



Legislation Text

File #: Res 1546-2012, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1546

Resolution approving the decision of the City Planning Commission on Application No. N 120295 ZRK, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapters I and II, Article II, Chapter III, Article III, Chapters III, IV, V, and VI, Chapter II, and Article XIII, Chapter II, in Community District 3, Borough of Brooklyn (L.U. No. 713).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on September 7, 2012 its decision dated September 5, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of City Planning, for an amendment of the text of the Zoning Resolution of the City of New York, relating to Article I, Chapters I and II, Article II, Chapter III, Article III, Chapters III, IV, V, and VI, Chapter II, and Article XIII, Chapter II, to establish a new zoning district designed for major commercial corridors adjacent to elevated trains, C4-4L; establish a new Inclusionary Housing Area to incentivize the creation and preservation of affordable housing on 63 full or partial blocks, and establish a new Enhanced Commercial District to facilitate the development of Broadway as a vibrant commercial corridor on 18 blocks of Broadway between Flushing Avenue and Monroe Street (Application No. N 120295 ZRK), Community District 3, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to Applications C 120294 ZMK (L.U. No. 712), a zoning map amendment for an approximately 140-block area in Brooklyn Community District 3 to establish contextual zoning districts and a new Enhanced Commercial District; and N 120296 ZRY (L.U. No. 714), a zoning text amendment to establish transparency requirements for R7D, R9D, and C4-5D districts;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 3, 2012;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Revised Negative Declaration (CEQR No. 12DCP156Y) issued on September 5, 2012, which included (E) designation to avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials ("CEQR Declaration E-285");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment subject to the conditions of the CEQR Declaration E-285.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 120295 ZRK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

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

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

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

* * *

**Article 1
General Provisions**

**Chapter 1
Title, Establishment of Controls and Interpretation of Regulations**

* * *

**11-122
Districts established**

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

* * *

Commercial Districts

* * *

- C4-4 General Commercial District
- C4-4A General Commercial District
- C4-4D General Commercial District
- C4-4L General Commercial District
- C4-5 General Commercial District

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**Chapter 4
Sidewalk Cafe Regulations**

* * *

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

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<u>Brooklyn</u>	<u>#Enclosed Sidewalk Cafe#</u>	<u>#Unenclosed Sidewalk Cafe#</u>
Bay Ridge District	Yes	Yes
Coney Island District	No	Yes
Coney Island Mixed Use District	Yes	Yes
Downtown Brooklyn District	Yes	Yes
Enhanced Commercial District 1 (Fourth Avenue)	No	Yes
<u>Enhanced Commercial District 4 (Broadway, Bedford-Stuyvesant)</u>	<u>No</u>	<u>Yes</u>

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ARTICLE II RESIDENCE DISTRICT REGULATIONS

* * *

Chapter 3 Bulk Regulations for Residential Buildings in Residence Districts

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23-144 In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

<u>Community District</u>	<u>Zoning District</u>
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 4, Bronx	R8A R9D
Community District 7, Bronx	R7D
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	<u>R7A</u> R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A R10

Community District 1, Queens
Community District 2, Queens

R7A
R7X

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**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

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

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**33-122
Commercial buildings in all other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing only #commercial uses# shall not exceed the #floor area ratio# set forth in the following table:

<u>Districts</u>	<u>Maximum #Floor Area Ratio#</u>
C3	0.50
C4-1 C8-1	1.00
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C7 C8-2 C8-3	2.00
C4-2A C4-3A	3.00
C4-2 C4-2F C4-3 C4-4 C4-4D C4-5 C4-6	3.40
C4-4A <u>C4-4L</u> C4-5A C4-5X C5-1	4.00
C4-5D	4.20
C8-4	5.00
C6-1 C6-2 C6-3	6.00
C6-3D	9.00
C4-7 C5-2 C5-4 C6-4 C6-5 C6-8	10.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

33-123

Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing #community facility uses#, or for a #zoning lot# containing both #commercial# and #community facility uses#, shall not exceed the #floor area ratio# set forth in the following table:

<u>Districts</u>	<u>Maximum #Floor Area Ratio#</u>
C3	1.00
C4-1	2.00
C8-1	2.40
C4-2A C4-3A	3.00
C1-6A C2-6A C4-4A <u>C4-4L</u> C4-5A	4.00
C4-5D	4.20
C4-2 C4-3 C8-2	4.80
C4-5X	5.00
C6-1A	6.00
C1-6 C1-7 C2-6 C4-2F C4-4 C4-4D C4-5 C6-1 C6-2 C8-3 C8-4	6.50
C1-8A C2-7A C6-3A	7.50
C1-8X C2-7X C6-3D C6-3X	9.00
C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8	10.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

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33-432

In other Commercial Districts

* * *

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A
C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

(b) In the districts indicated, the height and setback regulations of Sections 33-43 through 33-457,

inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

* * *

33-493

Special provisions along certain district boundaries

C1-6A C1-7A C1-8A C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A
C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D
C6-3X C6-4A C6-4X

In the districts indicated, and in C1 and C2 Districts mapped within R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, the #development# or #enlargement# of a #building#, or portions thereof, within 25 feet of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts).

