.5 RMS + 4.5 RMS = 10.0 . 34	= 340	
	556.	
ACTUAL FLOOR AREA PER ROOM		280.

FAR	PERMITTED =	1.20
FAR	ACTUAL =	1.08
OSR	MIN REQ =	55.5
OSR	ACTUAL =	56.40
OS	REQUIRED =	156.193.71 ϕ

STATEMENT OF MARTIN GALLENT, COMMISSIONER RE: CP-21965A

Mr. Chairman:

I wish to acknowledge the highly capable and effective work of the Housing Section of the Department of City Planning in particular its Chief, Alex Garvin, also Alan Beller and John Schwartzman. The magnitude of their accomplishment can not be fully appreciated by the general public. They have demonstrated that given the time and having patience and ability even a complex zoning matter can be made understandable and responsive to local and diverse communities. They have my unqualified admiration in this matter.

No. 17

City-Wide **(CP-21966)**

IN THE MATTER OF **amendments,** pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to Article VII Chapter 8 **concerning special regulations, applying to large-scale residential developments.**

(On April 26, 1972, Cal. No. 11, the Commission scheduled May 17, 1972, for a hearing; on May 17, 1972, Cal. No. 54, the hearing was closed; on July 12, 1972, Cal. No. 29, the matter was laid over.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The proposed amendment is designed to encourage the construction of more planned unit developments by allowing such development in R5 districts. New incentives will also be granted to insure that required community facilities are built as part of these projects to foster larger room sizes and to encourage provisions of enclosed parking areas.

BACKGROUND

The Planned Unit Development (PUD) concept, approved in 1967, aims at achieving better design, and a better environment, in new residential projects. It encourages developers to preserve the landscape and provide common open space available to all residents of the community. It fosters preservation of trees, hills and streams as well as the provision of an efficient and safe street system. It means less asphalt and more grass. It was limited to low-density R1 to R4 districts.

Since passage of the new regulations, eight projects have been approved by the Planning Commission and Board of Estimate.

Bonuses have been given in return for providing good site plans, usable open space, and preserving natural features.

NEW PROPOSALS

The proposed amendment seeks to expand the possibilities for achieving this kind of development by extending the concept to R5 districts. The same good design principles can be effectively adapted to the building types and kind of development predominant in that district. Extending the PUD concept to R5 districts, in effect, also means extending its reach beyond Staten Island where most such development has until now taken place. Various sections in other boroughs, particularly Queens, would be able to take advantage of its provisions for better **designed** communities.

In expanding the areas where PUD's could be built, it is also essential to provide a mechanism so that applications can be processed expeditiously. To achieve this, the Mayor has ordered the creation of the Staten Island Planned Unit Development Implementation Council. This body consists of representatives of the City agencies involved in the PUD approval process including the Director of the Office of Staten Island Development, the Richmond Borough President, the Chairman of the City Planning Commission, and the Administrators of agencies concerned, such as the Buildings and Highways Departments. The Council's purpose is to expedite the implementation of PUD's from the time of preliminary approval by the City Planning Commission until these projects are occupied. It meets at the discretion of its chairman to work out problems which may impede the progress of a PUD.

In addition, a single hearing, by the City Planning Commission, would be required under the new provisions for small PUD's (under four acres), which have a minimal impact on community facilities. The Commission must still find that these facilities will not be overburdened by such a development.

Planned Unit Developments of four acres or more - larger than a standard City block - do have a noticeable effect on community facilities. The City, hard-pressed for capital construction funds, must ensure that the facilities supportive of much-needed housing are provided. Developers of large PUD's will be required to build school space, and lease it to the City at no cost if needed, or such other community facilities as may be required. The floor area bonus granted for provision of school or community facility space would be directly proportional to the cost of providing the amenity.

OTHER CHANGES

In addition, under the new provisions, PUD developers in R3-2 districts would be able to choose an optional bonus of larger rooms and in R4 and R5 districts a second optional bonus of enclosed parking. Large rooms not only increase the marketability of new housing, but also represents a long-term increase in the quality of a neighborhood's housing stock. The number of rooms allowed in R3-2, R4, and R5 districts is computed on the basis of the floor area permitted. If a developer increases by specified amounts, the floor area per room in his development over that required by the new infill provisions, a floor area bonus will be granted to compensate for the extra floor area supplied in the expansion of room sizes. In granting this bonus, the Commission will also monitor the plans to ensure that the larger rooms result in better layouts.

Parking is often a problem in site planning. To this end, a floor area bonus compensating for the cost of providing a solution will be granted. In R4 and R5 districts, a developer wishing to take advantage of this bonus must provide at least two-thirds of his required parking in a covered structure or structures. Parking may be enclosed in a separate parking structure or in an attached garage, or in a combination of the two. This solution, we feel, will increase the amounts of both visual and usable open space in Planned Unit Developments. We believe that there is no need for such a provision in R3-2 districts, as the predominant building type usually includes attached garages without the need for any compensation. The market demands a garage in a three-story building and an additional space will be provided in most cases in the driveway, a condition legalized and improved upon by the infill zoning provisions. Therefore, we have excluded R3-2 from this bonus.

PUBLIC HEARING

On April 26, 1972 (cal. #12) the Commission scheduled a PUBLIC HEARING on the proposed amendments. The hearing was duly held on May 17, 1972 (cal. #54). The changes were supported by those addressing themselves to this component of the infill package. No one spoke in opposition. Among the speakers in favor were representatives of the Community Service Society, the Citizens' Housing and Planning Council, and Queens Community Planning Board No. 10. A representative of the Architects' Council of New York City called attention to what he felt was the ambibuity of the definition of a "good site plan." The hearing was closed. A communication in favor of the proposal has been received by the Commission from the American Institute of Planners.

CONSIDERATION

The Planned Unit Development concept has worked successfully. New, well-designed communities are being developed that provide good housing and respect the environment. We believe the changes outlined in these amendments will extend the advantages of the approach to new areas (and along with the new Mayor Implementation Council, will help expedite the process of government review.) This is particularly important to encourage developers to build under its provisions when delay can mean a cost escalation of one per cent per month.

While the definition of a good site plan has not been troublesome, we believe it may be useful to sharpen certain aspects. We have listed additional criteria to be met. For example, recreation areas must be physically and visually accessible to all parts of the development. There are more detailed standards for the location and size of active and passive recreation areas.

The new provisions will not apply to lots subdivided to under four acres after 1 January 1972 or to Planned Unit Developments which have been granted authorizations by the Commission before 31 July 1972. The first is intended to prevent evasion of the essential requirements imposed on large developments. The second will avoid reopening of plans which the Commission has already approved. In many cases, construction is in progress and commitments have been made to the local community by developers and the City alike.

The Commission determined that the amendments are appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate, pursuant to Section 200 of the New York City Charter.

RESOLVED, By the City Planning Commission, that the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changes relating to Article VII Chapter 8 concerning special regulations, applying to large-scale residential development as follows:

Matter in **Bold Type** is new;

Matter in brackets [ ], is old, to be omitted.

Matter in *italics* is defined in Section 12-10.

* * *

Article VII

Administration

* * * *

Chapter 8 Special Regulations Applying to Large-Scale Residential Developments

* * * *

78-02 DEFINITIONS (repeated from Section 12-10)

* * * *

Large-scale Residential Development

A "large-scale residential development" is a ***development*** used predominantly for *residential uses*, on a tract of land containing a single *zoning lot* or two or more *zoning lots* which are contiguous or would be contiguous but for their separation by a *street* **or a street intersection**, which tract of land

(a) Has or will have an area of at least 1.5 acres and a total of at least three principal *buildings*, or an area of at least three acres and a total of at least 500 *dwelling units*, and

(b) Is to be *developed* as a unit, or, in the case of an urban renewal project, under the coordination and supervision of the City's urban renewal agency.

