



IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 7, and related Sections, to modify the text of the Special Harlem River Waterfront District, Borough of the Bronx, Community District 1.

This application (N 170414 ZRX) for an amendment to the Zoning Resolution was filed by the New York City Department of City Planning (DCP) on June 5, 2017. The proposed amendment to the Zoning Resolution, along with its related action would update the existing special district regulations to address flood resiliency needs, account for easements and other restrictions, ensure adequate circulation, and provide flexible building forms in the Core Subdistrict to encourage the development of affordable housing and open space on the Harlem River waterfront in the Lower Concourse neighborhood of Community District 1, Borough of the Bronx.

RELATED ACTIONS

In addition to the amendment to the Zoning Resolution (N 170414 ZRX), which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 170413 ZMX Zoning Map Amendment to extend the Special Harlem River Waterfront District to the blocks bounded by Park Avenue, East 135th Street (Exterior Street), Third Avenue Bridge and the Harlem River, and the block bounded by Third Avenue Bridge, Bruckner Boulevard, and Lincoln Avenue;

BACKGROUND

A full background discussion and description of this application appears in the report for the related Zoning Map Amendment action (C 170413 ZMX).

ENVIRONMENTAL REVIEW

This application (C 170413 ZMX), in conjunction with the related action (N 170414 ZRX), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DCP188X. The Lead Agency is the Department of City Planning.

It was determined that the proposed actions do not have a significant effect on the environment. The Negative Declaration was issued on June 5, 2017.

On September 29, 2017, a Revised Environmental Assessment Statement (EAS) was issued which describes and analyzes modifications to the proposed actions as analyzed in the original EAS. The Revised EAS concluded that the proposed actions would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative Declaration. A Revised Negative Declaration was issued on October 2, 2017. The Revised Negative Declaration reflects the changes to the proposed actions and supersedes the Negative Declaration issued on June 5, 2017.

UNIFORM LAND USE REVIEW

This application (C 170414 ZRX), in conjunction with the related action (N 170413 ZMX), was certified as complete by the Department of City Planning on June 5, 2017, and was duly referred to Community Board 1 and the Bronx Borough President for information and review in accordance with the procedures for non-ULURP matters along with the related applications for zoning map amendments (N 170413 ZMX) which was referred in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b)

Community Board Public Hearing

Community Board 1 held a public hearing on the application (C 170413 ZMX) on June 29, 2017 and on that date, by a vote of 10 in favor, 4 in opposition, and 4 abstentions, adopted a resolution recommending approval of the application with no conditions. This application (N 170414 ZRX),

was duly referred to Community Board 1 and the Bronx Borough President for information and review in accordance with the procedures for non-ULURP matters.

Borough President Recommendation

The Bronx Borough President convened a public hearing on this matter on August 3, 2017 and issued a recommendation approving the application on August 7, 2017.

City Planning Commission Public Hearing

On July 26, 2017 (Calendar No. 2), the City Planning Commission scheduled August 9, 2017 for a public hearing on this application (C 170414 ZRX) and related action. The hearing was duly held on August 9, 2016 (Calendar No. 6) in conjunction with the application for the related action. There were no speakers, and the hearing was closed. However, written testimony was submitted by the owners of properties located within the proposed South Subdistrict, as described in the report for the related action (C 170413 ZMX).

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 170414 ZRX), in conjunction with the related application for a zoning map amendment (C 170413 ZMX), is appropriate.

A full consideration and analysis of issues and the reasons for approving this application appear in the related report for the zoning map amendment (C 170413 ZMX).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, 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 underlined is new, to be added;
 Matter ~~struck out~~ is to be deleted;
 Matter within # # is defined in Section 12-10;
 * * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE I
 GENERAL PROVISIONS**

**Chapter 4
 Sidewalk Cafe Regulations**

* * *

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

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

The Bronx	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
City Island District	No	Yes
<u>Harlem River Waterfront</u>	<u>No</u>	<u>Yes</u>

* * *

**ARTICLE II
 RESIDENCE DISTRICT REGULATIONS**

**Chapter 3
 Bulk Regulations for Residential Buildings in Residence Districts**

* * *

**23-00
APPLICABILITY AND GENERAL PURPOSES**

**23-01
Applicability of This Chapter**

* * *

**23-011
Quality Housing Program**

* * *

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

- (1) Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments);
- (2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

* * *

#Special Grand Concourse Preservation District#;

#Special Harlem River Waterfront District#;

#Special Limited Commercial District#;

* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-90
WATERFRONT ACCESS PLANS

* * *

62-92
Borough of The Bronx

The following Waterfront Access Plans are hereby established within the Borough of The Bronx. All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

BX-1: Harlem River, in the #Special Harlem River Waterfront District#, as set forth in Section 87-~~60~~70 (HARLEM RIVER WATERFRONT ACCESS PLAN).

* * *

[NOTE: Section titles and provisions in the following Chapter may reflect the proposed text amendment, Lower Concourse North Rezoning (ULURP No. N 170312 ZRX, certified on 3/20/2017).]

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Harlem River Waterfront District

87-00
GENERAL PURPOSES

The “Special Harlem River Waterfront District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

* * *

- (f) to provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms; ~~and~~
- (g) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;
- (h) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner that will safeguard the health and safety of people using the area; and
- (i) to promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront and thus conserve the value of land and buildings and thereby protect City tax revenues.

87-01 Definitions

For purposes of this Chapter, matter in italics is defined in Sections 12-10, 62-11 or 64-11, or within this Section.

[NOTE: The definition of “ground floor level,” moved from 87-10 (SPECIAL USE REGULATIONS) and amended]

Ground floor level

~~As used in this Section, The~~ “ground floor level” shall mean the finished floor level of a the first #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#, or the finished floor level of the #lowest occupiable floor# pursuant to the provisions of Section 64-21 (Ground Floor Use), whichever is lower.

~~Parcel 1 building~~ Major Deegan Expressway street line

The “~~Parcel 1 building~~ Major Deegan Expressway street line” shall be:

- (a) in the event that the portion of the Major Deegan Expressway traversing Parcels 1, 2, 3 or 4, as shown on Map 1 in the Appendix of this Chapter, has been widened after ~~June 30, 2009~~ [date of adoption], a line 22 feet west of and parallel to the as-built western edge of such Expressway structure; or
- (b) in the event that the portion of the Major Deegan Expressway traversing Parcels 1, 2, 3 or 4, as shown on Map 1 in the Appendix to this Chapter, has not been widened after ~~June 30, 2009~~ [date of adoption], a line connecting on:
- (1) Parcel 1:
- (i) a point located on the southern ~~#street line#~~ of East 149th Street boundary of Parcel 1 that is 47 ~~120~~ feet west of its intersection with the ~~western edge of such Expressway structure~~ eastern parcel boundary; and
- ~~(2)~~(ii) a point on the southern boundary of Parcel 1 that is 407 ~~110~~ feet west of its intersection with the ~~western edge of such Expressway structure~~ eastern parcel boundary.
- (2) Parcel 2:
- (i) a point located on the northern boundary of Parcel 2 that is 74 feet west of its intersection with the eastern parcel boundary; and
- (ii) a point located on the southern boundary of Parcel 2 that is 74 feet west of its intersection with the eastern parcel boundary.
- (3) Parcel 3:
- (i) a point located on the northern boundary of Parcel 3 that is 74 feet west of its intersection with the eastern parcel boundary; and
- (ii) a point located on the southern boundary of Parcel 3 that is 30 feet west of its intersection with the eastern parcel boundary.
- (4) Parcel 4:
- (i) a point located on the northern ~~#lot line#~~ of Parcel 4 that is 30 feet west of its eastern ~~#lot line#~~; and
- (ii) a point located on the eastern ~~#lot line#~~ of Parcel 4 that intersects with a line parallel to and 60 feet from the northern ~~#lot line#~~.