* * *

Chapter 4

Bulk Regulations for Residential Buildings in Commercial Districts

34-00

APPLICABILITY AND DEFINITIONS

34-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #zoning lot# containing only #residential buildings# in any #Commercial District# in which such #buildings# are permitted. Where a #residential building# and one or more #buildings# containing non-#residential uses# are on a single #zoning lot#, the #bulk# regulations of Article III, Chapter 5, shall apply. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

However, in C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for R3A Districts of in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), shall apply to #residential buildings#.

In C4-4L Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for C4-4L Districts in Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall apply to #residential buildings#.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article 1, Chapter 5 (Residential Conversions within Existing Buildings), unless such #conversions# meet the requirements for new #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

**34-011
Quality Housing Program**

(a) In C1 and C2 Districts mapped within #Residence Districts# with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).

* * *

**Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts**

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**35-011
Quality Housing Program**

(a) In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, any #residential# portion of a #building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the provisions of Sections 28-33 (Planting Areas) and 28-50 (PARKING FOR QUALITY HOUSING). In C1 and C2 Districts mapped within R5D Districts, only those regulations of Article II, Chapter 8, as set forth in Section 28-01 (Applicability of this Chapter), shall apply.

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**35-23
Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts**

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C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A
C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A
C6-3D C6-3X C6-4A C6-4X

(b) In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk#

regulations for the #Residence Districts# set forth in the following table. However, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 shall apply.

Applicable #Residence District#	District
R6A	C4-2A C4-3A
R7A	C1-6A C2-6A C4-4A <u>C4-4L</u> C4-5A
R7D	C4-5D
R7X	C4-5X
R8A	C1-7A C4-4D C6-2A
R9A	C1-8A C2-7A C6-3A
R9D	C6-3D
R9X	C1-8X C2-7X C6-3X
R10A	C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-
R10X	C6-4X

35-24

Special Street Wall Location and Height and Setback Regulations in Certain Districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, for all #buildings or other structures#, and for #Quality Housing buildings# in other #Commercial Districts#, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

(a) Permitted obstructions

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other #Commercial Districts#, the provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c) of Section 23-621 (Permitted obstructions in certain districts), and an elevator shaft and associated vestibule may be allowed as a permitted obstruction, pursuant to paragraph (f) of Section 23-62.

(b) #Street wall# location

C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5X

- (1) In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be located beyond eight feet of the #street line#.

Existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less.

For #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#.

Where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.

C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D

- (2) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1 or C2 Districts with a residential equivalent of an R8, R9 or R10 District, the following #street wall# location provisions shall apply along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street#:

- (i) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

In C1 or C2 Districts when mapped within R9D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by

the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

- (ii) Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.

Above a height of 12 feet above the #base plane#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(2)(i) of this Section.

- (iii) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

No #street wall# location rules shall apply along #narrow streets# beyond 50 feet of their intersection with a #wide street#.

C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

- (3) In the districts indicated, and for #Quality Housing buildings# in other C4, C5 or C6 Districts with a residential equivalent of an R8, R9 or R10 District, the #street wall# location requirements shall be as set forth in paragraph (b)(2), inclusive, of this Section, except that a #street wall# with a minimum height of 12 feet shall be required on a #narrow street line# beyond 50 feet of its intersection with a #wide street#, and shall extend along such entire #narrow street# frontage of the #zoning lot#.

In C6-4X Districts, #public plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by a #public plaza#.

In C6-3D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#.

However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.

C4-4L

- (4) In C4-4L Districts, the #street wall# location provisions of paragraph, (b)(1), of this Section shall apply along any #street# that does not contain an elevated rail line. For #zoning lots#

bounded by a #street# containing an elevated rail line, the following regulations shall apply along the frontage facing the elevated rail line:

(i) a sidewalk widening shall be provided along the entire #zoning lot# frontage of such #street# containing an elevated rail line. Such sidewalk widening shall have a depth of five feet, shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalk, and shall be accessible to the public at all times. A line parallel to and five feet from the #street line# of such #street# containing an elevated rail line, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying all regulations of this Section, 35-24, inclusive.

