



## Legislation Text

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File #: Res 1758-2017, Version: \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1758

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180082 ZRM, for an amendment of the Zoning Resolution of the City of New York, modifying the bulk regulations of Article II, Chapter 3, Article II, Chapter 4 and Article III, Chapter 5, and related Sections, within R10 Districts located in Community District 6 east of First Avenue and north of East 51st Street, Community District 6, Borough of Manhattan (Preconsidered L.U. No. 821).**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on November 15, 2017 its decision dated November 15, 2017 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the East River Fifties Alliance, for an amendment of the text of the Zoning Resolution of the City of New York, for an amendment of the Zoning Resolution of the City of New York modifying the bulk regulations of Article II, Chapter 3, Article II, Chapter 4 and Article III, Chapter 5, and related Sections, within R10 Districts located in Community District 6 east of First Avenue and north of East 51st Street, (Application No. N 180082 ZRM), Community District 6, Borough of Manhattan (the "Application");

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 November 20, 2017;

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, including the negative declaration issued October 2, 2017 (CEQR No. 18DCP039M), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-449) (the "Negative Declaration");

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

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 the report, N 180082 ZRM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission

with the following modifications:

Matter in underline is new, to be added;

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

Matter with # # is defined in Section 12-10 or 81-613;

Matter in double ~~strikeout~~ is old, deleted by the City Council;

Matter in double underline is new, added by the City Council;

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

## ARTICLE II: RESIDENCE DISTRICT REGULATIONS

### Chapter 3 - Residential Bulk Regulations in Residence Districts

\* \* \*

#### 23-60

#### HEIGHT AND SETBACK REGULATIONS

#### 23-61

##### Applicability

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, height and setback regulations for a #building or other structure# shall be as set forth in Section 23-60, inclusive.

\* \* \*

Special height and setback provisions are set forth in Sections 23-67 (Special Height and Setback Provisions for Certain Areas) for #zoning lots# adjoining a #public park#, as well as for certain areas in Community Districts 4, 6, 7 and 9 in the Borough of Manhattan. Additional provisions are set forth in Sections 23-68 (Special Provisions for Zoning Lots Divided by District Boundaries) and 23-69 (Special Height Limitations).

\* \* \*

#### 23-67

#### Special Height and Setback Provisions for Certain Area

\* \* \*

#### 23-675

#### Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan

Except as set forth in Paragraph (c) of this Section, in Community District 6 in the Borough of Manhattan, for

#buildings developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the tower provisions of paragraph (a) of Section 23-65 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#. However, for #zoning lots# with #narrow street# frontages, such provisions shall be modified in accordance with the provisions of this Section.

a) Tower modifications

The tower regulations of paragraph (a) of Section 23-651 shall be modified as follows:

(1) For #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, the provisions of paragraph (a)(3) of Section 23-651 shall be modified to require at least 45 percent of the total #floor area# permitted on the #zoning lot# to be located in #stories# located either partially or entirely below a height of 150 feet. In addition, when the #lot coverage# of the tower is less than 40 percent, the required 45 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

<u>Percent of #lot coverage# of the tower portion</u>	<u>Minimum percent of total #building floor area# distribution below the level of 150 feet</u>
<u>40.0 or greater</u>	<u>45.0</u>
<u>39.0 to 39.9</u>	<u>45.5</u>
<u>38.0 to 38.9</u>	<u>46.0</u>
<u>37.0 to 37.9</u>	<u>46.5</u>
<u>36.0 to 36.9</u>	<u>47.0</u>
<u>35.0 to 35.9</u>	<u>47.5</u>
<u>34.0 to 34.9</u>	<u>48.0</u>
<u>33.0 to 33.9</u>	<u>48.5</u>
<u>32.0 to 32.9</u>	<u>49.0</u>
<u>31.0 to 31.9</u>	<u>49.5</u>
<u>30.0 to 30.9</u>	<u>50.0</u>

(2) For #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, the tower setback provisions of paragraph (a)(4) of Section 23-651 shall be modified to permit such required setback along a #narrow street# to be reduced by one foot for every foot that the #street wall# is located beyond the #street line#. However, in no event shall a setback of less than seven feet in depth be provided.

(3) The tower location restrictions of paragraph (a)(5) of Section 23-651 shall not apply. In lieu

thereof, towers shall be permitted on a #narrow street# beyond 100 feet of its intersection with a #wide street#.