[NOTE: The following terms are already defined in Section 62-11 (Definitions)]

~~Shore public walkway~~

~~A “shore public walkway” is a linear public access area running alongside the shore or water edges of a #platform#, as defined in Section 62-11, on a #waterfront zoning lot#.~~

~~Supplemental public access area~~

~~A “supplemental public access area” is a public access area provided on a #waterfront zoning lot#, in addition to other required public access areas, in order to fulfill the required #waterfront public access area# requirements.~~

~~A #supplemental public access area# shall not include a #shore public walkway# or an #upland connection#.~~

~~Upland connection~~

~~An “upland connection” is a pedestrian way which provides a public access route from a #shore public walkway# to a public sidewalk within an open and accessible #street#, public mapped parkland or other accessible public place.~~

~~Visual corridor~~

~~A “visual corridor” is a public #street# or tract of land within a #block# that provides a direct and unobstructed view to the water from a vantage point within a public #street#, public mapped parkland or other public place.~~

~~Waterfront block or waterfront zoning lot~~

~~A “waterfront block” or “waterfront zoning lot” is a #block# or #zoning lot# in the #waterfront area# having a boundary at grade coincident with or seaward of the #shoreline#. For the purposes of this Chapter:~~

- ~~(a) — a #block# within the #waterfront area# shall include the land within a #street# that is not improved or open to the public, and such #street# shall not form the boundary of a #block#;~~
- ~~(b) — a #block# within the #waterfront area# that abuts public mapped parkland along the waterfront shall be deemed to be part of a #waterfront block#; and~~
- ~~(c) — a #zoning lot# shall include the land within any #street# that is not improved or open to the public and which is in the same ownership as that of any contiguous land.~~

~~Any #zoning lot#, the boundaries of which were established prior to November 1, 1993, and which is not closer than 1,200 feet from the #shoreline# at any point and which does not abut public mapped parkland along the waterfront, shall be deemed outside of the #waterfront block#.~~

~~Waterfront public access area~~

~~A “waterfront public access area” is the portion of a #zoning lot# improved for public access. It may include any of the following: a #shore public walkway#, #upland connection#, #supplemental public access area# or, as defined in Section 62-11, a public access area on a #pier# or #floating structure#.~~

87-02 General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Harlem River Waterfront District#, the regulations of the #Special Harlem River Waterfront District# shall apply. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control, except as specifically modified in this Chapter. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

[NOTE: The Article VI, Chapter 4 applicability provision, moved to Section 87-043]

87-03 District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Harlem River Waterfront District# Plan as set forth in the Appendix to this Chapter. The plan area has been divided into two Subdistricts comprised of parcels that consisting of tax blocks and lots as established on June 30, 2009, as follows:

Core Subdistrict - tax blocks and lots existing on June 30, 2009

Parcel 1: Block 2349, Lot 112

- Parcel 2: Block 2349, Lot 100 (that portion not mapped as parkland* in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the Bronx Borough President)
- Parcel 3: Block 2349, Lots 46, 47, 146
- Parcel 4: Block 2349, Lot 38
- Parcel 5: Block 2349, Lots 15, 20
- Parcel 6: Block 2349, Lots 3, 4
- Parcel 7: Block 2323, Lot 43
- Parcel 8: Block 2323, Lot 28
- Parcel 9: Block 2323, Lots 5, 13, 18

[NOTE: The following North Subdistrict provisions are currently under review as part of Lower Concourse North Rezoning, N 1700312 ZRX, certified 3/20/2017]

[North Subdistrict - tax blocks and lots existing on [date of adoption]

- Parcel 10: Block 2539, Lot 1, portion of Lots 2, 3
Block 2356, Lots 2, 72 and tentative Lot 102 (existing on [date of adoption])]

South Subdistrict - tax blocks and lots existing on [date of adoption]

- Parcel 11: Block 2319, Lot 55
- Parcel 12: Block 2319, Lot 60
- Parcel 13: Block 2319, Lots 37 and 155
- Parcel 14: Block 2319, Lot 98
- Parcel 15: Block 2319, Lot 99
- Parcel 16: Block 2319, Lots 100 and 108

Parcel 17: Block 2319, Lot 109

Parcel 18: Block 2319, Lot 112

Parcel 19: Block 2319, Lot 2

Parcel 20: Block 2316, Lots 1 and 35

Parcel 21: Block 2319, Lot 200

The District Plan includes the following maps:

Map 1. (Special Harlem River Waterfront District, Subdistricts and Parcels)

Map 2. (Designated Non-residential Use Locations)

Map 3. (Waterfront Access Plan: Public Access Elements)

Map 4. (Waterfront Access Plan: Designated Visual Corridors)

~~* in accordance with Alteration Map No. 13124, dated January 29, 2009, in the Office of the
Bronx Borough President~~

87-04

Applicability of Article VI, Chapter 2 District Regulations

[NOTE: Existing provisions, moved to 87-042 and modified]

87-041

Applicability of the Quality Housing Program

In the #Special Harlem River Waterfront District#, #buildings# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

87-042

Applicability of Article VI, Chapter 2

[NOTE: Existing provisions, moved from Section 87-04 and modified.]

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply in all #waterfront areas#, except as modified by this Chapter.

[NOTE: Existing provisions, moved from Section 87-65 and modified.]

For the purpose of applying the provisions of Article VI, Chapter 2, Parcels 1, 2, 3 and 4 within the Core Subdistrict, and any parcels having a boundary within 40 feet of a #shoreline# within the South Subdistrict, as shown on Map 1 (Special Harlem River Waterfront District, Subdistricts and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009 for the Core Subdistrict, and after [date of adoption] for the South Subdistrict.

87-043

Applicability of Article VI, Chapter 4

[NOTE: Existing provisions, moved from Section 87-02 and modified]

In #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control, except as modified by this Chapter.

84-044

Applicability of Article XII, Chapter 3

Within the South Subdistrict, for M1 Districts mapped with a #Residence District#, the provisions of Article XII, Chapter 3 (Special Mixed Use District) for #waterfront blocks# shall apply, except as modified in this Chapter. In the event of a conflict between the provisions of Article XII, Chapter 3 and this Chapter, the provisions of this Chapter shall control.

87-045

Applicability of Inclusionary Housing Program

[NOTE: Existing Inclusionary Housing applicability provision, moved from Section 87-20 and modified.]

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90 (INCLUSIONARY HOUSING), the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, shall be an #Inclusionary Housing designated area#.

87-05

Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 in the Core Subdistrict after June 30, 2009, and on any Parcel in the South Subdistrict after [date of adoption], as shown on Map 1 in the Appendix to this Chapter, after June 30, 2009, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all #use# and #bulk# #floor area# regulations of this Zoning Resolution.

87-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified in Sections 87-11 through 87-24 by the provisions of this Section, inclusive.

~~As used in this Section, “ground floor level” shall mean the finished floor level of a #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#.~~

[NOTE: the definition of “ground floor level” moved to 87-01 and amended.]

87-11

Vehicle Storage Establishments Use Regulations Within the Core Subdistrict

[NOTE: Existing Section 87-11 provisions, moved to Section 87-111]

The special #use# provisions of this Section, inclusive, shall apply to #zoning lots# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-111
Vehicle storage establishments

[NOTE: Existing provisions, moved from Section 87-11 and cross-references are updated]

Commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps as listed in Use Group 16C shall be a permitted #use# on Parcel 5, as shown on Map 1 in the Appendix to this Chapter, provided that:

- (a) such #use# is the primary #use# on ~~the p~~Parcel 5;
- (b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and
- (c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-~~64~~71 (Special Public Access Provisions by Parcel).

The streetscape provisions of Section 87-~~134~~1, inclusive, the maximum width of establishment provisions of Section 87-23 and the special height and setback regulations of Section 87-~~30~~32, inclusive, shall not apply to such #use#. In lieu thereof, the applicable height and setback provisions of Article VI, Chapter 2 shall apply.