(ii) at least 70 percent of the #aggregate width of street walls# shall be located at the #street line# of the #street# containing the elevated rail line and extend to at least the minimum base height, or the height of the #building#, whichever is less, up to the maximum base height.

(c) Setback regulations

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A
C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A
C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, for all #buildings#, and for #Quality Housing buildings# in other #Commercial Districts#, setbacks are required for all portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section. Such setbacks shall be provided in accordance with the following regulations:

- (1) At a height not lower than the minimum base height or higher than the maximum base height specified in Table A of this Section for #buildings# in contextual districts, and Table B for #buildings# in non-contextual districts, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.
- (2) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it in plan would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of paragraph (a) of this Section may penetrate a required setback area.
- (3) In C6-3D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height not lower than 15 feet or higher than 25 feet, a setback with a depth of at least 20 feet shall be provided from any #street wall# fronting on such elevated rail line, except that such dimensions may include the depth of any permitted recesses in the #street wall# and the depth of such setback may be reduced by one foot for every foot that the depth of the

#zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided above the minimum base height.

- (i) The setback provisions of paragraph (c) of this Section are optional where a #building# wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#.
- (ii) Where such #building# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

(4) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line, the setback provisions of this paragraph (c) are modified as follows:

(i) a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of either 30 feet or three #stories#, whichever is less, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is less; and

(ii) dormers shall not be a permitted obstruction within such setback distance.

(d) Maximum #building# height

No #building or other structure# shall exceed the maximum #building# height specified in Table A of this Section for contextual districts, or Table B for non-contextual districts, except as provided in this paragraph, (d), inclusive:

C6-3D C6-4X

(1) In the districts indicated, any #building# or #buildings#, or portions thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 33-454) above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to paragraph (a) of this Section shall not be included in tower #lot coverage#. Such tower or towers may exceed a height limit of 85 feet above the #base plane#, provided:

~~(1)~~(i) at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street#, and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;

~~(2)~~(ii) the base of such tower complies with the #street wall# location provisions of paragraph (b) of this Section, and the setback provisions of paragraph (c) of this Section; and

(3)(iii) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.

In C6-3D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

In C6-3D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

C4-4L

(2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street#, the maximum #building# height shall be 100 feet or ten #stories#, whichever is less.

(e) Additional regulations

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L
C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other #Commercial Districts#, the following additional provisions shall apply:

- (1) Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraph (b) of this Section.
- (2) On #through lots# that extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of paragraph (b) shall be mandatory along only one #street# frontage. However, in C4-4L Districts, such #street wall# location regulations shall apply along the frontage of any #street# containing an elevated rail line.
- (3) The #street wall# location and minimum base height provisions of paragraph (b) shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall#

heights or widths will remain unaltered.

- (4) The minimum base height provisions of paragraph (b) shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.
- (5) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location of a #development# or #enlargement# if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development# or #enlargement# in the manner prescribed in this Section.
- (6) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:
 - (i) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.
 - (ii) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet and provided that such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.
 - (iii) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.
- (7) In C6-3D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).
- (8) For the purposes of applying the #street wall# location regulations of paragraph (b), any #building# wall oriented so that lines perpendicular to it would intersect a #street line# at an angle of 65 degrees or less shall not be considered a #street wall#.

TABLE A
HEIGHT AND SETBACK FOR BUILDINGS
IN CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Building Height
C1 or C2 mapped in R6B	30	40	50
C1 or C2 mapped in R6A C4-2A C4-3A	40	60	70
C1 or C2 mapped in R7B	40	60	75
C1 or C2 mapped in R7A C1-6A C2-6A C4-4A C4-4L C4-5A	40	65	80
C1 or C2 mapped in R7D C4-5D	60	85	100
C1 or C2 mapped in R7X C4-5X	60	85	125
C1 or C2 mapped in R8B	55	60	75
C1 or C2 mapped in R8A C1-7A C4-4D C6-2A	60	85	120
C1 or C2 mapped in R8X	60	85	150
C1 or C2 mapped in R9A** C1-8A** C2-7A** C6-3A**	60	95	135
C1 or C2 mapped in R9A* C1-8A* C2-7A* C6-3A*	60	102	145
C1 or C2 mapped in R9D C6-3D	60	85****	***
C1 or C2 mapped in R9X** C1-8X** C2-7X** C6-3X**	60	120	160
C1 or C2 mapped in R9X* C1-8X* C2-7X* C6-3X*	105	120	170
C1 or C2 mapped in R10A** C1-9A** C2-8A** C4-6A** C4-7A** C5-1A** C5-2A** C6-4A**	60	125	185
C1 or C2 mapped in R10A* C1-9A* C2-8A* C4-6A* C4-7A* C5-1A* C5-2A* C6-4A*	125	150	210
C1 or C2 mapped in R10X C6-4X	60	85	***

- * Refers to that portion of a district which is within 100 feet of a #wide street#
- ** Refers to that portion of a district on a #narrow street#, except within a distance of 100 feet from its intersection with a #wide street#
- *** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section
- **** For #developments# or #enlargements# that front upon an elevated rail line, the maximum base height shall be 25 feet.