*

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(b) Is to be ***developed*** as a unit, or, in the case of an urban renewal project, under the coordination and supervision of the City's urban renewal agency.

78-32

Bonus for Good Site Plan

In R1-2 R2, **or R3-1** [R3, or R4] districts,

* * *

78-33

Bonus for Common Open Space

In **R3-1** [R3 or R4] districts,

* * *

78-34

Special Provisions for Certain Large-Scale Developments

Any *large-scale residential development* which qualifies for a bonus in accordance with this section and Section 78-35 (Special Bonus Provisions) shall be eligible for any modifications permitted under Section 78-311 (Authorizations by the Planning Commission) or Section 78-312 (Special permit authorizations) provided the findings of Section 78-313 (Findings) are satisfied.

78-341

Large-scale residential developments of less than 4 acres

In R3-2, R4 or R5 Districts, for any *large-scale residential development* having an area of less than 4 acres, the Commission, by permit after public notice and hearing, may make modifications in the *open space ratio* and *floor area ratio* pursuant to the provisions of Section 78-35 (Special Bonus Provisions) if the Commission finds:

(a) That throughout the *development* the site plan provides a significantly better arrangement of the buildings in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private *open spaces* and preservation of important natural features to a greater degree than would be possible or practical for a *development* composed of similar types built in strict compliance with the applicable district regulations;

(b) That the public facilities and utilities in the area are adequate to meet the needs of the *development* or that needed additional facilities will be provided as a part of the *development* by the developer or owner;

(c) That the *development* complies with the provisions of Section 78-351 (Bonus for common open space and good site plan).

78-342

Large-scale residential developments of 4 acres or more

In R3-2, R4 or R5 Districts, for any *large-scale residential development* having an area of 4 acres or more, the Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may make modifications in the *open space ratio* and *floor area ratio* pursuant to the provisions of Section 78-35 (Special Bonus Provisions) if the Commission finds:

(a) That throughout the *development* the site plan provides a significantly better arrangement of the ***buildings*** in relation to one another

and to their sites from the standpoints of privacy, access of light, organization of private *open spaces* and preservation of important natural features to a greater degree than would be possible or practical for a *development* composed of similar types built in strict compliance with the applicable district regulations;

(b) That the public facilities and utilities in the area are adequate to meet the needs of the *development* or that needed additional facilities will be provided as a part of the *development* by the developer or owner;

(c) That the *development* complies with the provisions of Section 78-351 (Bonus for common open space and good site plan) and Section 78-352 (Bonus for community facility space).

78-35 Special Bonus Provisions

78-351

Bonus for common open space and good site plan

The provisions of this section shall not apply to any *zoning lot* subdivided for *development* to under 4 acres after January 1, 1972, nor to any *large-scale residential development* for which authorization has been granted by the Commission prior to July 31, 1972.

In R3-2, R4 or R5 Districts for any *large-scale residential development* which complies with the requirements of Section 78-341 (Large-scale residential developments of less than 4 acres) or Section 78-342 (Large-scale residential developments of 4 acres or more) the permitted *floor area ratio* and required *open space ratio* for the *development* as a whole may be modified as set forth in this section, provided at least 25 percent of the total required *open space* is provided in common areas meeting the requirements of Section 78-52 (Common Open Space) and no portion of such common *open space* is used for driveways or off-street parking and provided that the findings required in paragraph (e) of Section 78-313 (Findings) are satisfied.

District	Maximum *Floor Area Ratio*	Minimum *Open Space Ratio*
R3-2	.60	125.0
R4	1.00	66.5
R5	1.25	48.7

78-352

Bonus for community facility space

In R3-2, R4 and R5 Districts for any *large-scale residential development* which complies with the provisions of Section 78-342 (Large-scale residential development of 4 acres or more) the permitted *floor area ratio* and required *open space ratio* for the *development* as a whole may be modified as set forth in this section, provided floor space for *community facility use* is provided as required in paragraph (b) of this section.

(a)

District	Maximum *Floor Area Ratio*	Minimum *Open Space Ratio*
R3-2	.70	102.0
R4	1.15	54.7
R5	1.45	37.7

(b) There shall be at least 15 square feet of *community facility* floor space for each *dwelling unit* within the *development*.

Such space shall be used for schools where the need is certified by the Board of Education and where the Board agrees to lease such space at no cost. Otherwise such space shall be allocated for one or more uses as specified in this section where the need for such space has been certified by the City Planning Commission and a City Department agrees to lease such space at no cost. If such certification and agreement are not obtained in either case, the Commission shall approve any private community facility proposed to be rented or maintained by the developer. In no case shall the size of an individual use be less than the amount set forth in this section.

Community Facility	Size (in square feet)
day care center	3,000
ambulatory care center	10,000
library	7,500
senior citizen center	3,750
community center	2,000
indoor recreation center	2,000

(c) In no event shall the total *floor area* for any *development* constructed pursuant to the provisions of this section exceed the maximum *floor area ratio* for *community facility uses* permitted by the applicable district regulations. Furthermore, the provisions of Section24-21 (Required Lot Area) shall not apply to such *development*.

78-353

Bonus for enclosed parking

In R4 or R5 Districts, for any *large-scale residential development* which complies with the provisions of Section 78-341 (Large-scale residential developments of less than 4 acres) or Section 78-342 (Large-scale residential developments of 4 acres or more), the permitted *floor area ratio* may be increased over the amount earned by other provisions of Section 78-35 (Special Bonus Provisions) and the required *open space ratio* for the development as a whole correspondingly decreased as set forth in this section provided that at least two-thirds of the required off-street parking is enclosed.

District	Increase in *Floor Area Ratio*	Decrease in *Open Space Ratio*
R4	.25	14.5
R5	.25	10.0

For any *large-scale residential development* comprising *buildings* of not more than four *stories* receiving a bonus under this section, the Commission may modify where appropriate the requirements of Section 23-12 (Permitted Obstructions in Open Space), paragraph (f).

78-354

Bonus for increased room size

In R3, R4, or R5 Districts for any *large-scale residential development* which complies with the provisions of Section 78-341 (Large-scale residential developments of less than 4 acres) or Section 78-342 (Large-scale residential developments of 4 acres or more), the permitted *floor area ratio* may be increased over the amount earned by other provisions of Section 78-35 (Special Bonus Provisions) and the required *open space ratio* for the development as a whole decreased correspondingly as set forth in this section provided that the *floor area per room* requirement is increased in accordance with the provisions of this section.

District	Increase in *Floor Area Ratio*	Decrease in *Open Space Ratio*	Required *Floor Area per Room* (in square feet)
R3-2	.10	20.4	215
R4	.20	11.0	225
R5	.20	6.0	235

* * * * *

78-52

Common Open Space

* * * * *

(g) Such open space shall include both active and passive recreation space providing a range of recreational facilities and activities appropriate to the occupants of the development. Such space shall be physically and visually accessible to the occupants and shall be screened from unsuitable areas. Passive recreation space shall be landscaped and shall be located in areas other than access and egress spaces. Active recreation facilities, such as play equipment, court game facilities, or ball fields, shall be designed to provide the maximum possible area appropriate to the size of the *development*.

DONALD H. ELLIOTT, Chairman;

No. 18

City-Wide **(CP-21967)**

IN THE MATTER OF **amendments,** pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, **relating to various sections establishing new special mixed use districts.**

(On April 26, 1972, Cal. No. 12, the Commission scheduled May 17, 1972, for a hearing; on May 17, 1972, Cal. No. 55, the hearing was closed; on July 12, 1972, Cal. No. 28, the matter was laid over.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

Amendment of the Zoning Resolution pursuant to Section 200 of the New York City Charter, relating to various Sections establishing new Special Mixed Use Districts.