87-112
Location of Commercial Space

[NOTE: Existing provisions, moved from Section 87-12]

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #residential uses# on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located directly over any #residential use#. However, such #commercial uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from #commercial uses# exists within the #building#.

87-12
Location of Commercial Space
Use Regulations in the North Subdistrict

[NOTE: Existing provisions, moved to Section 87-112]

[NOTE: This section is intended to contain special use provisions proposed by Lower Concourse North Rezoning]

87-13

~~Streetscape Regulations~~

[NOTE: Existing provisions, moved to Section 87-40]

87-14

~~Location of Underground Uses~~

~~Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.~~

87-20

SPECIAL FLOOR AREA REGULATIONS

The applicable #floor area# regulations of the underlying districts, of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), or of Article XII, Chapter 3 (Special Mixed Use District), are modified by the provisions of this Section, inclusive.

[NOTE: The following struck out provisions, moved to Section 87-045]

~~The #Special Harlem River Waterfront District# shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special District.~~

87-21

~~Special Residential Floor Area Regulations~~ Floor Area Regulations in the Core Subdistrict

[NOTE: Existing provisions, moved to Section 87-211]

The provisions of this Section, inclusive, shall apply to #developments# and #enlargements# within the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

87-211

Special Floor Area Regulations

[NOTE: Existing floor area ratio (FAR) provisions for mixed buildings, moved from Section 87-21 and amended]

The ~~base maximum~~ #floor area ratio# for ~~any~~ #zoning lots# containing only #residences residential uses#, ~~or~~ #residential uses# and #community facility# or #commercial uses# shall be 3.0. Such ~~base maximum~~ #floor area ratio# may be increased to ~~a maximum of~~ 4.0 through the provision of #affordable housing# pursuant to ~~the provisions for~~ #Inclusionary Housing designated areas# in ~~Section 23-90 (INCLUSIONARY HOUSING)~~ paragraph (b) of Section 23-154 (Inclusionary Housing). The maximum #floor area ratio# for #affordable independent residences for seniors# shall be 4.0. ~~, except that the height and setback regulations of Sections 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.~~

[NOTE: the above height and setback applicability provisions, moved to Section 87-30]

87-212

Special floor area requirement for certain commercial uses

[NOTE: Existing special floor area provisions, moved from Section 87-22]

- (a) For each square foot of #commercial floor area# in a #building# occupied by the #uses# listed in paragraph (a)(1) of this Section, an equal or greater amount of #residential#, #community facility# or #commercial floor area# shall be provided from #uses# listed in paragraph (a)(2) of this Section.

* * *

87-213

Location of building entrances

[NOTE: Existing provisions, moved from 87-24]

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, ~~the~~ a main front entrance for ~~of~~ at least one #building# on each Parcel, as the term “main front entrance” is used

in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

- ~~(a)~~ on Parcel 1, located no less than 120 feet from 149th Street;
- ~~(b)~~ (a) on Parcel 2, located no less than 95 feet from a mapped parkland; and
- ~~(c)~~ (b) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

~~87-22~~

~~Special Retail Floor Area Requirement~~

[NOTE: Existing provisions moved to Section 87-212]

~~87-23~~

~~Maximum Width of Establishments~~

[NOTE: Existing requirements for commercial and community facility would be eliminated and replaced with provisions of Section 87-40]

~~On Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway# or #upland connection#, shall be limited to 60 feet for each #street wall# facing such #shore public walkway# or #upland connection#.~~

~~87-24~~

~~Location of Building Entrances~~

[NOTE: Existing 87-24 provisions moved to 87-213]

87-30

SPECIAL HEIGHT, AND SETBACK AND OTHER BULK REGULATIONS

The underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section, inclusive, shall apply. For the purposes of applying such regulations:

In the #Special Harlem River Waterfront District#, the provisions of Section 87-32 (Special Height and Setback Regulations in the Core Subdistrict), inclusive, shall apply to the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter.

In the Core Subdistrict, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive. The height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive, shall not apply.

In the South Subdistrict, as shown on Map 1, the height and setback and other bulk regulations of Article XII, Chapter 3 (Special Mixed Use District) applicable to M1 Districts mapped with an R8 District in #waterfront blocks# shall apply, except as modified in this Section, inclusive.

The height of all #buildings or other structures# shall be measured from the #base plane#.

[NOTE: Lower Concourse North text amendment also contains applicability language]

[The following paragraph (a) provisions moved to Section 87-32, and (b) re-located above.]

(a) ~~a #shore public walkway#, mapped parkland, an #upland connection# or fire apparatus access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-32:~~

~~(1) Exterior Street; and~~

~~(2) that portion of any other #street#, mapped parkland, #upland connection# or fire apparatus access road that is located east of the #Parcel 1 building line#; and~~

(b) ~~the height of all #buildings or other structures# shall be measured from the #base plane#.~~

87-31 Permitted Obstructions

In the Core Subdistrict, the provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

87-32

**Street Wall Location and Building Base
Special Height and Setback Regulations in the Core Subdistrict**

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #enlargements#, the provisions of this Section, inclusive, shall apply.

[Following #street line# provisions moved from Section 87-30 and modified]

For the purposes of applying the special height and setback regulations of this Section, inclusive, and the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as applicable, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#, except that:

- (a) for Parcels 1, 2, 3 and 4, the westerly #street line# along Exterior Street shall be the #Major Deegan Expressway street line# or the #street line# of Exterior Street, whichever is closest to the #shore line#; and
- (b) for Parcel 1, the #street line# of East 149th Street shall be the southernmost boundary of any easement area existing on [date of adoption], any fire apparatus access road or any private road.

Where a fire apparatus access road adjoins the #shore public walkway#, the fire apparatus access road shall be considered as part of the #shore public walkway#, and the #street line# shall be considered the boundary of the fire apparatus access road furthest from the #shoreline#. In addition, where a fire apparatus access road adjoins the mapped parkland, the #street line# shall be considered the boundary of the fire apparatus access road furthest from the mapped parkland.

[NOTE: Lower Concourse North text amendment proposed temporary language to apply existing rules to Core Subdistrict]

[NOTE: Existing 87-32 provisions moved to 87-321 and 87-322 and modified]

- ~~(a) — #Street wall# location~~

~~The #street wall# of a #building# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:~~

- (1) ~~ground floor level recesses up to three feet deep shall be permitted for access to #building# entrances;~~
- (2) ~~to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#;~~
- (3) ~~for #buildings# that are required to locate at least one main front entrance facing a #shore public walkway#, pursuant to Section 87-24 (Location of Building Entrances), no portion of the #street wall# containing such entrance shall be closer to the #shore public walkway# than the main front entrance; and~~
- (4) ~~no portion of a #building# facing a #shore public walkway#, except on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, shall exceed a width of 300 feet.~~

~~However, on Parcel 1, in order to accommodate a sewer easement located within an area bounded by the eastern boundary of the #shore public walkway#, East 149th Street, a line 120 feet south of and parallel to East 149th Street and a line 120 feet east of and parallel to the #shore public walkway#, no #street wall# shall be required along that portion of East 149th Street and any fire apparatus access road within such easement area. Such area not developed as a fire apparatus access road and open to the sky shall be at least 35 percent planted and shall not be used for parking or loading. Furthermore, in the event such area contains a driveway, it shall be screened from the #shore public walkway# and East 149th Street, except for curb cuts and pedestrian paths, with densely planted evergreen shrubs maintained at a height of three feet.~~

(b) ~~Minimum and maximum base heights~~

~~The #street wall# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required.~~

~~However, on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a “building base.”~~

~~All portions of #buildings or other structures# that exceed the maximum base heights set forth in this paragraph, (b), shall be set back from the #street wall# at least ten feet along a #shore public walkway#, mapped parkland and Exterior Street, and at least 15 feet along an #upland connection#.~~

~~For #buildings# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, as shown on Map 1 in the Appendix to this Chapter, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six #stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of eight #stories# or 85 feet, whichever is less.~~

~~Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(1) of this Section.~~

~~(c) — Transition heights~~

~~All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.~~

~~All portions of #buildings# that exceed the transition heights set forth in this paragraph, (c), shall comply with the tower provisions of Section 87-33.~~

87-321
Street wall location

[Existing provisions, moved from 87-32 (a), and modified]

In the Core Subdistrict, the following #street wall# location rules shall apply.