* * *

35-32
Modification of Lot Coverage Regulations

In C4-4L Districts, the maximum #residential lot coverage# provisions of Sections 23-145 (For Quality Housing buildings) and 23-147 (For non-profit residences for the elderly) are modified as follows:

For #through lots# with a maximum depth of 180 feet or less, the maximum #residential lot coverage# shall be 80 percent. #Corner lots# shall not be subject to a maximum #residential lot coverage# where such #corner lots# are:

- (a) 5,000 square feet or less in area; or
- (b) 7,500 square feet or less in area and bounded by #street lines# that intersect to form an angle of less than 65 degrees, where one such #street# contains an elevated rail line.

* * *

35-50
MODIFICATION OF YARD REGULATIONS

* * *

35-53
Modification of Rear Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, for a #residential# portion of a #mixed building#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or #rooming units# faces onto such #rear yard#.

35-531
Residential rear yard equivalents in certain districts

In C4-4L Districts, for #through lots# that have a maximum depth of 180 feet or less and are bounded by a #street# containing an elevated rail line, no #residential rear yard equivalent# shall be required.

* * *

36-20
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

36-21
General Provisions

* * *

REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL
OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - Districts

FOR COMMERCIAL USES

Food stores with 2,000 or more square feet of #floor area# per establishment. #Uses# in PRC-A in Use Group 6

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-5 C4-5A C4-5X C4-4A C4-4L C4-6 C4-7 C5 C6 C8-4

1 per 100 sq. ft. of #floor area# - C1-1 C2-1 C4-1

1 per 200 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 300 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

General retail or service #uses#. Food stores with less than 2,000 square feet of #floor area#. #Uses# in PRC-B in Use Group 6, 8, 9, 10 or 12 or when permitted by special permit; or #uses# in PRC-B1 in Use Group 6, 7, 8, 9, 10, 11, 13, 14 or 16

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 150 sq. ft. of #floor area#¹ - C1-1 C2-1 C3 C4-1

1 per 300 sq. ft. of #floor area#¹ - C1-2 C2-2 C4-2 C8-1

1 per 400 sq. ft. of #floor area#¹ - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

Low traffic generating #uses#. #Uses# in PRC-C in Use Group 6, 7, 9, 12, 13, 14 or 16 or when permitted by special permit

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 400 sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1

1 per 600 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 800 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

Court houses

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 500 sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1
1 per 800 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1
1 per 1,000 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C8-2
1 per 2,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

Places of assembly. #Uses# in PRC-D in Use Group 6, 8, 9, 10, 12, 13 or 14 or when permitted by special permit

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
1 per 4 persons rated capacity - C1-1 C2-1 C3 C4-1
1 per 8 persons rated capacity - C1-2 C2-2 C4-2 C8-1
1 per 12 persons rated capacity - C1-3 C2-3 C4-2A C4-3 C7 C8-2
1 per 25 persons rated capacity - C1-4 C2-4 C4-4 C4-5D C8-3

* * *

Storage or miscellaneous #uses#. #Uses# in PRC-G in Use Group 10 or Use Group 16, or when permitted by special permit, and with a minimum of 10,000 square feet of #floor area# or 15 employees

None required - C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
1 per 2,000 sq. ft. of #floor area#³, or 1 per 3 employees, whichever will require a lesser number of spaces - C4-1 C4-2 C4-3 C4-4 C4-5D C8-1 C8-2 C8-3

* * *

Hotels

(a) For that #floor area# used for sleeping accommodations

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
1 per 4 guest rooms or suites - C2-1 C4-1
1 per 8 guest rooms or suites - C2-2 C4-2 C8-1
1 per 12 guest rooms or suites - C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3

(b) For that #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
1 per 4 persons-rated capacity - C2-1 C4-1
1 per 8 persons-rated capacity - C2-2 C4-2 C8-1
1 per 12 persons-rated capacity - C2-3 C4-2A C4-3 C8-2
1 per 25 persons-rated capacity - C2-4 C4-4 C4-5D C8-3

