



## Legislation Text

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**File #:** Res 2143-2001, **Version:** \*

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THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 2143

Resolution approving the decision of the City Planning Commission on Application No. N 010510 ZRM, an amendment to the text of the Zoning Resolution regarding Article IX, Chapter 2 (Special Park Improvement), concerning special use and bulk regulations within the Special Park Improvement District (L.U. No. 1137).

By Council Members Eisland and Linares

WHEREAS, the City Planning Commission filed with the Council on October 29, 2001 its decision dated October 24, 2001 (the "Decision"), on the application submitted by Edison Schools and the Museum for African Art, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 010510 ZRM) (the "Application");

WHEREAS, the Application is related to ULURP Applications Number C 010511 ZMM (L.U. No. 1138), an amendment of the Zoning Map and C 010513 HDM (L.U. No. 1139), disposition of city-owned property;

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 December 3, 2001;

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 Negative Declaration, issued on April 20, 2001 (CEQR No. 01DME003M);

**RESOLVED:**

The Council finds that the action described herein will have no significant effect on the environment;

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Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

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 Graytone is new, to be added;

Matter in Strikeout is old, to be deleted;

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

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

Article IX - Special Purpose Districts  
Chapter 2  
Special Park Improvement District

92-00  
GENERAL PURPOSES

The "Special Park Improvement District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

(a) to preserve and protect the unique character and architectural quality of the residential part of Fifth Avenue and Park Avenue which includes

many landmarks and other cultural buildings;

(b) to provide alternatives to plaza and arcade development along Fifth Avenue and Park Avenue which are redundant in view of the existence of Central Park and the Park Avenue malls;

(c) to channel private expenditures which would otherwise be spent on redundant facilities into development, beautification and maintenance of proximate public parks and other public areas;

(d) to encourage the development of buildings compatible with the height of present development; and

(e) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

## 92-01

### Definitions

#### Development

For purposes of this Chapter a "development" includes the construction of a new #building# or other structure# on a #zoning lot#, the relocation of an existing #building# on another #zoning lot#, and an #enlargement# involving an increase in #lot coverage#.

#### Special Park Improvement District (repeated from Section 12-10)

The "Special Park Improvement District" is a Special Purpose District designated by the letters "PI" in which special regulations set forth in Article IX, Chapter 2, apply to all #developments#. The #Special Park Improvement District# and its regulations supplement or supersede those of the districts on which it is superimposed.

## 92-02

### General Provisions

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For the purposes of this Chapter, Duke Ellington Circle, located at the intersection of Fifth Avenue and East 110th Street, shall be considered a separate #street#.

## 92-03

### Special Use Regulations

For any #zoning lot# located between Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Streets:

(a) #commercial uses# shall only be permitted beyond 100 feet of Fifth Avenue and shall be restricted to office #uses# listed in Use Group 6B,

(b) the underlying district #sign# regulations shall not apply. In lieu thereof, #signs accessory# to a #commercial use# shall conform with all the #sign# regulations applicable in C1 Districts, except that illuminated #signs# shall not be permitted, and, within 100 feet of Fifth

Avenue, signs shall conform with the #sign# regulations for #Residence Districts# set forth in Section 22-30 (SIGN REGULATIONS).

## 92-03 92-04

### Special Bulk Provisions

## 92-041

#### Maximum Floor Area Ratio

For the purposes of this Chapter, tThe maximum #floor area ratio# for any #development# or #enlargement# on a #zoning lot# shall not exceed 10.0. No #floor area# bonuses shall be permitted.