This amendment to the Zoning Resolution is proposed by the City Planning Commission to establish criteria for Special Mixed Use Districts in which existing residential or industrial uses could expand, with appropriate safeguards, and in certain limited instances new infill development could take place. The Commission would thereafter propose to map these districts in those areas where appropriate. The districts could be mapped only after public hearings and approval by the Planning Commission and Board of Estimate.

Background

The 1961 Zoning Resolution was based on a philosophy of separation of uses. Residential and manufacturing uses were considered incompatible activities to be kept apart. It was understood that many areas, particularly in older sections of the City, were mixed. These were zoned for manufacturing or housing depending on which was predominant or which seemed the appropriate future use. It was assumed that the non-conforming use would eventually be replaced. However, this has not happened in many such areas. They have remained stable; in some, we find no signs of decline.

One section where residences and industry co-exist is McCarren Park in Brooklyn. There industrial uses surround a stable community within a manufacturing zone. The residents of McCarren Park do not want to leave the Williamsburg area; but, they would like to be assured, before investing in improvements to their homes, that industry will not force them out of the neighborhood. Some of the residents work in the nearby industries.

Another example is Ridgewood, in Queens, where small knitting mills are scattered throughout a residential district. The mills generate little traffic, noise or pollution. The majority of the employees are women who walk to work. Most of the mills occupy storefronts in low residential buildings where there

is little demand for commercial uses. At the Master Plan hearing in Community Planning District 5 on May 18, 1971, the community residents expressed strong interest in preserving the knitting mills. It is desirable for these mills to be able to expand into adjacent storefronts, and for new mills to open.

In Plan for New York City, the Planning Commission recognized that these and other mixed use areas will remain viable during the foreseeable future, and that expansion and upgrading of some of the non-conforming uses should be allowed. This proposal is designed to implement that policy.

Another objective of the mixed use amendment is to protect both the housing stock and the blue collar job base. New York faces a severe housing shortage; the gross vacancy rate in 1970 was only 2.76 per cent, 2.0 per cent for rental housing. Private housing completions (based upon certificates of occupancy) declined from 28,736 in 1961 to 14,031 in 1967, to 7,307 in 1971. It is obviously important to preserve the existing stock, and to encourage growth in all residential neighborhoods. The mixed use amendment will further this objective, making it easier to improve stable housing in residential communities within manufacturing areas.

Of equal concern is the decline in New York's manufacturing job base. The City lost some 170,000 jobs during the 1960-1970 period, with annual losses ranging from 1,000 to over 50,000. This measure will make it possible for non-conforming industrial plants to expand on their current sites. The alternative for many would be relocation, possibly away from the City. Lifting the non-conforming status from manufacturing or residential uses in mixed use areas would make it easier for owners of such structures to obtain financing and insurance.

General Provisions

The mixed use amendment deals with two distinct cases: manufacturing plants located within predominantly residential (R) districts and residential enclaves within manufacturing (M) districts. New classifications (R-m) and (M-r) will be established and will be superimposed upon the existing zoning where appropriate. The original underlying district regulations will apply to uses normally permitted in those districts.

For example, an area currently zoned R5 might become an R-m district with an M1-1 overlay. All uses permitted in R5 districts would continue to be controlled by the R5 regulations, and all uses prohibited in R5 districts would remain non-conforming, except for those listed in Use Group M. (The special R-m regulations, including the M1 standards, would apply only to the Use Group M activities.) The new provisions will protect the existing character of the neighborhood, but will allow some expansion of existing uses and appropriate infill development.

Mixed use districts will be selectively mapped by the City Planning Commission in areas where the residential and manufacturing uses can grow and function without conflict. The Commission plans to map a very limited number of districts. Mixed use districts will not be mapped in Manhattan, where high density presents complications that make mixed use situations difficult to control in the manner prescribed by this zoning amendment.

The R-m mixed use districts are intended to be mapped over certain R4, R5 and R6 residential zones, and M-r districts are intended to be mapped over certain M1-1 and M1-2 manufacturing zones. The mixed use overlays would correspond to the character and density of the original zoning districts over which they would be superimposed.

M-r

M-r designations would only be mapped where a viable residential community exists within a manufacturing zone. The prevaling density and building type of the residential enclave in an M-r zone will be matched by a corresponding residential zoning designation. A major criterion is that strengthening of the housing stock will not interfere with the normal operations or development of the manufacturing uses. The new regulations would allow homes to be improved, rebuilt or modernized as of right, but new residential construction would require authorization by the Planning Commission. For most purposes, the regulations of the overlay residential zones would govern all residential uses in M-r districts.

R-m

R-m districts would only be mapped in residential zones where existing industry is compatible with the residential neighborhoods. The new regulations apply only to selected light industries, such as electronics and apparel firms that

generate the fewest detrimental effects on the environment (Use Group M). All other industries (including those in Use Group 17) not listed in Use Group M, would remain non-conforming. The R-m district regulations permit Use Group M plants to be enlarged or extended as of right, by 25 per cent or 6,000 square feet, whichever is less. The City Planning Commission may authorize additions beyond this limitation, or permit certain appropriate new industries to enter the district. No such authorization could be issued without a public hearing by the City Planning Commission.

The Commission is requiring a number of protective measures in the interest of residents of R-m districts, such as adequate truck access routes, and air conditioning for new or enlarged portions, landscaping along common lot lines, and restricted hours of operation where necessary. Expanded or new industrial development will not be allowed where it would create congestion or potentially dangerous conditions within the residential zone. An existing or proposed circulation pattern must channel most traffic away from residential streets. Sufficient off-street parking and loading facilities are required. Additional safeguards may be imposed where necessary to protect the residential character of the areas.

New industries seeking to locate within the Special R-m Districts must comply with Section 9.25 of the Air Pollution Control Code (Local Law 49/71) by submitting Environmental Rating Reports to the Department of Air Resources. The City Planning Department will expedite the processing of these reports.

Before holding a public hearing on an authorization, the Commission will require the applicant to notify every owner of property immediately adjacent to the site within a 100 ft. radius, by certified mail, of the date, place and purpose of the hearing, and to file return receipt cards with the Commission.

Public Hearing

On April 26, 1972 (Cal. #12) the City Planning Commission scheduled a Public Hearing on the proposed amendment. The hearing was duly held on May 17, 1972 (Cal. #55). Three speakers opposed the Mixed Use districts and five spoke in favor. The hearing was closed. In addition, the Commission has received statements from several Community Planning Boards and civic and professional organizations. Organizations in general support of the mixed use amendment include: Community Planning Board

#2 in Manhattan, American Institute of Planners, Architects Council of New York City,Citizens Housing and Planning Council, Community Service Society, Northside Community Development Council, Queens Chamber of Commerce, and Women's City Club. Groups opposing the proposal are: Community Planning Boards #2 and 10 in Queens, Beechurst Property Owners Association, Ravenswood Homeowners and Tenants Civic Association, and Redwood Avenue Association. Community Planning Board #5 in Queens endorsed the mixed use concept but questioned the division of government responsibility to carry out the proposed zoning change.

Those against the Mixed Use Districts expressed concern that the adverse environmental effects of industry and overall pressures from manufacturing activities would force residents of R-m districts from their communities. Those in favor generally expressed support for the concept and endorsed the approach embodied in the proposed amendment.