* * *

Post offices

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4
1 per 800 sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1
1 per 1,200 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1
1 per 1,500 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C8-2
1 per 2,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

* * *

Funeral establishments

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C6 C8-4
1 per 200 sq. ft. of #floor area# - C1-1 C2-2 C4-1
1 per 400 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1
1 per 600 sq. ft. of #floor area# - C1-3 C1-4 C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3

FOR COMMUNITY FACILITY USES

* * *

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

* * *

Hospitals and related facilities⁴

1 per 5 beds - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1
1 per 8 beds - C1-3 C1-4 C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3
1 per 10 beds - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

* * *

36-52

Size, Location and Identification of Spaces

* * *

36-522

Location of parking spaces in certain districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-4A C6-4X

In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and for #Quality Housing buildings# in C1, C2,

C4, C5 and C6 Districts without a letter suffix, all #accessory# off-street parking spaces shall comply with the provisions of this Section.

* * *

**Article VI
Special Regulations Applicable To Certain Areas**

* * *

**Chapter 2
Special Regulations Applying in the Waterfront Area**

* * *

**62-34
Height and Setback Regulations On Waterfront Blocks**

* * *

**62-341
Developments on land and platforms**

* * *

(d) Medium and high density contextual districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A
 C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A
 C4-3A C4-4A C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A
 C6-3A C6-4A

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Sections 23-60, 24-50 and 35-24 shall not apply. In lieu thereof, the following regulations shall apply:

* * *

TABLE C
 HEIGHT AND SETBACK FOR ALL BUILDINGS IN
 MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Height of #Buildings or other Structures#
R6B C1 or C2 mapped within R6B	30	40	50
R6A C1 or C2 mapped within R6A C4-2A C4-3A	40	60	70

R7B				
C1 or C2 mapped within R7B	40	60	75	
R7A				
C1 or C2 mapped within R7A				
C1-6A C2-6A C4-4A <u>C4-4L</u> C4-5A	40	65	80	
R7D				
C1 or C2 mapped within R7D				
C4-5D	60	85	100	
R7X				
C1 or C2 mapped within R7X				
C4-5X	60	85	125	
		*	*	*

Article XIII - Special Purpose Districts

* * *

**Chapter 2
Special Enhanced Commercial District**

**132-00
GENERAL PURPOSES**

The #Special Enhanced Commercial District#, established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

- (a) in “Special Enhanced Commercial District” 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street;
- (b) in “Special Enhanced Commercial District” 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multistore character that defines such commercial blocks;
- (c) in “Special Enhanced Commercial District” 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages; ~~and~~
- (d) in “Special Enhanced Commercial District” 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages; and
- (e) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of

land and buildings and thereby protect City tax revenues.

* * *

132-10 GENERAL PROVISIONS

* * *

132-11 Special Enhanced Commercial Districts Specified

The #Special Enhanced Commercial District# is mapped in the following areas:

(a) #Special Enhanced Commercial District# 1 (11/29/11)

The #Special Enhanced Commercial District# 1 (EC-1) is established on the following #designated commercial streets# as indicated on #zoning maps# 16c and 16d:

(1) Fourth Avenue, in the Borough of Brooklyn, generally between 24th Street and Atlantic Avenue.

(b) #Special Enhanced Commercial District# 2 (6/28/12)

The #Special Enhanced Commercial District# 2 (EC-2) is established on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

(1) Amsterdam Avenue, in the Borough of Manhattan, generally between West 73rd and West 110th Streets; and

(2) Columbus Avenue, in the Borough of Manhattan, generally between West 72nd and West 87th Streets.

(c) #Special Enhanced Commercial District# 3 (6/28/12)

The #Special Enhanced Commercial District# 3 (EC-3) is established on the following #designated commercial streets# as indicated on #zoning maps# 5d and 8c:

(1) Broadway, in the Borough of Manhattan, generally between West 72nd and West 110th Streets.

(d) #Special Enhanced Commercial District# 4 (date of adoption)

The #Special Enhanced Commercial District# 4 (EC-4) is established on the following #designated commercial streets# as indicated on #zoning maps# 13b and 17a:

(1) Broadway, in the Borough of Brooklyn, on the south side of the street generally between Sumner

Place and Monroe Street.

* * *

132-13

Applicability of Special Use, Transparency and Parking Regulations

The special #use#, transparency and parking regulations of this Chapter shall apply to #buildings# in #Special Enhanced Commercial Districts# as designated in the following table, except as otherwise provided in Sections 132-21, 132-31, and 132-41.