(4) For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof on #zoning lots# with both #narrow street# and #wide street# frontage, that portion of a #zoning lot# located either within 125 feet from the #wide street# frontage along the short dimension of a #block# or within 100 feet from the #wide street# frontage along the long dimension of a #block#, shall be treated as a separate #zoning lot# from that portion beyond, with frontage along a #narrow street#.

(b) #Building# base modifications

The #building# base regulations of paragraph (b) of Section 23-651 shall be modified as follows:

(1) For #buildings#, or portions thereof, fronting on a #narrow street# beyond 125 feet of its intersection with a #wide street#, the #street wall# location provisions of paragraph (b)(1)(ii) of Section 23-651 shall be modified to require that at least 70 percent of the #aggregate width of street walls# in the #building# base be located within eight feet of the #street line#.

(2) For #buildings#, or portions thereof, fronting on a #narrow street# beyond 100 feet of its intersection with a #wide street#, the height of #street wall# provisions of paragraph (b)(2)(ii) of Section 23-651 shall be modified so that where the height of an adjacent #building# is between 60 feet and 85 feet, one of the three matching alternatives set forth in paragraphs (b)(2)(i)(a) through (b)(2)(i)(c) shall be applied.

(3) The dormer provisions of paragraph (b)(3) of Section 23-651 shall be modified to permit dormers on #narrow streets# beyond 70 feet of its intersection with a #wide street#.

(c) Vesting modifications

In the event that a building permit has been issued authorizing construction pursuant to the regulations of this Resolution in effect prior to [date of adoption], and foundations were commenced but not completed before [date of adoption], such construction may continue, provided that all foundations have

been completed prior to [date of adoption + 1 year]. Such date shall be the effective date for applying the provisions of Section 11-332 (Extension of period to complete construction).

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## Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

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### 24-56

#### Special Height and Setback Provisions for Certain Areas

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a)(1) of Section 24-54 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage#. However, such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan).

~~(b)~~(c) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, shall comply with the requirements of Section 23-672 (Special height and setback regulations in R10 Districts within Community District 7, in the Borough of Manhattan).

~~(e)~~(d) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section 23-674 (Special height and setback regulations for certain sites in Community District 9, in the Borough of Manhattan).

**24-57**

**Modifications of Height and Setback Regulations**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for certain #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-50 through 24-55, inclusive, and paragraphs (b) and through (e)(d) of Section 24-56, relating to height and setback regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses). However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Section 24-50, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

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**ARTICLE III: COMMERCIAL DISTRICT REGULATIONS**

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

\* \* \*

**35-61**

**Applicability**

C1 C2 C3 C4 C5 C6

In the districts indicated, height and setback regulations are modified for #mixed buildings# in 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

Height and setback modifications applicable to C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts are set forth in Section 35-62 (Commercial Districts with an R1 through R5 Residential Equivalent).

Height and setback modifications applicable to C1 or C2 Districts mapped within R6 through R10 Districts, and #Commercial Districts# with a residential equivalent of R6 through R10 Districts, are set forth in Sections 35-63 (Basic Height and Setback Modifications), 35-64 (Special Tower Regulations for Mixed Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), as applicable. Special rules for certain areas are set forth in Section 35-66 (Special Height and Setback Provisions for Certain Areas).

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**35-66**

**Special Height and Setback Provisions for Certain Areas**

Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a) of Section 35-64 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. Such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan), except that the #building# base modifications set forth in paragraphs (a)(1) through (a)(3) of Section 35-64 shall apply.

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**ARTICLE VII - ADMINISTRATION**

**Chapter 3 - Special Permits by the Board of Standards and Appeals**

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**73-641**

**Integration of new buildings or enlargements with existing buildings**

For any such new #building# or #enlargement#, subject to the required findings set forth in this Section, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 24-38, 33-28 or 43-28 (Special Provisions for Through Lots), or in Sections 24-50 through 24-55, inclusive, paragraphs (b) ~~and through~~ (e)(d) of Section 24-56, Sections 33-40 through 33-45, inclusive, or Sections 43-41 through 43-45, inclusive, relating to Height and Setback Regulations, or in Sections 24-61 through 24-65, inclusive, Section 33-51, or Section 43-51, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, provided that on December 15, 1961, the applicant owned the #zoning lot# or any portion thereof, and continuously occupied and used one or more #buildings# located thereon for a specified #community facility use#, from December 15, 1961, until the time of application. However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Sections 24-50 and 33-40, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

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 November 30, 2017, on file in this office.

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City Clerk, Clerk of The Council