Consideration

Permitting sound industrial or residential enclaves to remain viable-while insuring that they do not encroach on neighboring development- will benefit the people of New York City. Sufficient safeguards are built into the amendment to protect against undesirable expansion and conflicting land uses, while sufficient flexibility is allowed to encourage the upgrading and modernization of existing development. The need to maintain the industrial job base and to upgrade housing is clear. We believe that this amendment represents a rational, modern approach to deal with the long-standing problem of mixed use areas.

The view was expressed by a number of different parties that existing Use Group M uses should be able to develop as if they were in manufacturing zones. This would make the expansion process easier for firms, and would eliminate the need for the Commission and its staff to review authorization cases. Similarly, some have contended that in a truly mixed use area, residential and manufacturing uses should both be able to locate freely within the zones, relying on the market mechanism to adjust the balance between uses. A number of residential communities, on the other hand, have expressed fears that any as-of-right provision would make future industrial development unpredictable.

The Commission believes that residents are entitled to the protection of a public hearing and Planning Commission review before authorization of extensions and enlargements beyond 25 per cent of floor area or 6,000 square feet (whichever is less). Below this limit, extensions and enlargements would be allowed as-of-right. Thus firms could make modest expansions without authorization, but would require permission for major increases.

Text Changes After Public Hearing

As a result of comments made by the public, and further study, the Commission deems it appropriate that the following minor text modifications be made: (1) 88-02 General Provisions, after "In R-m Special Districts only M1-1 or M1-2 may be mapped as overlay districts," ADD "only on R4, R5 or R6 underlying districts," to insure that R-m districts may not be mapped in very high or very low density areas. (2) 88-12 Authorization Provisions for Manufacturing Uses, finding 4, before "requires minimal residential relocation and no destruction of standard housing," change "or" to "and" as a clarification.

The City Planning Commission determined that the amendments as heard, and under consideration as modified, would provide appropriate modifications of the Zoning Resolution, and they were thereupon adopted, together with the following resolution, which is herewith filed with the Secretary of the Board of Estimate, in accordance with the provisions of Section 200 of the New York City Charter.

RESOLVED, By the City Planning Commission, that the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, be and the same hereby is amended by changes relating to Section 88-00 establishing Special Mixed Use Districts as follows:

Matter in **Bold Type** is new;

Matter in *italics* is defined in Section 12-10.

11-12

Establishment of Districts.

* * * *

Establishment of Special Mixed Use Districts

In order to carry out a special purpose of this Resolution as set forth in Article VIII, Chapter 8, *Special Mixed Use Districts* are hereby established.

12-10 Definitions

* * * *

Special Mixed Use Districts

The "Special Mixed Use Districts" are Special Purpose Districts designated by letters "M-r" or "R-m" in which special regulations set forth in Article VIII, Chapter 8 apply to *residential* or *manufacturing uses* in new *development, enlargements* or *extensions,* and changes of *use* not permitted by Article V of this Resolution. The *Special Mixed Use Districts* may be mapped only in areas where the *residential* or *manufacturing non-conforming uses* have created a mixed use character. The *Special Mixed Use Districts* appear on the zoning maps as overlays on existing districts, and their regulations supplement those of the districts on which they are superimposed. The first letter of the overlay district designation represents the underlying zoning district and the second letter represents the district which is to be superimposed.

* * * *

ARTICLE VIII

SPECIAL PURPOSE DISTRICTS

* * * *

CHAPTER 8 SPECIAL MIXED USE DISTRICTS

88-00 GENERAL PURPOSES

The mixed *use* zoning categories established in this Resolution are designed to promote and protect the public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage the maintenance and controlled growth of mixed *use* areas by permitting selected light manufacturing activities and *residential uses* to expand in areas where such *uses* are deemed compatible;

(b) to protect viable *residential* communities in certain *manufacturing districts* without impeding desired industrial *development;*

(c) to permit the maintenance and controlled expansion of selected industrial activities in *residential* zones without imparing the quality of these areas;

(d) to promote the opportunity for people to work in the vicinity of their *residences;*

(e) to provide safe circulation systems in areas of mixed *residential* and *manufacturing use;*

(f) to retain adequate wage, job-intensive, seasonally stable industries, within New York City;

(g) to provide an opportunity for the improvement of mixed *use* areas in a manner consistent with the objectives of the Comprehensive Plan of the City of New York.

(h) to promote the most desirable *use* of land in these areas and thus to conserve the value of land and *buildings* and thereby protect the City tax revenues.

88-01

Definition (repeated from Section 12-10)

Special Mixed Use Districts

The "Special Mixed Use Districts" are Special Purpose Districts designated by letters "M-r" or "R-m" in which special regulations set forth in Article VIII, Chapter 8 apply to *residential* or *manufacturing uses* in new *development, enlargements* or *extensions,* and changes of *use* not permitted by Article V of this Resolution. The *Special Mixed Use Districts* may be mapped only in areas where the *residential* or *manufacturing non-conforming uses* have created a mixed *use* character. The *Special Mixed Use Dis-*

tricts appear on the zoning maps as overlays on existing districts, and their regulations supplement those of the districts on which they are superimposed. The first letter of the overlay district designation represents the underlying zoning district and the second letter represents the district which is to be superimposed.

88-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the *Special Mixed Use Districts* and in accordance with the provisions of this Chapter, the Commission shall designate overlay districts whose *bulk* regulations and off-street parking regulations shall govern the *developments* of those *uses* not permitted by the underlying district regulations, unless otherwise indicated in this Chapter.

In R-m Special Districts only M1-1 or M1-2 may be mapped as overlay districts, only on R4, R5 or R6 underlying districts, and the overlay district regulations and any special provisions of this Chapter shall apply only to *manufacturing uses*. In M-r Special Districts only R4, R5, or R6 may be mapped as overlay districts, and the overlay district regulations and any special provisions of this Chapter shall apply only to *residential uses*. In all other cases the underlying district regulations shall govern.

88-03

Action by the Board of Estimate

The resolution of approval by the City Planning Commission of a Special Mixed Use District designation shall be filed with the Secretary of the Board of Estimate, and the Board of Estimate shall act upon such resolution in accordance with the provisions of Section 200 of the New York City Charter.

88-04

Requirements for Applications

An application to the City Planning Commission for the grant of an authorization respecting any *development* under the provisions of this chapter shall include a site plan showing the location and proposed use of all *buildings or other structures* on the site; the location of all vehicular entrances and exits and off-street parking and loading spaces; the amount and nature of traffic to be generated by such *development*, and an indication of the routes that will provide vehicular access to the establishment; and such other information as may be required by the City Planning Commission.

88-05

Relationship to Public Improvement Projects

In all cases, the Commission shall deny an application for authorization whenever the *development* will interfere with a public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the Board of Estimate or City Planning Commission, or Site Selection Board as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for an authorization.

88-10

Special Provisions for R-m Districts

88-11

Special Use Regulations for Manufacturing Uses

In the Special R-m Districts, all *manufacturing uses* in new *developments, enlargements* or *extensions* except as set forth in Section 88-14 (Minor Enlargements, Extensions or Alterations of Manufacturing Uses), or changes of *use* not permitted by Article V of this Resolution shall be limited to *uses* listed in Section 88-111 (Use Group M), and shall be subject to authorization provisions as set forth in Section 88-12 (Authorization Provisions for Manufacturing Uses).