## 92-04 92-042

#### Mandatory Front Building Walls Along Certain Street Lines

(a) Except as provided in paragraph (b) of this Section, tThe front building wall of for all #developments# on #zoning lots# having frontage on Fifth Avenue or Park Avenue, and for all #developments# along #street lines# within 50 feet of their intersection with the #street lines# of

Fifth Avenue or Park Avenue, shall extend along the full length of its #street line# fronting on such #street# without setback for a height of 125 feet above #curb level# or the full height of the #building#, whichever is less., except that where the aggregate length of balconies located along the front building wall, at the level of any #story#, exceeds 20 percent of the length of such front building wall, the front building wall may be set back not more than three feet from the #street line#. Above the height of 150 feet above #curb level#, the front building wall shall be set back 10 feet from the #street line#. The mandatory front building wall requirements are optional for the next 20 feet along the #street line# of a #narrow street# or for the next 75 feet along the #street line# of a #wide street#. However, where the front wall of a #building# with a height less than 125 feet above #curb level# was constructed with a setback from the #street lines#, #enlargement# of such #building# may be permitted by vertical extension of its existing building wall.

(b) For any #zoning lot# having frontage on Fifth Avenue, Duke Ellington Circle, East 109th Street and East 110th Street, the provisions of this paragraph (b) shall apply. The front building wall of any #development# shall extend along the full length of the Fifth Avenue and Duke Ellington Circle #street lines#, and along the full length of the East 109th Street and East 110th Street #street lines# within 50 feet of their intersection with Fifth Avenue and Duke Ellington Circle, and rise without setback to a minimum height of 85 feet above #curb level# or the full height of the #building#, whichever is less. Above a height of 150 feet, the front building wall shall be set back at least 10 feet from such #street lines#. Such mandatory front building wall requirements are optional for the next 50 feet along the East 109th Street and East 110th Street #street lines#.

These mandatory front building wall requirements also apply to all #development# along all #street lines# within 50 feet of their intersection with the #street line# of Fifth Avenue or Park Avenue.

The mandatory front building wall requirements are optional for the next 20 feet along the #street line# of a #narrow street# or for the next 75 feet along the #street line# of a #wide street#. The underlying district height and setback regulations apply along #street lines# or portions thereof not subject to the front building wall requirement.

(c) Front wall recesses are permitted within mandatory front building walls for architectural or decorative purposes, provided that the aggregate length at the level of any #story# does not exceed 50 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed 6 six feet. No front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

Where the aggregate length of balconies located along the front building wall, at the level of any #story#, exceeds 20 percent of the length of such front building wall, the front building wall may be set back not more than three feet from the #street line#.

The underlying district height and setback regulations apply along #street lines# or portions thereof not subject to the front building wall requirement.

## 92-043

### Special Height Limitation

The maximum height of a #building or other structure# or portion thereof shall not exceed 19 #stories# or 210 feet above #curb level#, whichever is less.

## 92-05

### Mandatory Tree Planting Provisions

All new #developments# within the Special District shall provide and maintain trees of not less than four-inch caliper at the time of planting on sidewalks for the entire length of #street# frontages of the #zoning lot#. These trees shall be planted at maximum intervals of 30 feet and in accordance with Department of Transportation guidelines.

## 92-06

### Special Height Limitation

The maximum height of a #building or other structure# or portion thereof shall not exceed 19 #stories# or 210 feet above #curb level#, whichever is less.

## 92-07 92-06

### Maximum Number of Accessory Off-Street Parking Spaces

In no case shall the number of #accessory# off-street parking spaces for a #residential use# exceed 40 percent of the number of #dwelling units#. In no case shall curb cuts for vehicular access be located on Fifth Avenue or Park Avenue or on a #street# within 50 feet of its intersection with the #street line# of Fifth Avenue or Park Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Special District. All #accessory# parking spaces shall be designed and operated exclusively for the long term storage of the private passenger motor vehicles used by the occupants of such #residences#.

The parking requirements set forth in Sections 25-21, 25-31, 36-21 or 36-31 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

The maximum number of permitted and the minimum number of required #accessory# off-street parking spaces for new #developments# or #enlargements# in the area of the Special District located within Manhattan Community District 8 are set forth in Article I, Chapter 3.

(The following entire Sections are being deleted because there is no longer a special permit specifically applicable to this Chapter)

92-20

SPECIAL PERMIT PROCEDURE

92-201

Requirements for applications

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92-202

Action by the Board of Estimate

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92-203

Relationship to public improvement projects

\* \* \*

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 December 11, 2001, on file in this office.

City Clerk, Clerk of Council

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