Table
Special Regulations for Enhanced Commercial Districts

Use Regulations

#Special Enhanced Commercial District#	Mandatory Ground Floor #Uses#			Minimum Number of Establishments (132-23)	Maximum #Street Wall# Width		
	Minimum Percentage of Commercial Uses# (132-22)	Mandatory non-residential #uses# (132-22 (b))	Other permitted #uses# (132-22 (c))		Loan Offices (132-24 (a))	Other Non-Residential Establishments (132-24(b))	#Residential Lobbies (132-24(c))
EC - 1 (Fourth Avenue, Brooklyn)	x		x				x
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)				x	x	x	x
EC - 3 (Broadway, Manhattan)					x		x
EC - 4 (Broadway, Brooklyn)		x	x				x

Transparency and Parking Regulations

#Special Enhanced Commercial District#	Ground Floor Transparency (132-32)	Location of Parking Spaces (132-42)	Curb Cuts (132-43)
EC - 1 (Fourth Avenue, Brooklyn)	x	x	x
EC - 2 (Columbus & Amsterdam Avenues, Manhattan)	x		
EC - 3 (Broadway, Manhattan)	x		
EC - 4 (Broadway, Brooklyn)	x	x	x

132-20

SPECIAL USE REGULATIONS

The special #use# regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# designated in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), except as otherwise provided in Section 132-21 (Applicability of Use Regulations).

In all #Special Enhanced Commercial Districts#:

- (a) the finished floor of the #ground floor level#, for #developments# or #ground floor level enlargements#, shall be located not higher than two feet above, nor lower than two feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#; and
- (b) where regulations apply to existing #buildings# in #Special Enhanced Commercial Districts# 2 and 3, constructed prior to June 28, 2012, the finished floor of the #ground floor level# shall be located not higher than five feet above, nor lower than five feet below, the as-built level of the adjacent sidewalk along a #designated commercial street#.

132-21

Applicability of Use Regulations

In #Special Enhanced Commercial Districts#, the applicable special #use# provisions set forth in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations) shall apply as follows:

- (a) #Special Enhanced Commercial District# 1 and 4

In the #Commercial Districts# located within #Special Enhanced Commercial Districts# 1 and 4, the applicable special #use# provisions indicated in the table in Section 132-13 shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts upon a #designated commercial street#, except that such provisions shall not apply to

#zoning lots# with a width of less than 20 feet, as measured along the #street line# of the #designated commercial street#, provided such #zoning lot# existed on:

- (1) November 29, 2011, in #Special Enhanced Commercial District# 1; and
- (2) (date of adoption), in #Special Enhanced Commercial District# 4.

* * *

In addition, in all #Special Enhanced Commercial Districts# ~~1, 2 and 3~~, the applicable special #use# provisions indicated in the table in Section 132-13 shall not apply to any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4.

132-22

Mandatory Ground Floor Uses

Maximum Percentage of Commercial Uses

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#. For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to certain #uses#, as set forth in this Section, shall apply only to the portion of the #building's ground floor level# fronting upon a #designated commercial street#.

- (a) Minimum percentage of #commercial uses#
~~Mandatory #commercial uses# for a portion of the #ground floor level#~~

Mandatory #commercial use# regulations shall apply to an area of a #building's ground floor level# defined by an aggregate width equal to at least 50 percent of a #building's street wall# along a #designated commercial street# and a depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. Such an area on the #ground floor level# shall be occupied by #commercial uses# listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B or 9A.

The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, or by other #uses# permitted pursuant to paragraph (c) of this Section.

- (b) Mandatory non-#residential uses#
~~Remaining portion of the #ground floor level#~~

The remaining portion of the #ground floor level# shall be occupied by any non-#residential use# permitted by the underlying district regulations, except that:

(1) #residential# lobbies, and an associated vertical circulation core, shall be permitted in such remaining area, provided that such lobbies comply with the applicable maximum width provisions of paragraph (c) of Section 132-24. In addition, the 30 foot depth requirement for #commercial uses# pursuant to paragraph (a) of this Section may be encroached upon where necessary to accommodate a vertical circulation core associated with such #residential# lobby; and

(2) off-street parking spaces and entrances to such spaces, where permitted, shall comply with the provisions of Section 132-40.

(a) In the applicable #Special Enhanced Commercial Districts#, the #ground floor level# of a #building# fronting along a #designated commercial street# shall be occupied by any non-#residential use# permitted by the underlying district regulations or by other #uses# permitted pursuant to paragraph (c) of this Section.