88-111 Use Group M

Manufacturing Establishments

Advertising displays

Apparel or other textile products from textiles or other materials, including hat bodies or similar products

Brushes or brooms

Cameras or other photographic equipment, except film

Canvas or canvas products

Cork products

Cosmetics or toiletries

Electrical appliances (small), including lighting fixtures, irons, fans, toasters, toys, or similar appliances

Electrical equipment assembly (small), including home radio or television receivers, home movie equipment, or similar products, but not including electrical machinery

Electrical supplies, including wire or cable assembly, switches, lamps, insulation, dry cell batteries or similar supplies

Fur goods, not including tanning or dyeing

Glass products from previously manufactured glass

Hair, felt or leather products, except washing, curing or dyeing

Hosiery

Ice, dry or natural

Laboratories, research, experimental or testing except those that involve dangerous or potentially explosive activities

Leather products, including shoes, machine belting, or similar products

Luggage

Machines, business, including typewriters, accounting machines, calators, card-counting equipment, or similar products

Machine tools—small parts only

Mattresses, including rebuilding or renovating

Musical instruments

Novelty products

Optical or precision instruments

Orthopedic or medical appliances, including artificial limbs, braces, supports, stretchers, or similar appliances

Printing or publishing

Sporting or athletic equipment, including balls, baskets, cues, gloves, bats, rods, or similar products

Statuary, mannequins, figurines, or religious or church art, excluding foundry operations

Textiles, spinning, weaving, manufacturing, etc.

Tobacco, including curing, or tobacco products

Tools or hardware, including bolts, nuts, screws, doorknobs, drills or similar products

Toys

Umbrellas

Vehicles, children's (bicycles, etc.)

Venetian blinds, window shades or awnings

Wood products, cabinet making, pencils, baskets and other small products

Miscellaneous Uses

Agriculture, including greenhouses, nurseries or truck gardens

Public transit, railroad or electric utility substations

88-112

Sign regulations

All *signs* for *manufacturing uses* within the Special R-m Districts shall be limited to *accessory business signs* and shall conform to regulations for C1 Districts as set forth in Sections 32-61 to 32-68 (Sign Regulations) inclusive, in this Resolution, except that no *illuminated signs* shall be permitted in the Special Districts. In addition no *sign* shall extend above the floor level of the second story above ground.

88-113

Performance standards

All *manufacturing uses* in new *developments* or *enlargements* shall comply with the regulations on performance standard applicable in M1 districts.

88-12

Authorization Provisions for Manufacturing Uses

The City Planning Commission, after public notice and hearing, may authorize within the Special R-m Districts:

(a) *Uses* listed in Section 88-111 (Use Group M) in new *developments;*

(b) Changes of *use* to a *use* listed in Section 88-111 (Use Group M), not permitted by Article V of this Resolution;

(c) *Enlargements* or *extensions* of existing *uses* listed in Section 88-111 (Use Group M), except for minor *enlargements, extensions* or

alterations permitted by right under Section 88-14 (Minor Enlargements, Extensions or Alterations of Manufacturing Uses).

(d) Modifications in off-street parking and loading requirements for *uses* listed in Use Group M, as set forth in Sections 88-16 (Off-Street Parking for Manufacturing Uses) and 88-17 (Required accessory off-street loading berths), in new *developments, enlargements* or *extensions;*

provided that the following findings are made:

(1) Further industrial growth will not adversely affect the character of the neighborhood or the degree of *residential development.*

(2) Additional truck traffic generated by expanded or new *development* will not create harmful, congested or potentially dangerous conditions within the *residential* zone.

(3) In the case of new industries seeking to locate within the Special District, the industry is a replacement for an existing one, or the location of new industries is vital to the economy or the employment level of that area.

(4) The site either has been vacant for two years prior to application for an authorization, or is underdeveloped with non-*residential uses,* and requires minimal residential relocation and no destruction of standard housing.

(5) The resulting *floor area ratio* of *manufacturing uses* on a *zoning lot* shall not exceed the maximum *floor area ratio* permitted by the overlay district regulations.

The Commission may impose additional restrictions with regard to lighting, setbacks, screening, planting and landscaping beyond the requirements set forth in this Chapter where necessary to preserve the residential character of an area.

However, where the Commission finds that the resulting *development* will not adversely affect the residential character of an area, it may waive or reduce such requirements.

To minimize harmful environmental effects due to noise, smoke, dust and odor, all new *manufacturing developments,* including *enlargements* requiring authorizations, shall be equipped with air conditioning or such ventilating systems that will not require open doors or windows during operating hours, unless the Commission finds that their absence will not adversely affect the residential character of the area.

Industrial operations, including loading and unloading, shall take place on business days between the hours of 8:00 a.m. and 7:00 p.m. only, unless the Commission finds that operation during other hours will not adversely affect residential character of the area.

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

88-13

Special Bulk Regulations for Manufacturing Uses

88-131

Maximum floor area ratio of manufacturing uses

In no event shall the total *floor area* of *manufacturing uses* on a *zoning lot* exceed the *floor area ratio* permitted by the overlay M1-1 or M1-2 district regulations. In the case of a *building* occupied partly by *manufacturing uses* and partly by other *uses,* the maximum

floor area of the *building* shall be either the maximum *floor area* for *residential* or for *community facility uses* permitted by the underlying *residential* district, or the maximum *floor area* for *manufacturing uses* permitted by the overlay *manufacturing district*, whichever permits the greatest amount of *floor area*.

88-14

Minor Enlargements, Extensions or Alterations of Manufacturing Uses

88-141

Enlargements or extensions of existing uses

In Special R-m Districts, *manufacturing uses* may be *enlarged* or *extended* provided that:

(a) The maximum *enlargement* of a *building* containing *manufacturing uses* permitted in the R-m District shall be not more than 6,000 square feet, or 25 percent of the *floor area* of the *building* as of December 1, 1971, whichever is less provided that the resulting *floor area* of the *manufacturing use* would not exceed the maximum *floor area ratio* permitted by the overlay district regulations. In the case of an *extension*, such *extended* portion shall not occupy more than 6,000 square feet or 25 percent of the *floor area* which such *manufacturing use* occupied within the *building* as of December 1, 1971, whichever is less, regardless of the *floor area ratio* permitted by the overlay district regulations.

(b) In no event shall any such *enlargement* create a *non-compliance* or increase the degree of *non-compliance* of a *non-complying building*, except as set forth in Sections 88-16 (Off-Street Parking for Manufacturing Uses) and 88-171 (Required accessory off-street loading berths).

(c) Such *enlarged* or *extended* portion shall be occupied by *uses* listed in Section 88-111 (Use Group M) and shall comply with the regulations on performance standards applicable in M1 districts.

88-142

Repairs and incidental alterations for manufacturing uses not permitted by the overlay districts

Repairs to both structural and non-structural parts, or *incidental alterations* of a *building or other structure* occupied by any existing *manufacturing uses* within the Special R-m District not permitted by the overlay district regulations shall be governed by the provisions of Article V of this Resolution.

88-15

Special Provisions for Buildings Containing Both Manufacturing and Residential Uses

No new *buildings* for both *residential* and *manufacturing uses* shall be erected within the Special R-m Districts. A change of *use*, not permitted by Article V, to a *manufacturing use* cannot be located in a new or existing *residential building*, except where such *building* has ground floor non-*residential* space that has been vacant for 2 years prior to the date of application for an authorization. *Manufacturing uses* may be allowed to occupy such vacant space provided that the provisions of Section 88-12 (Authorization Provisions for Manufacturing Uses) are satisfied, and provided that the vitality of commercial activities in the area would not

be impaired. In no event shall *manufacturing* and *residential uses* occupy the same floor.

88-16

Off-Street Parking for Manufacturing Uses

Off-street parking regulations for new *manufacturing uses* or enlarged portions of existing *manufacturing uses,* shall comply with the off-street parking requirements for the overlay M1-1 or M1-2 districts, unless the Commission finds that the modification of such requirements will not adversely affect the residential character of the area. In the case of minor *enlargements* or *extensions* permitted pursuant to Section 88-141 (Enlargements or extensions of existing uses), no additional off-street parking shall be required.