(a) Parcels 1, 2, 3 and 4

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for frontages along the #shore public walkway#, #supplemental public access areas#, #upland connections#, mapped parkland or #visual corridors#, as shown on Map 2, at least 70

percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#. For frontages beyond 50 feet of the #shore public walkway#, such #street wall# shall rise to at least the minimum base height specified in Section 87-322 (Base heights and transition heights), or the height of the #building#, whichever is less. Along all frontages, up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

(b) Parcels 5, 6, 7, 8 and 9

On Parcels 5, 6, 7, 8 and 9, as shown on Map 1, for frontages along #visual corridors#, or #upland connections#, as shown on Map 2, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall rise to at least the minimum base height specified in Section 87-322, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along any #street#, or deeper than 15 feet along #shore public walkway#, are located within an #outer court#.

Along other frontages, no #street wall# location provisions shall apply.

87-322
Base heights and transition heights

[Existing provisions, moved from paragraph (a) of Section 87-32, and modified]

In the Core Subdistrict, the following base heights, required setbacks and maximum transition heights shall apply. Towers are permitted above the maximum heights set forth in this Section only in accordance with Section 87-323 (Tower provisions).

(a) Base heights

(1) Within 50 feet of the #shore public walkway#

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, the maximum base height shall be 85 feet, except that:

(i) on Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, for #street walls# fronting on a #shore public walkway#, at least 30 percent of the #aggregate width of street walls# fronting on the #shore public walkway#, or a contiguous #street wall# width of 60 feet, whichever is greater, shall not exceed a maximum height of 45 feet. In addition to being applied along the #shore public walkway#, such lowered #street wall# may be applied along intersecting #streets# within 100 feet of the #shore public walkway#; and

(ii) on Parcels 5 and 6, as shown on Map 1 in the Appendix to this Chapter, such maximum base height shall be 45 feet.

(2) Beyond 50 feet of the #shore public walkway# and beyond 50 feet of the #Major Deegan Expressway street line#

Along all other frontages beyond 50 feet of the #shore public walkway# and beyond 50 feet of the Major Deegan Expressway, the #street wall# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(3) Along, and within 50 feet of, the #Major Deegan Expressway street line#

Along, and within 50 feet of, the #Major Deegan Expressway street line#, the #street wall# shall rise without setback to a minimum base height of 15 feet, or the height of the #building#, whichever is less, and may rise to a maximum base height of 105 feet.

(b) Required setbacks

Above such maximum base height, #street walls# shall be set back a minimum of 30 feet from the #street line# along the #shore public walkway# on Parcel 1, 15 feet from such #street line# along the #shore public walkway# on any other parcels, and a minimum of 10 feet from the #street line# along all other #streets#. Along all #streets#, such set back shall have a minimum depth of seven feet from any portion of the #street wall# below such maximum base height. However, the depth of such setback may include the depth of recesses or #outer courts# provided that the aggregate width of such portion of a #street wall# with a reduced setback shall not exceed 30 percent of the #street wall#.

In addition, on Parcels 1, 2, 3 and 4, in locations where the maximum base height is limited to 45 feet, #street walls# above such maximum base height shall be set back a minimum of 30 feet from the #street line#, and a minimum of seven feet from any portion of the #street wall# below such height.

Dormers provided in accordance with paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall be permitted obstructions in all setback areas, except along the #shore public walkway#. Such dormers shall not exceed the maximum transition height set forth in paragraph (c) of this Section.

(c) Maximum transition heights

For #street walls# fronting on, or within 50 feet of, the #shore public walkway#, #street walls# above a required setback may rise to a maximum transition height of 125 feet and, along all other frontages, #street walls# above a required setback may rise to a maximum transition height of 155 feet. Such transition heights may only be exceeded where towers are provided in accordance with the provisions of Section 87-323 (Tower provisions).

87-323
Tower provisions

[Existing provisions, moved from Section 87-33, and modified]

A #building or other structure# may exceed the applicable maximum heights set forth in Section 87-322 (Base heights and transition heights) only in accordance with the tower provisions of this Section.

(a) Maximum number of towers

For #zoning lots# with less than 100,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted. The minimum separation between any two towers on the same #zoning lot# shall be 60 feet.

(b) Setbacks

All towers shall comply with the applicable setback provisions set forth in paragraph (b) of Section 87-322, except that on Parcel 1, towers shall be set back from the #shore public walkway# a minimum of 30 feet.

The dormer provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts) shall not apply to the tower portion of a #building#. In lieu thereof, up to 50 percent of the width of the #street wall# of a tower shall be permitted to encroach into a required setback area, except in setback areas along the #shore public walkway#.

(c) Maximum tower size

Each #story# of a tower shall not exceed a gross area of 10,000 square feet, except that any encroachment into a setback area provided in accordance with paragraph (b) of this Section need not be included in such gross area.

(d) Maximum tower width

On Parcels 1, 3, 4 and 7, as shown on Map 1 in the Appendix to this Chapter, the maximum width of any #story# of a tower facing the #shoreline# shall not exceed 130 feet, and on Parcel 2 the maximum width of any #story# of a tower facing mapped parkland shall not exceed 100 feet.

(e) Maximum height of towers

For #zoning lots# with 100,000 square feet or less of #lot area#, the maximum height of a tower shall be 300 feet, and for #zoning lots# with more than 100,000 square feet of #lot area# the maximum height of a tower shall be 400 feet.

However, for #zoning lots# with two towers, such maximum tower height of 400 feet shall apply to only one tower and a maximum tower height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between any two #towers# on a #zoning lot#.

(f) Tower top articulation

The uppermost three #stories# of a tower, or as many #stories# as are located entirely above a height of 300 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#.

87-33

Towers

[Special Height and Setback and Other Bulk Regulations in the North Subdistrict]

[NOTE: Lower Concourse North text amendment is adding height and setback provisions for the North Subdistrict]

[Existing text moved to 87-323 and modified]

~~All #stories# of a #building# located partially or wholly above the applicable transition height set forth in paragraph (c) of Section 87-32 shall be considered a “tower” and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.~~

(a) ~~Maximum tower height~~

~~For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with more than 100,000 square feet of #lot area# shall be 400 feet. For #zoning lots# with two towers, however, such maximum #building# height of 400 feet shall apply to not more than one tower and a maximum #building# height of 260 feet shall apply to the second tower. There shall be a height differential of at least 40 feet between towers.~~

(b) ~~Location rules for #zoning lots# adjacent to mapped parkland~~

~~Where a tower is provided on a #zoning lot# adjacent to mapped parkland, such tower or portion thereof shall be located within 85 feet of such mapped parkland, and if two towers are provided on such #zoning lot#, the second tower or portion thereof shall be located either within 120 feet of East 149th Street or within 45 feet of an #upland connection#. Where two towers are provided on a #zoning lot# adjacent to mapped parkland, the shorter of the towers shall be located nearer the mapped parkland.~~

(c) ~~Maximum tower size~~

~~The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.~~

(d) ~~Tower top articulation~~

~~All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:~~

~~(1) — Setbacks on each tower face~~

- ~~(i) — For #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 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#;~~
- ~~(ii) — For #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 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, (d)(1), 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.~~

~~(2) — Three setbacks facing Harlem River~~

~~The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.~~

87-34
Special Height and Setback Provision in South Subdistrict

For #zoning lots# that coincide with, or are completely within, the boundaries of Parcel 19 in the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of paragraph

(a)(2) of Section 62-341 shall be modified to require an #initial setback distance# with a depth of 15 feet from the boundary of a #shore public walkway#.