(c) Other permitted #uses#

(b)

(c) In the applicable #Special Enhanced Commercial Districts#, the following #uses# shall be permitted on the #ground floor level# of a #building# along a #designated commercial street#, only as follows:

(1) #residential# lobbies, and an associated vertical circulation core, shall be permitted on the #ground floor level#, provided that such lobbies comply with the maximum width provisions of paragraph (c) of Section 132-24 (Maximum Width Restrictions). In addition, the 30 foot depth requirement for #commercial uses# set forth in paragraph (a) of this Section, where applicable, may be encroached upon where necessary to accommodate a vertical circulation core associated with such #residential# lobby; and

(2) #accessory# off-street parking spaces and entrances and exits thereto shall be permitted on the #ground floor level#, provided that such off-street parking spaces and associated entrances and exits comply with the provisions of Section 132-40 (SPECIAL PARKING REGULATIONS).

* * *

132-30 SPECIAL TRANSPARENCY REGULATIONS

The special transparency regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), except as otherwise provided in Section 132-31.

132-31 Applicability of Transparency Regulations

In #Special Enhanced Commercial Districts#, the special transparency provisions indicated in the table in Section 132-13 shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts on a #designated commercial street#, except that such provisions shall not apply:

(a) to #zoning lots# in #Commercial Districts# with a width of less than 20 feet, as measured along the #street line# of a #designated commercial street#, provided such #zoning lots# existed on:

- (1) November 29, 2011, for #Special Enhanced Commercial District# 1; ~~and~~
- (2) June 28, 2012, for #Special Enhanced Commercial Districts# 2 and 3; and
- (3) (date of adoption), for #Special Enhanced Commercial District# 4;

(b) to any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4; and

(c) in #Special Enhanced Commercial Districts# 1 and 4, to #buildings# in #Residence Districts# where the #ground floor level# contains #dwelling units# or #rooming units#.

* * *

132-43 Curb Cut Requirements

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with frontage along a #designated commercial street# and another #street#, curb cuts accessing off-street parking spaces shall not be permitted along a #designated commercial street#.

Curb cuts accessing off-street parking spaces shall be permitted on a #designated commercial street# only where such curb cut is located on a #zoning lot# that:

- (a) is an #interior lot# fronting along a #designated commercial street#;
- (b) existed on;
 - (1) November 29, 2011, in #Special Enhanced Commercial District# 1;
 - (2) (date of adoption), in #Special Enhanced Commercial District# 4;

(c) has a width of at least 60 feet, as measured along the #street line# of the #designated commercial

street#; and

(d) has a #lot area# of at least 5,700 square feet.

* * *

**APPENDIX F
INCLUSIONARY HOUSING DESIGNATED AREAS**

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by #bulk# regulations of such #residence districts#.

Table of
Inclusionary Housing Designated Areas
by Zoning Map

[ADD FOLLOWING TO TABLE]