88-17

Special Off-Street Loading Regulations for Manufacturing Uses

All off-street loading regulations for *manufacturing uses* shall comply with off-street loading regulations for the overlay M1-1 or M1-2 districts, except as set forth in Section 88-171 (Required accessory off-street loading berths).

88-171

Required accessory off-street loading berths

Notwithstanding any other provisions of this Resolution, the off-street loading requirements for the *manufacturing uses* in the Special District shall conform to the following, unless the Commission finds that modification of such requirements will not adversely affect the residential character of the area.

REQUIRED MINIMUM OFF-STREET LOADING BERTHS FOR NEW CONSTRUCTION AND ENLARGEMENTS

Type of Use	Floor Area (in Square Feet)		Required Berths
For Use Group M uses in R-m zones	First	4,000	None
	Next	8,000	1
	Next	15,000	1
	Next	15,000	1
	Next	20,000	1
	Each additional	40,000	1

In the case of minor *enlargements* or *extensions* permitted pursuant to Section 88-141 (Enlargements or extensions of existing uses), no additional off-street loading berths shall be required.

88-18

Landscaping and Other Miscellaneous Provisions

88-181

Special landscaping provisions

Where *manufacturing uses* share a common *lot line* with *residential uses, enlargements* or new *developments* shall provide an open area not at any point more than 5 feet above nor 5 feet below *curb level,*

nor less than 10 feet in width, which shall be screened and planted along the entire length of such *lot line*, unless the Commission finds that such open area is not necessary to protect the residential character of the area.

88-182

Special provisions for storage

All storage areas shall be enclosed. There shall be a service area for the delivery of goods and the storage of garbage within the *zoning lot*. Such area shall be screened from the sidewalk and separate from the main public entrances of the *building*.

88-19

Lapse of authorization

An authorization for a specified *use* granted under the provisions of this Chapter shall *automatically* lapse if substantial construction, in accordance with the plans for which such authorization was granted, has not been completed within one year from the date of granting such authorization by the City Planning Commission or, if judicial proceedings to review such decision shall be instituted, from the date of entry of the final order in such proceedings, including all appeals.

88-20

Special Provisions for M-r Districts

88-21

Special Use Regulations for Residential Uses

Enlargements, extensions, alterations and repairs of all existing *residential buildings* within the Special M-r District shall be governed by the regulations of the overlay *residential district*, and shall require no authorization from the Commission. *Residential uses* in new *developments*, or *enlargements* of existing *buildings* containing both *residential* and non-*residential uses*, or *extensions* of *residential uses* in *buildings* containing both *residential* and non-*residential uses*, shall be subject to authorization provisions as set forth in Section 88-22 (Authorization Provisions for Residential Uses), except for certain *enlargements* or *extensions* allowed by right in Section 88-24 (Special Provisions for Buildings Containing Both Residential and Manufacturing Uses).

88-22

Authorization Provisions for Residential Uses

The City Planning Commission, after public notice and hearing may authorize within the Special M-r Districts:

(a) *Residential uses* in new *developments;*

(b) *Enlargements* of existing *buildings* containing both *residential* and non-*residential uses;*

(c) *Extensions* of *residential uses* in buildings containing both *residential* and non-*residential uses;*

(d) Modifications in height, setback and *yard* regulations, *open space ratio* and off-street parking requirements of the overlay district for *residential uses*, consistent with the existing character of the area;

provided that the following findings are made:

(1) A viable residential community exists within the manufacturing district, with adequate *community facilities* available to support the *residential use*.

(2) That there exists a need for housing within the Special District, and that maintenance and limited expansion of the existing *residential uses* are desirable.

(3) That such *residential uses* will not impede normal functioning and growth of manufacturing activities within the district.

(4) That such *residential uses* shall not be exposed to excessive noise, smoke, dust, noxious odor or other adverse influences from *manufacturing uses* and traffic.

(5) The site either has been vacant for two years prior to application for an authorization or requires minimal relocation of residents and jobs.

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

88-23

Special Bulk Regulations for Residential Uses

In no event shall the total *floor area* of *residential uses* on a *zoning lot* exceed the *floor area ratio* permitted by the overlay R4, R5 or R6 district regulations. In the case of a *building* occupied partly by *residential uses* and partly by other *uses*, the maximum *floor area ratio* for the *building* shall be either the maximum *floor area* permitted for *manufacturing* or for *community facility uses* by the underlying *manufacturing district* regulations, or the maximum *floor area* for *residential uses* permitted by the overlay *residential district*, whichever permits the greatest amount of *floor area*.

88-24

Special Provisions for Buildings Containing Both Residential and Manufacturing Uses

No new *buildings* for both *manufacturing* and *residential uses* shall be erected within the Special Districts. In the case of an existing *building* occupied partly by *residential uses*, the non-*residential uses* shall be governed by the regulations of the underlying *manufacturing district*, and shall require no authorization from the Commission for any *enlargements* or *extensions* of the non-*residential* portion. Any *enlargements*, *extensions* or *conversions* of the *residential* portion which would create one additional *dwelling unit* or increase the *residential floor area* no more than 1,000 square feet, shall be governed by the regulations of the overlay district, and shall require no authorization from the Commission. No off-street parking shall be required for such additional *dwelling unit* or *floor area*.

88-25

Minimum Mandatory Setback Requirements along Lot Lines

Where *residential uses* share a common *lot line* with *manufacturing uses*, an open area not at any point more than 5 feet above nor five feet below *curb level*, nor less than 10 feet in depth shall be provided by the *residential development* and shall be suitably screened and planted along the entire length of such *lot line*.

88-26

Special Off-Street Parking Requirements for Residential Uses

In Special M-r Districts, off-street parking requirements for *residential uses* within the Special District shall be governed by the overlay *residential* district regulations, except as waived pursuant to the provisions of Section 88-22 (Authorization Provisions for Residential Uses).

* * * *

DONALD H. ELLIOTT, Chairman;

Borough of Manhattan

No. 19

CPD 1 **(CP-22019)**

COMMUNICATION dated January 10, 1973, requesting an amendment of a previously approved special permit involving modifications of the height and set-back regulations for a proposed combined department store and telephone equipment building on property bounded by Fulton Street, Front Street, John Street and Water Street, Borough of Manhattan.

On motion, the following resolution was unanimously adopted:

January 17, 1973

WHEREAS, the City Planning Commission adopted a resolution on June 14, 1972 (Cal. #45) approving the above noted special permit, which resolution was approved by the Board of Estimate and became effective on July 20, 1972,

WHEREAS, the City Planning Commission is in receipt of a communication dated January 10, 1973 requesting an amendment of the special permit as follows:

1. That due to a change in building program the floor area to be constructed shall not exceed 720,000 square feet.
2. That the retail and the telephone equipment and office portions of the structure may or may not be built simultaneously depending upon the phasing of the construction of the future subway in Water Street and the future telephone requirements of the area.
3. That provisions will be made for access to the future subway in Water Street; location and size of entry shall be determined as per the requirements established for the design of the adjacent subway station.
4. That five service loading berths shall be located with access from Front Street. These berths replace the underground facilities provided in the original special permit which, due to the magnitude of required utility relocation, proved to be economically unfeasible. In addition, the new location conforms with the requirements of the State Historical Maritime Museum.
5. That the facing materials shall be compatible with the materials of the Landmark Buildings of Schermerhorn Row and shall be subject to review by the Landmarks Preservation Commission. It is understood that while it may not be possible to locate materials manufactured today that are identical to those produced 200 years ago, every effort shall be made to find materials deemed to be suitable by the Commission.