87-40

SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS **SPECIAL REGULATIONS FOR GROUND FLOOR LEVEL**

[NOTE: All existing Sections 87-40, 87-41 and 87-42 provisions, moved to Section 87-50]

[NOTE: Existing provisions, moved from Section 87-13 and modified]

The provisions set forth in this Section, inclusive, shall apply to #ground floor levels# of #developments# and #ground floor level enlargements# within the #Special Harlem River Waterfront District#, as applicable.

87-41

Fire Apparatus Access Roads **Streetscape Requirements in the Core and South Subdistricts**

[NOTE: Existing 87-41 provisions, moved to 87-62]

In the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, for #developments# and #ground floor level enlargements#, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the special streetscape regulations of this Section, inclusive, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection# or a fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#.

87-411

Ground floor uses

[NOTE: Existing provisions, moved from Section 87-13 and modified]

All #ground floor level uses# facing a #shore public walkway#, mapped parkland or an #upland connection# shall comply with the minimum depth requirements of 37-32 (Ground Floor Depth

~~Requirements for Certain Uses). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail #streets#. Lobbies and entrances shall comply with the provisions for Type 1 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses). The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other publicly accessible area.~~

~~For #buildings# on Parcels 1 through 6, as shown on Map 1 in the Appendix to this Chapter, that face a #shore public walkway#, mapped parkland or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings# shall consist of #uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.~~

Within the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, the following shall apply:

(a) Minimum amount of required #ground floor level floor area#

At least 50 percent of the width of the #ground floor level street wall# of a #building# shall be occupied by #floor area#, and on Parcels 1 and 2, as shown on Map 1, the entire width of the #ground floor level street wall# facing a #shore public walkway# or a mapped parkland, shall be occupied by #floor area#. Such #floor area# shall be allocated to any permitted #use#, except #group parking facilities#.

(b) Required non-#residential uses# in certain locations

The #ground floor level street wall# within 50 feet of the point on a #street#, or the intersection of two #streets#, designated on Map 2, shall be occupied exclusively by non-#residential floor area#. In addition, on Parcels 3 and 4, at least 50 feet of additional #ground floor level street wall# facing the #shore public walkway# shall be occupied exclusively by non-#residential floor area#, at the locations designated on Map 2. Offices (Use Group 6B) and clubs (Use Group 6E) as listed in Section 32-15, automotive service establishments (Use Groups 8C, 7D and 12D) as listed in Sections 32-16, 32-17 and 32-21, and #Group parking facilities# including entrances and exits thereto, shall not be permitted within such locations.

Non-#residential floor area# required pursuant to this paragraph may satisfy #ground floor level floor area# required pursuant to paragraph (a) of this Section.

All #ground floor level floor area# required pursuant to this Section shall extend to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, all #streets# shall be considered designated retail streets.

87-412

Transparency requirements in the Core and South Subdistricts

[NOTE: Existing provisions, moved from 87-13 (b)]

~~Any building wall containing ground floor level commercial or community facility uses that faces a shore public walkway, mapped parkland or upland connection, shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements). For the purposes of applying such provisions, shore public walkways, mapped parkland or an upland connection shall be considered designated retail streets.~~

In the Core and South Subdistricts, for non-residential uses located at the ground floor level, any portion of a ground floor level street wall that is subject to the floor area requirements of paragraph (b) of Section 87-411 (Ground floor uses) shall be glazed in accordance with the transparency requirements for designated retail streets set forth in Section 37-34 (Minimum Transparency Requirements), except that:

- (a) in the South Subdistrict, where the ground floor level street wall is occupied by uses in Use Groups 16, 17 or 18, up to 50 percent of the length of such ground floor level street wall may be exempt from such transparency requirements, provided that any street wall width exceeding 50 feet with no transparent elements on the ground floor level shall provide planting or screening in accordance with the provisions of paragraphs (a) or (e) of Section 87-415 (Special streetscape provisions for certain blank walls) for at least 75 percent of such blank wall; and
- (b) in flood zones, for buildings utilizing the provisions of paragraph (a) of Section 64-21 (Ground Floor Use), where no transparent materials or building entrances or exits are provided on the ground floor level street wall below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 25 feet, visual mitigation elements shall be provided in accordance with Section 87-415 for such blank wall.

For the purposes of applying the provisions of Section 37-34, locations subject to the provisions of paragraph (b) of Section 87-411 shall be considered designated retail streets.

87-413

Parking wrap and screening requirements in the Core and South Subdistricts

The following provisions shall apply to any #group parking facility# in the Core and South Subdistricts:

[NOTE: Existing provisions, moved from paragraphs (c) through (e) of 87-50]

~~(c)~~ — Location requirements for parking facilities

~~No parking facility, open or enclosed, shall front upon or be visible from:~~

~~(1) — a #shore public walkway#, except as provided for in paragraph (e) of this Section for Parcel 5;~~

~~(2) — any #upland connection# or mapped parkland, or portion thereof, that is located west of the #Parcel 1 building line#.~~

~~(d)~~(a) Design requirements for enclosed off-street #group parking facilities#

~~All enclosed off-street #group parking facilities# shall be located either entirely below the level of any #street# an adjacent sidewalk or open area accessible to the public upon which such facility fronts any other adjacent pedestrian area required to be accessible to the public or, when located above grade, shall comply with the following: ~~in compliance with the following provisions:~~~~

~~(1) — The provisions of this paragraph, (d)(1), shall apply to facilities facing a #shore public walkway#, an #upland connection#, mapped parkland, or the northern #street line# of 138th Street.~~

~~At every level above grade, off-street parking facilities shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). For the purposes of applying such provisions, #shore public walkways#, an #upland connection# or mapped parkland and East 138th Street shall be considered designated retail streets. All such parking facilities shall be exempt from the definition of #floor area#.~~

~~On Parcel 6, as shown on Map 1 in the Appendix to this Chapter, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 so that no portion of a parking facility is visible from such portion of Exterior Street or East 138th Street.~~

~~(2) The provisions of this paragraph, (d)(2), shall apply to facilities not facing a shore public walkway, or that portion of an upland connection or mapped parkland located west of the Parcel 1 building line, or the northern street line of East 138th Street.~~

~~Such facilities shall be screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35.~~

~~(1) Group parking facilities on the ground floor level within 30 feet of street walls subject to the provisions of Section 87-411 (Ground floor uses) shall be wrapped by floor area in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements. For the purpose of applying such provisions, street walls subject to the provisions of Section 87-411 shall be considered designated retail streets.~~

~~(2) Group parking facilities along all other frontages shall either be wrapped by floor area, or screened in accordance with the provisions of paragraph (e) of Section 87-415. In addition, any continuous stretch of screening that exceeds 25 feet in width shall provide planting in accordance with the provisions of paragraph (a) of Section 87-415 (Special streetscape provisions for certain blank walls) along 50 percent of such screened frontage.~~

~~(e)(c) Open parking areas~~

~~Open parking areas shall be permitted only in the following locations:~~

~~(1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the Major Deegan Expressway street line;~~

~~(2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the Parcel only if a commercial or public utility vehicle storage use, as listed in Use Group 16C, is developed or enlarged as the primary use on the parcel;~~

~~(3) on Parcel 6, a parking lot shall be permitted within 130 feet of the southern boundary of the parcel with East 138th Street; and~~

~~(4) on all parcels, open, unscreened, in tandem (one behind the other), accessory off-street parking spaces shall be permitted on private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), provided that all parking~~

spaces comply with the Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply. In addition, on Parcel 1, for parking lots located east of the #Major Deegan Expressway street line#, or on Parcel 5, for parking lots used solely as a commercial or public utility vehicle storage #use# as listed in Use Group 16C, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing is not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-555 shall not apply to any parking lots provided within private roads, including fire apparatus access roads provided pursuant to the provisions of Section 87-61.