Map 12d / Brooklyn CD 3 / Map 3

Map 13b / Brooklyn CD 3 / Map 3, Map 4, Map 5

Map 17a / Brooklyn CD 3 / Map 1, Map 2, Map 3, Map 4, Map 5

* * *

Brooklyn

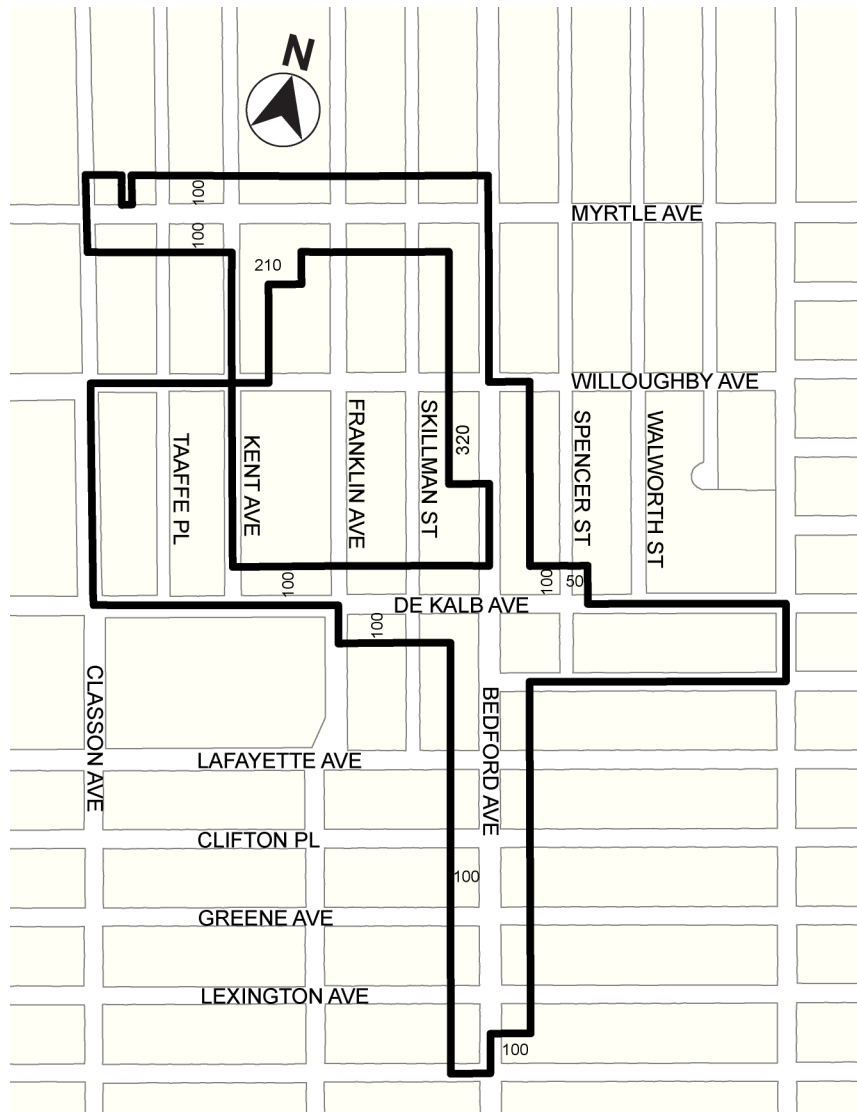
* * *

Brooklyn Community District 3

In the R7A and R7D Districts within the areas shown on the following Maps 1, ~~and~~ 2, 3, 4 and 5:

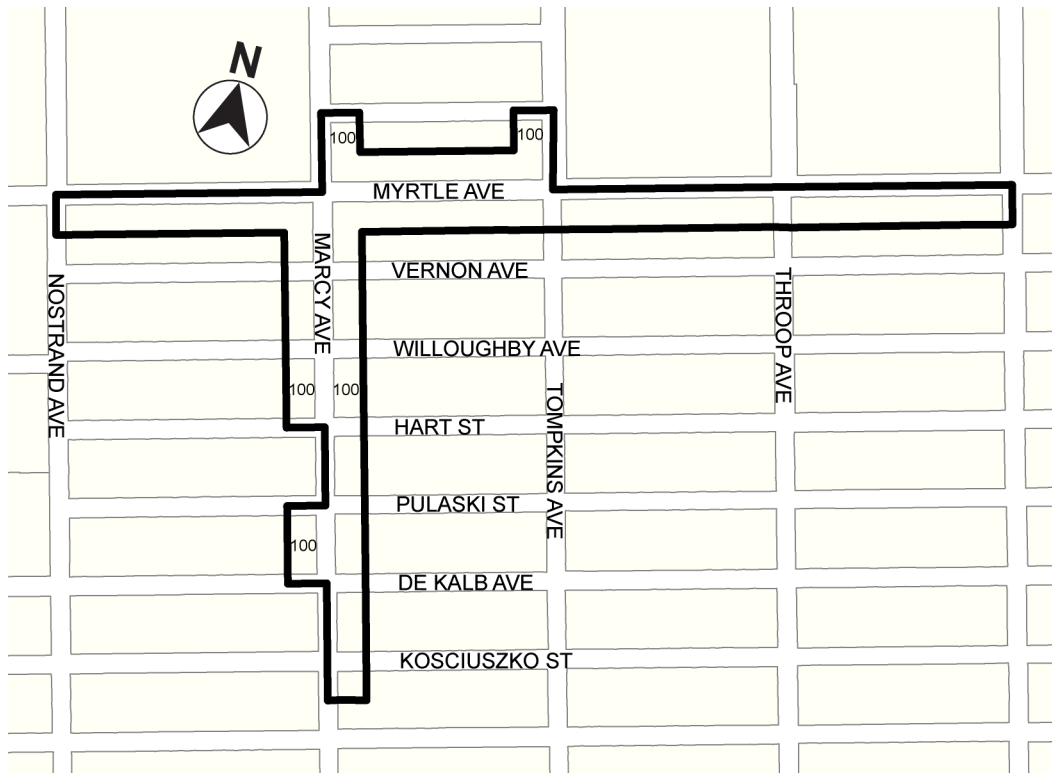
* * *

Map 3



Portion of Community District 3, Brooklyn

Map 4



Portion of Community District 3, Brooklyn

Map 5



Portion of Community District 3, Brooklyn

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on October 11, 2012, on file in this office.

.....
City Clerk, Clerk of The Council