WHEREAS, the City Planning Commission, after reviewing the proposed changes, has determined that the amendment is warranted; be it

RESOLVED, by the City Planning Commission that the resolution duly adopted by the City Planning Commission (CP-22019) on June 14, 1972 (Cal. #45), which resolution was approved by the Board of Estimate and became effective on July 20, 1972 be and hereby is amended to read as follows:

RESOLVED, By the City Planning Commission, that the application of the New York Telephone Company for the grant of a special permit involving modifications of height and setback regulations for a proposed combined department store and telephone equipment building on property bounded by Fulton Street, Front Street, John Street, and Water Street, Borough of Manhattan, be and hereby is approved pursuant to Section 74-72 of the Zoning Resolution subject to the following conditions:

1. The premises shall be developed in size and arrangement substantially as proposed and as indicated on the revised plan dated January 2, 1973;

2. The development shall conform to all applicable provisions of the Zoning Resolution except for the modifications herein granted and as shown on the plans filed with this application. All zoning computations shall be subject to verification and approval by the Department of Buildings;

3. The development shall conform with all applicable laws and regulations relating to construction, operation and maintenance;

4. The approval herein granted is not transferable prior to the effectuation of the project by the applicant without permission of the City Planning Commission;

5. The building shall have a continuous arcade along the entire length of the Fulton Street, Water Street and John Street lot lines which is not less than 15 feet in depth and is open to a height of not less than 18 feet;

6. The building shall have an initial setback from Fulton, Water and John Streets of not less than 15 feet at the same elevation (approximately 45 feet) as the cornice line of the restored Fulton Street Facade of the Schermerhorn Row block;

7. The nature, color and texture of the principal exterior materials used in the required arcade and in the facade of the building below the level of the required initial setback shall be compatible with the landmark buildings

of Schermerhorn Row and shall be subject to review by the Landmarks Preservation Commission;

8. Above the initial setback the building shall have a skin of uniform color with minimum articulation, other than the service core as shown on plan. This upper portion of the structure shall be designed as neutral background to the seaport, and to set off the base portion of the building which is intended by its material and design to continue the scale and proportion of Schermerhorn Row on the Fulton Street elevations. Design of this elevation including the tower, shall be subject to review by the Landmarks Preservation Commission;

9. Provision for access to the future subway under Water Street shall be provided;

10. Business signs along Fulton Street shall be limited to an area described by a line drawn 10 feet in from the corner of Fulton and Water Streets and extending from above the Fulton Street arcade to a height of approximately 45 feet.

Any alteration in the premises or in the manner of operation which departs from any of the hereinbefore specified conditions, unless authorized by the City Planning Commission shall cause an immediate termination of the Special Permit herein granted.

DONALD H. ELLIOTT, Chairman

CF:bl

No. 20

CPD 10 **(CP-22226)**

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an **amendment of the Zoning Map**, Section No. 6a, **changing from an R7-2 District to an R8 District** property bounded by **West 134th Street, Eighth Avenue, West 133rd Street** and a line 100 feet east of **St. Nicholas Avenue**, Borough of Manhattan, as shown on a diagram dated December 13, 1972.

(On December 13, 1972, Cal. No. 10, the Commission scheduled January 3, 1973, for a hearing; on January 3, 1973, Cal. No. 30, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The rezoning was requested by the Housing and Development Administration to implement the Urban Renewal Plan for the St. Nicholas Park Neighborhood Development Program Urban Renewal Area. This Urban Renewal Plan (CP-21279) was approved by the City Planning Commission on September 9, 1970 (Cal. #28) and by the Board of Estimate on October 8, 1970 (Cal. #11). The present rezoning relates to Parcel 3 of the Urban Renewal Area, and would permit the construction of one nineteen-story building containing 260 dwelling units.

On December 13, 1972 (Cal. #10) the Commission scheduled a PUBLIC HEARING on the proposed change. The hearing was duly held on January 3, 1972 (Cal. #30). There were two appearances in favor of the proposed change and the hearing was closed.

The rezoning would permit development in accordance with the controls established for the previously approved Urban Renewal Plan for the area.

The Commission therefore considered the rezoning appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate, pursuant to Section 200 of the New York City Charter:

RESOLVED, That the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6a, so as to change from an R7-2 District to an R8 District property bounded by West 134th Street, Eighth Avenue, West 133rd Street and a line 100 feet east of St. Nicholas Avenue, Borough of Manhattan, as shown on a diagram dated December 13, 1972.

DONALD H. ELLIOTT, Chairman

CSM:bl

Borough of Brooklyn

No. 21

CPD 6 **(CP-21667)**

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an **amendment of the Zoning Map,** Section No. 16c, **changing from an R6 District to an M1-2 District** property bounded by **Nevins Street, Bergen Street, 3rd Avenue, Wyckoff Street,** a line 120 feet west of 3rd Avenue, a line midway between Bergen Street and Wyckoff Street, a line 257 feet east of Nevins Street and Wyckoff Street, Borough of Brooklyn, as shown on a diagram dated June 23, 1971.

(On June 23, 1971, Cal. No. 19, the Commission scheduled July 14, 1971, for a hearing; on July 14, 1971, Cal. No. 47, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

This rezoning was requested by the Housing and Development Administration to implement the Bergen Street Urban Renewal Plan (CP-21649) which was approved by the Commission on July 19, 1971 (Cal. #2) and by the Board of Estimate on October 14, 1971 (Cal. #5).

On June 23, 1971 (Cal. #19) the Commission scheduled a PUBLIC HEARING on the proposed change. The hearing was duly held on July 14, 1971 (Cal. #47). There was one appearance in opposition and several in favor of the proposal and the hearing was closed.

The proposed rezoning is needed to carry out this Urban Renewal Plan.

The Commission therefore considered the rezoning appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate, pursuant to Section 200 of the New York City Charter:

RESOLVED, That the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c, so as to change from an R6 District to an M1-2 District property bounded by Nevins Street, Bergen Street, 3rd Avenue, Wyckoff Street, a line 120 feet west of 3rd Avenue, a line midway between Bergen Street and Wyckoff Street, a line 275 feet east of Nevins Street and Wyckoff Street, Borough of Brooklyn, as shown on a diagram dated June 23, 1971.

DONALD H. ELLIOTT, Chairman

HC:bl

No. 22

CPD 18 **(CP-21959)**

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an **amendment of the Zoning Map,** Section No. 23a, **eliminating from within an existing R3-2 District,** a **C2-2 District** bounded by **East 59th Street, Paerdegat Avenue South** and a line 100 **feet northerly of Flatlands Avenue,** Borough of Brooklyn.

(On April 26, 1972, Cal. No. 21, the Commission scheduled May 17, 1972, for a hearing; on May 17, 1972, Cal. No. 62, the hearing was closed; on May 31 1972, Cal. No. 24, and on December 13, 1972, Cal. No. 18, the matter was laid over.)

On motion, filed.

MATTERS NOT ON CALENDAR, CONSIDERED BY UNANIMOUS CONSENT

II a. REPORTS
ZONING
BOROUGH OF BROOKLYN
No. 36

CPD 2 **(CP-22205)**

IN THE MATTER OF a zoning change, pursuant to Section 200 of the New York City Charter, involving an **amendment of the Zoning Map**, Section No. 16c:

(a) **changing from M1-1 and R6 Districts to R6 and R7-2 Districts** property bounded by **Atlantic Avenue, South Portland Avenue,** a line 200 feet north of Atlantic Avenue, **South Elliott Avenue,** Hanson Place, Fulton Street, Carlton Avenue, a line 100 feet north of Fulton Street, **and Clermont Avenue;** and (b) **establishing within the proposed R7-2 District, a C1-3 District** bounded by **Fulton Street, Carlton Avenue,** a line 100 feet north of Fulton Street, **and Clermont Avenue,** Borough of Brooklyn, as shown on a diagram dated November 29, 1972.