[ORIGINAL PROVISIONS]

~~The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, (e).~~

~~For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.~~

~~On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.~~

~~On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.~~

87-414

Special provisions applicable within the flood zone

In the Core and South Subdistricts, the provisions of Section 64-336 (Alternative height measurement in Commercial and Manufacturing Districts) shall be modified so that where the #flood-resistant construction elevation# is between four feet and 12 feet above #curb level#, #building# height may be measured from a reference plane 12 feet above #curb level#, and any minimum base height requirements may be measured from #curb level#. The requirements of Section 64-642 (Transparency requirements for buildings utilizing alternative height measurement) shall apply to #buildings# utilizing these alternative height measurement provisions.

87-415

Special streetscape provisions for certain blank walls

The provisions of this Section shall apply to a #ground floor level building# frontage, or any portion thereof, facing a #street#, #shore public walkway#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), where no transparent materials or entrances or exits are provided on the #ground floor level# below a height of four feet above the level of the adjoining sidewalk, or grade, as applicable, for a continuous width of at least 25 feet. For the purpose of this Section, such a #building# wall, or portion thereof, shall be referred to as a “blank wall” and visual mitigation elements shall be provided in accordance with this Section.

At least 50 percent of the linear footage of any blank wall on a #ground floor level building# frontage shall be treated by one or more of the visual mitigation elements specified in this Section. Where a #building# wall fronts upon a #street#, such visual mitigation elements shall be provided on the #zoning lot#, except that the depth of an area containing such elements within the #zoning lot# need not be greater than three feet, when measured perpendicular to the #street line#. Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of paragraph (a) of this Section, and where a blank wall exceeds a height of 10 feet, as measured from the level of the adjoining grade, for a width of more than 25 feet, at least 50 percent of such #street wall# width shall provide wall treatments in accordance with the provisions of paragraph (e) of this Section.

The maximum width of a portion of the #ground floor level# blank wall without visual mitigation elements shall not exceed 10 feet. However, such blank wall limitation shall not include portions of #street walls# occupied by entrances or exits to #accessory# off-street parking facilities and

#public parking garages#, where permitted, entryways to required loading berths, where permitted, or doors accessing emergency egress stairwells and passageways.

Visual mitigation elements:

(a) Planting

Any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

(b) Benches

Fixed benches with or without seatbacks shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall treatment shall constitute one linear foot of frontage

mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

87-416

Special open area provisions

- (a) For Parcels 1, 2, 3 and 4, the open area between the #street wall# of a #building# fronting the #Major Deegan Expressway street line# and the western edge of such Expressway, shall be subject to the provisions of Section 28-23 (Planting Areas), whether the ground floor is occupied by #residential uses# or non- #residential uses#. Such provisions shall be modified by the provisions of this Section.

(1) Primary circulation path

A circulation path, with a width of at least 13 feet or the width of such open area, whichever is less, and the western edge of such path shall be provided within five feet of a #street wall# facing the #Major Deegan Expressway street line#. Such circulation path shall extend along the entire frontage of the #zoning lot#, and shall be constructed in accordance with Department of Transportation standards for sidewalks.

(2) Planting

At least 20 percent, but not more than 50 percent of the required open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet. For planting located east of the circulation path required pursuant to paragraph (a) of this Section, the maximum linear length of any individual planting bed shall not exceed 50 feet.

(3) Other amenities

The remainder of the open area may contain any combination of:

- (i) Streetscape amenities, including, but not limited to, benches, or tables and chairs;

- (ii) entertainment amenities, including, but not limited to, water features, playgrounds, dog runs, game tables, courts, or skateboard parks; and
- (iii) streetscape enhancing amenities, including, but not limited to, trees in tree pits, and lighting, or sculptural artwork.

All streetscape and entertainment amenities provided in accordance with paragraphs (c)(1) and (c)(2) of this Section shall be connected to the primary circulation path required by paragraph (a) of this Section through secondary circulation paths, paved with permeable materials, each with a minimum width of six feet. Any planting associated with an amenity, including, but not limited to playgrounds and dog runs, as applicable, may exceed the amount set forth in paragraph (b) of this Section.

Any open area not otherwise allocated to amenities or secondary circulation paths shall also be paved with permeable materials. The minimum clear space between any planted areas required by paragraph (b) of this Section, any amenity provided under this paragraph, or any combination thereof, shall be six feet.

(4) Fencing

In no event shall chain link fencing or barbed or razor wire be permitted in any open area provided pursuant to this Section. No fences may exceed a height of four feet.

[NOTE: Existing provisions, moved from Section 87-42 and modified]

- (b) In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed buildings#, sidewalks shall be provided on Parcel 1, as follows:
 - (1) Sidewalks with a width of at least 15 feet shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#.
 - (2) In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# such that the combined width of the sidewalk within the #street# and the sidewalk widening equals at least 15 feet. However, existing #buildings# remaining on the #zoning lot# need not be removed in order to comply with this requirement.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards and shall connect at grade to the adjoining public sidewalks.

[NOTE: Original provisions]

~~In the event that Parcel 1, as shown on Map 1 in the Appendix to this Chapter, is #developed# with #mixed use buildings#, as defined in Section 123-11, sidewalks shall be provided on Parcel 1, as follows:~~

- ~~(a) — Sidewalks with a depth of at least 15 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 15 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement.~~
- ~~(b) — A 22 foot wide walkway shall extend east of and along the #Parcel 1 building line#, linking East 149th Street and mapped parkland, or a fire apparatus access road if such road is provided adjacent to mapped parkland. In the event that a parking lot is provided east of such walkway, the easternmost seven feet of such walkway shall be densely planted with evergreen shrubs maintained at a maximum height of three feet above the adjoining walkway. Such walkway and planting strip may be interrupted to allow vehicular or pedestrian access.~~
- ~~(c) — Any driveway located east of the #Parcel 1 building line# that extends along a sewer easement and intersects Exterior Street shall have curbs and sidewalks with a minimum width of 13 feet along each curb, which may be interrupted to allow for vehicular access to a parking lot.~~

~~All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation standards, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.~~

87-42 Sidewalks

[NOTE: Existing provisions, moved to paragraph (b) of Section 87-416]

87-50 SPECIAL PARKING REGULATIONS

[NOTE: Existing provisions, moved to Section 87-51]

The applicable parking and loading regulations of underlying districts or of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, except as modified by the provisions of this Section, inclusive.

87-51

~~Curb Cut Restrictions~~

Special Parking Regulations in the Core Subdistrict

[NOTE: Existing provisions, moved from 87-50; existing 87-51 provisions moved to 87-52]

The following provisions shall apply to all parking facilities in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter:

~~(a)~~ Use of parking facilities

~~All #accessory# off-street parking spaces may be made available for public use; any such space, however, shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord.~~

~~(b)~~(a) Off-site parking

The off-site parking location provisions of Sections 36-42 and 36-43 shall not apply. In lieu thereof, all permitted or required #accessory# off-street parking spaces may be provided on a any #zoning lot# other than the same #zoning lot# to which such spaces are #accessory#, provided the lot to be used for parking is within the #Special Harlem River Waterfront District# Core Subdistrict.

[NOTE: Existing text in paragraphs (c) through (e) of 87-51 moved to Section 87-412]

~~(f)~~(b) Roof parking

Any roof, or portion thereof, of a facility containing that covers off-street parking spaces, not otherwise covered by a #building#, that and is larger than 400 square feet in surface area, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the

~~#building#~~ in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

~~(e)(c)~~ Open parking lots

Open parking lots shall be permitted only in the following locations:

- (1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the #Major Deegan Expressway street line#;
- (2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;
- (3) on Parcel 6, along the southern boundary of the Parcel with East 138th Street, provided that such parking lot is south of any #building# on the Parcel and east of the #shore public walkway#; and
- (4) on all Parcels, open, unscreened, tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on fire apparatus access roads provided pursuant to the provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), provided that all parking spaces comply with Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section 28-43 (Location of Accessory Parking) shall not apply and, on Parcels 1 and 5, the provisions of Sections 37-90 (PARKING LOTS) and 62-655 (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing in not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections 37-90 and 62-655 shall not apply to fire apparatus access roads provided pursuant to the provisions of Section 87-61.

[ORIGINAL PROVISIONS]

~~The requirements of Section 37-90 (PARKING LOTS) and screening requirements for open parking lots of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), are modified as set forth in this paragraph, (e).~~

~~For the purposes of applying the requirements of Section 37-90, a fire apparatus access road shall be considered a #street#.~~

~~On Parcel 1, for parking lots or portions thereof located east of the #Parcel 1 building line#, no landscaping shall be required. Such parking lots shall be screened from #streets# and any other publicly accessible areas by ornamental fencing, excluding chain link fencing, with a surface area at least 50 percent open and not more than four feet in height. However, along that portion of Exterior Street located between East 149th Street and a sewer easement, a seven foot wide strip, densely planted with evergreen shrubs maintained at a height of three feet shall be provided.~~

~~On Parcel 5, as shown on Map 1 in the Appendix to this Chapter, if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel, the screening requirements applicable to open parking lots set forth in Article VI, Chapter 2, shall not apply. In lieu thereof, such open parking lot shall be screened from the adjacent #shore public walkway# and #upland connection# with a wall or fence, other than a chain link fence, not more than 50 percent opaque, and at least five feet in height, but not more than six feet in height.~~

87-52
Curb Cut Restrictions

[EXISTING PROVISIONS MOVED FROM 87-51]

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, no curb cuts shall be provided facing a #shore public walkway#, and further, on Parcels 1 and 2, no curb cuts shall be provided facing a mapped parkland.

87-60
~~HARLEM RIVER WATERFRONT ACCESS PLAN~~
FIRE APPARATUS ACCESS ROADS

The provisions of this Section, inclusive, shall apply in the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter. The #lot area# allocated to fire apparatus access road pursuant to the provisions of this Section 87-60 may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas) and, where applied, such area may be discounted from the planting requirement set forth in

paragraph (c) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas).

87-61

~~Special Public Access Provisions~~

Special Provisions for Certain Fire Apparatus Access Roads

[NOTE: Existing 87-61 provisions moved to 87-71]

[NOTE: Existing provisions, moved from Section 87-41 and modified]

Within the Core and South Subdistricts, for Parcels 1, 2, 3, 4 and 11, where a fire apparatus access road is provided as required by New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the Chairperson of the City Planning Commission shall certify, in conjunction with a certification application filed pursuant to paragraph (c) of Section 62-811, the following:

- (a) the road shall be constructed to minimum Department of Transportation standards for public #streets#, including sidewalks, curbs and curb drops, lighting, signage, materials, and crosswalk, and shall meet the requirements set forth in the New York City Fire Code;
- (b) for Parcels 2, 3, or 4, the contiguity provisions of paragraph (a) of Section 87-62 shall apply, except that where no connection for vehicular travel lanes terminating at the opposite side of a shared #lot line# exist at the time of construction, the provisions of paragraph (b) of such Section may be utilized as an interim alternative;
- (c) a restrictive declaration shall be executed in accordance with the provisions of Section 87-63; and
- (d) street trees shall be planted pursuant to the requirements of Section 26-41 along such fire apparatus access road as if it were a #street#.

However, the requirements of this Section shall not apply to: fire apparatus access roads on Parcels 1 and 3 that are provided pursuant to the provisions of paragraph (b)(3) of Section 87-71 (Special Public Access Provisions); and to a fire apparatus access road on Parcel 11 located in the required #upland connection# within the prolongation of East 134th Street.

[ORIGINAL PROVISIONS]

~~Where a fire apparatus access road is provided as required by the New York City Fire Code, such road shall comply with the following requirements:~~

- ~~(a) — the width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops;~~
- ~~(b) — curbs shall be provided along each side of the entire length of such road;~~
- ~~(c) — a minimum 13 foot paved sidewalk shall be provided adjacent to and along the entire length of the required curb;~~
- ~~(d) — for the purposes of making the #street# tree requirements of Section 26-41 applicable to fire apparatus access roads, a fire apparatus access road shall be considered a #street#; and~~
- ~~(e) — all such roads shall be constructed with lighting, signage, materials and crosswalks to minimum Department of Transportation standards for public #streets#.~~

87-62

~~Certification to Waive Supplemental Public Access Area Requirement~~

Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4

[NOTE: Existing provisions, moved to paragraph (b) of this Section]

On Parcels 2, 3 and 4, in addition to the certification provisions of Section 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), a fire apparatus access road shall be provided in accordance with the provisions of this Section.

(a) Bi-Directional Road

[NOTE: Existing provisions, moved from Section 87-66 (Connection with Adjacent Zoning Lots) and modified]

On each of Parcels 2, 3 and 4, and only among such parcels, a connection for bi-directional vehicular travel lanes to an adjacent #zoning lot line# shall be provided. When complete, such fire apparatus access road shall provide bi-directional contiguous vehicular access from the mapped parkland adjacent to Parcel 2, along the #shore public walkway# of Parcels 2, 3 and 4, and within the southerly #upland connection# of Parcel 4.

Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent fire apparatus access

road. Such fire apparatus access road shall extend along the entire #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-63, has been recorded against the adjacent #zoning lot#.

(b) Interim fire apparatus access road turnaround

[NOTE: Existing provisions of Section 87-63, modified]

When bi-directional vehicular travel lanes are constructed that terminate at a #lot line# and do not continue on the adjacent #zoning lot# at the time of their construction, an interim dead-end fire apparatus access road turnaround may be constructed as an alternative to the provisions of paragraph (a) of this Section, in accordance with the following provisions.

An applicant utilizing the provisions of this paragraph shall construct a fire apparatus access road that extends along the entire #upland connection# and #shore public walkway# of the #zoning lot#, from #lot line# to #lot line#, and shall provide an “approved turnaround area,” constructed as part of a “dead-end fire apparatus access road,” as those terms are defined in the New York City Fire Code, Section 503.2.9 (Dead-end turnarounds), or its successor.

Such turnaround area shall be constructed to dimensions no greater than required under the New York City Fire Code, Section 503.2.9, or its successor, and shall be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. Such turnaround area may extend into the designated #shore public walkway, but at no point may such turnaround area extend into the associated circulation path. Where an interim dead-end fire apparatus access road turnaround area extends into a #shore public walkways#, the area of such turnaround may be discounted from the planting requirement set forth in paragraph (c) of Section 62-62. Sidewalks shall not be required adjacent to the turnaround area. The portion of the turnaround area that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials to the extent permissible by the Fire Commissioner and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage.

At the time of certification pursuant to Section 87-61, the site plan shall demonstrate a suitable design for the dead-end fire apparatus access road that demonstrates both the

approved turnaround area and the repurposed turnaround area outside of the roadbed upon the issuance of a notice of substantial compliance for the adjacent #zoning lot#. In addition, a conceptual site plan shall demonstrate that the proposed site plan and grading plan for required contiguous access pursuant to the provisions of paragraph (a) of this Section is compatible with future #development# on the adjoining #zoning lot#. Such site plans shall be included as an exhibit to the declaration of restrictions recorded pursuant to Section 87-63.

Repurposing a turnaround area and providing contiguous access in accordance with an approved conceptual site plan shall not necessitate a certification pursuant to Section 62-811, provided that there are no further modifications to an approved #waterfront public access area#.