(On November 29, 1972, Cal. No. 22, the Commission scheduled December 13, 1972, for a hearing; on December 13, 1972, Cal. No. 44, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The rezoning was requested by the Housing and Development Administration, to implement plans for two City-aided Limited-Profit Cooperative housing projects, to be known as First Atlantic Terminal Houses and Second Atlantic Terminal Houses. These projects are subjects of separate reports, CP-22200 and CP-22201, approved by the Commission on December 13, 1972, both pursuant to Article 2 of the Private Housing Finance Law of the State of New York.

The housing projects are included in the Amended Urban Renewal Plan for the Atlantic Terminal Urban Renewal Area (CP-22209) approved by the Commission on December 13, 1972 (Cal. #30).

In another separate report (CP-22206) approved by the Commission on January 17, 1973 (Cal. # 37), a special permit and authorizations were granted, involving the site as a large-scale residential development.

On November 29, 1972 (Cal. #22) the City Planning Commission scheduled a PUBLIC HEARING on the proposed change. The hearing was duly held on December 13, 1972 (Cal. #44) in conjunction with the related hearings on the two housing projects (CP-22200 and CP-22201), the Amended Urban Renewal Plan (CP-22209), and the large-scale residential development special permit and authorizations (CP-22206). There were a number of appearances, as described in the related report on the Amended Urban Renewal Plan (CP-22209), and the hearing was closed.

Residential construction is not permitted in the existing M1-1 District. The proposed rezoning, together with the related special permit and authorizations, (CP-22206), provide the basis for developing the housing projects and accessory commercial and community facilities, in accordance with the separately-approved plans (CP-22200, CP-22201, and CP-22209).

The Commission therefore considered the rezoning appropriate and adopted the following resolution, which is duly filed with the Secretary of the

Board of Estimate, pursuant to Section 200 of the New York City Charter:

RESOLVED, That the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c, so as to change (a) from M1-1 and R6 Districts to R6 and R7-2 Districts property bounded by Atlantic Avenue, South Portland Avenue, a line 200 feet north of Atlantic Avenue, South Elliott Avenue, Hanson Place, Fulton Street, Carlton Avenue, a line 100 feet north of Fulton Street, and Clermont Avenue; and (b) establishing within the proposed R7-2 District, a C1-3 District bounded by Fulton Street, Carlton Avenue, a line 100 feet north of Fulton Street, and Clermont Avenue, Borough of Brooklyn, as shown on a diagram dated November 29, 1972.

DONALD H. ELLIOTT, Chairman

RR:bl

No. 37

CPD 2 **(CP-22206)**

IN THE MATTER OF an **application**, pursuant to Article VII, Chapter 8 of the Zoning Resolution, from the Housing and Development Administration, **for the grant of special permits and authorizations involving a large-scale residential development within the Atlantic Terminal Urban Renewal Area**, on property bounded generally by Atlantic Avenue, South Elliott Place, Hanson Place, Fulton Street, Carlton Avenue, Greene Avenue, and Clermont Avenue, Borough of Brooklyn.

Plans for this proposd large-scale residential development are on file with the City Planning Commission and may be seen in Room 1500, 2 Lafayette Street, New York, N. Y.

(On November 29, 1972, Cal. No. 23, the Commission scheduled December 13, 1972, for a hearing; on December 13, 1972, Cal. No. 45, the hearing was closed.)

On motion, the following favorable report was unanimously adopted:

January 17, 1973

The application for the special permit and authorizations was filed by the Housing and Development Administration, to implement plans for two City-aided Limited-Profit Cooperative housing projects, to be known as First Atlantic Terminal Houses and Second Atlantic Terminal Houses. First Atlantic Terminal Houses is the subject of a separate report (CP-22201) approved by the Commission on December 13, 1972 (Cal. #32), and Second Atlantic Terminal Houses is the subject of a separate report (CP-22200) approved by the Commission on December 13, 1972 (Cal. #31), both pursuant to Article 2 of the Private Housing Finance Law of the State of New York.

The housing projects are included in the Amended Urban Renewal Plan for the Atlantic Terminal Urban Renewal Area (CP-22209) approved by the Commission on December 13, 1972 (Cal. #30). A related amendment of the Zoning Map, to provide appropriate zoning for the projects and Urban Renewal Plan, is the subject of a separate report (CP-22205) approved by the Commission on January 17, 1973 (Cal. #36).

The application seeks a special permit and authorizations, pursuant to various sections of Article VII, Chapter 8 of the Zoning Resolution, as follows:

1. Section 78-311(a). To authorize the total floor area and rooms permitted for all zoning lots within the development to be distributed without regard for zoning lot lines;

2. Section 78-311(b). To authorize the total required open space to be distributed without regard for zoning lot lines;

3. Section 78-311(d). To authorize the location of buildings without regard for yard regulations which would otherwise apply along portions of streets or lot lines wholly within the development;

4. Section 78-311(e). To authorize the location of buildings without regard for the height and setback regulations which would otherwise apply along portions of streets wholly within the development;

5. Section 78-311(h). To authorize the location of buildings without regard for spacing between buildings regulations, provided that the resulting spacing will not be reduced by more than 15 per cent of that required by Section 23-71; and

6. Section 78-312(d). To permit minor variations in the front height and setback regulations on the periphery of the development.

On November 29, 1972 (Cal. #23), the City Planning Commission scheduled a PUBLIC HEARING on this application. The hearing was duly held on December 13, 1972 (Cal. #45), in conjunction with the related hearings on the two housing projects (CP-22200 and CP-22201), the Amended Urban Renewal Plan (CP-22209), and the Zoning Map amendment (CP-22205). There were a number of appearances, as described in the related report on the Amended Urban Renewal Plan (CP-22209), and the hearing was closed.

As a result of investigation and study, the Commission has determined that the application conforms with the findings required under Section 78-313 of the Zoning Resolution, and that the application warrants approval subject to the conditions stated in the following resolution:

RESOLVED, By the City Planning Commission, that the application of the Housing and Development Administration for the grant of a special permit and authorizations involving a large-scale residential development within the Atlantic Terminal Urban Renewal Area, on property bounded generally by Atlantic Avenue, South Elliott Place, Hanson Place, Fulton Street, Carlton Avenue, Greene Avenue, and Clermont Avenue, Borough of Brooklyn, be and hereby is approved pursuant to Sections 78-311(a), 78-311(b), 78-311(d), 78-311(e), 78-311(h) and 78-312(d) of the Zoning Resolution subject to the following conditions:

1. The premises shall be developed in size and arrangement substantially as proposed and as indicated on plans filed with the application;

2. The development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications herein granted as shown on the plans filed with the application. All zoning computations are subject to verification and approval by the Department of Buildings;

3. The development shall conform with all applicable laws and regulations relating to construction, operation and maintenance; and

4. The approval herein granted is not transferable prior to the effectuation of the project by the applicant without permission of the City Planning Commission.

Any alteration in the premises or in the manner of operation which departs from any of the hereinbefore specified conditions, unless authorized by the City Planning Commission shall cause an immediate termination of the Special Permit and Authorizations herein granted.

The above resolution duly adopted by the City Planning Commission on January 17, 1973 (Cal. #37) is herewith filed with the Secretary of the Board of Estimate, together with a copy of the application and plans of the development, pursuant to Section 74-10 of the Zoning Resolution.

DONALD H. ELLIOTT, Chairman

RR:bl