[BELOW: Original provisions of Section 87-66 (Connection with Adjacent Zoning Lots)]

~~The following provisions apply to #developments#, #enlargements#, alterations or changes of #use#, pursuing certification, pursuant to either Section 87-62 (Certification to Waive Supplemental Public Access Area Requirement) or 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).~~

~~On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development#, #enlargement#, alteration or change of #use#, shall provide a connection for bi-directional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent private street. In addition to such physical shared #lot line# connection, a #private road# declaration shall be provided pursuant to the provisions of Section 87-64. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-64, has been recorded against the adjacent #zoning lot#.~~

~~When no connection for vehicular travel terminating at the opposite side of a shared #lot line# exists, a dead-end fire apparatus access road turnaround may be constructed, pursuant to Section 87-63, which may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-64.~~

[BELOW: Original provisions of Section 87-63 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways)]

~~On Parcels 2, 3 and 4, a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code, Section 503.2.5 (Dead ends) may, by certification, extend into the designated #shore public walkway#, provided that:~~

- ~~(a) — a declaration of restrictions has been provided, pursuant to Section 87-64;~~
- ~~(b) — a fire apparatus access road abutting the shared #zoning lot line# between the #development#, #enlargement#, alteration or change of #use# seeking certification under this Section and Parcels 2, 3 or 4 does not exist; and~~
- ~~(c) — the fire apparatus access road serves as a segment of a bi-directional loop road along the #shore public walkway#, providing a connection to Exterior Street at the northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.~~

~~Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads), or its successor. In addition, the roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush with the level of adjoining sidewalks.~~

87-63

Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways Declaration of Restrictions

[NOTE: Existing provisions, moved from Section 87-64 and modified]

For any fire apparatus access road proposed for certification pursuant to Sections ~~87-62 or 87-63~~ 87-61 (Special Provisions for Certain Fire Apparatus Access Roads), a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, and any sidewalk adjacent to such road, to guarantee that such road, and any sidewalk adjacent to such road, remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register

of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections ~~87-62 and 87-63~~ 87-61, where applicable.

For certifications proposed pursuant to Section 87-61 on Parcels 2, 3 or 4, where #developments# or #enlargements# on such parcels utilize the allowance for interim fire access turnaround, in accordance with paragraph (b) of Section 87-62 (Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4), any declaration of restrictions shall include that, at the time of the issuance of the notice of substantial compliance for the adjacent #development#, or #enlargement# pursuant to this Section, thereby permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access road turnaround area shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

- (a) repurposing the fire apparatus access road turnaround area pursuant to the requirements set forth in paragraph (b) of Section 87-62;
- (b) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable unobstructed pedestrian movement across parcels;
- (c) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code; and
- (d) providing a connection with the adjacent #zoning lot# pursuant to Section 87-62.

[Note: Original provisions of Section 87-64 (Declaration of Restrictions)]

~~For any fire apparatus access road proposed for certification pursuant to Sections 87-62 or 87-63, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections 87-62 and 87-63, where applicable.~~

~~For certifications proposed pursuant to Section 87-63, at the time a declaration of restrictions has been provided by the adjacent #development#, #enlargement#, alteration or change of #use#, pursuant to this Section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:~~

- ~~(a) deconstructing the fire apparatus access road turnaround;~~
- ~~(b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action;~~
- ~~(c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across parcels; and~~
- ~~(d) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code.~~

87-64

Declaration of Restrictions

[Note: existing provisions, moved to Section 87-63]

87-70

HARLEM RIVER WATERFRONT ACCESS PLAN

[NOTE: Existing waterfront access plan provisions, moved from Section 87-60]

Map 23 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location of where certain features are mandated or permitted by the Plan.

The underlying regulations for #waterfront public access areas# shall apply, except as modified in this Section, inclusive. For the purposes of applying the provisions of Section 61-822, the City Planning Commission may authorize modifications to the requirements for #waterfront public access areas# set forth in Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), and as those provisions are modified by the provisions of this Section, inclusive.

87-71

Special Public Access Provisions

[NOTE: Existing provisions, moved from 87-61]

The provisions of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to ~~#developments#, #enlargements#, alterations or changes of #use#, as follows~~ modified in this Section. For the purpose of applying the provisions of this Section, “development” shall be as defined in Section 62-11, that require ~~#waterfront public access areas#~~. To “develop” shall mean to create such ~~#development#~~. In addition, the ~~#lot area#~~ allocated to fire apparatus access road pursuant to the provisions of Section 87-60, inclusive, may count towards any required #supplemental access area# required pursuant to the provisions of Section 62-57 (Required Supplemental Public Access Areas).

(a) ~~#Shore public walkways#~~

- (1) The ~~#shore public walkway#~~ shall be provided in the location designated on Map 3 (Waterfront Access Plan: Public Access Elements) and constructed at an elevation ~~of two feet above~~ not lower than the highest level of the train track bed of the Oak Point Rail Link, except that:
 - (i) ~~on Parcels 6 and 7, no such elevation requirement shall apply;~~
 - (ii) on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is ~~#developed# or #enlarged#~~ as the primary ~~#use#~~ on the ~~#zoning lots#, such~~ the elevation requirement shall not apply. However, for any other ~~#use#, such~~ the elevation requirement shall only apply along the westernmost section of the ~~#shore public walkway#~~ to a depth of 40 feet.
 - (iii) ~~on all #zoning lots#, a #shore public walkway# shall be required to meet the grade of an existing adjacent #street#, which may include deviating from such elevation requirement where necessary.~~
- (2) An approved turnaround area in a dead-end fire apparatus access road turnaround area, as defined in the New York City Fire Code, Section 503.2.95 (Dead-end turnarounds), or its successor, may, by certification extend into a designated ~~#shore public walkway#~~ pursuant to ~~paragraph (b) of Section 87-63~~ 87-62 (Certification to Allow Fire Apparatus Access Road Turnaround Area in Shore Public Walkways

Contiguity of Fire Apparatus Access Road with Adjacent Zoning Lots on Parcels 2, 3 and 4).

- (3) In the event that a portion of a #waterfront zoning lot# is within 40 feet of the #shoreline# yet does not abut the #shoreline# because of an intervening #zoning lot#, a #shore public walkway# shall be provided on such upland portion. The width of the #shore public walkway# on such portion shall be 40 feet measured from the #shoreline# of the intervening #zoning lot# and shall include the width of the intervening #zoning lot#. The portion of such #shore public walkway# located upland of the intervening #zoning lot# shall be improved with a circulation path at least ten feet wide, and any required planted screening buffer shall have a width of at least four feet.
- (4) On Parcel 5, if a commercial or public utility vehicle storage #use# is #developed# or #enlarged# as the primary #use# on the parcel, the #shore public walkway# requirements set forth in Section 62-62 shall apply, except that:
- (i) the required width of the #shore public walkway# may be reduced to a minimum of 20 feet along the northern edge of the inlet and may be reduced to a minimum of 30 feet along the eastern edge of the inlet;
 - (ii) the circulation path required in paragraph (a)(1) of Section 62-62 shall be modified to a minimum width of 10 feet along the northern and eastern edge of the inlet;
 - (iii) the screening provisions of paragraph (c)(2) of Section 62-62 shall not apply. In lieu thereof, a planted screening buffer with a width of four feet shall be provided. Such planted buffer shall consist of densely planted shrubs or multi-stemmed screening plants, with at least 50 percent being evergreen species. Shrubs shall have a height of at least four feet at the time of planting; and
 - (iv) ~~in the event that the #upland connection# on Parcel 6 has not been provided,~~ a ten foot wide pedestrian walkway between the #shore public walkway# and Exterior Street shall be provided on Parcel 5 adjacent to such #upland connection# location.
- (b) #Upland connections#

#Upland connections# shall be located on Parcels 1, 3, 4, 5 and 6 and 11, as designated on Map 23 in the Appendix to this Chapter.

The applicable provisions of Sections 62-50, inclusive, are modified, as follows:

- (1) On Parcel 1, for an #upland connection# required along the northern boundary of a mapped park, the additional open area requirement of paragraph (a)(2) of Section 62-561 (Types of upland connections) shall not apply;
- (2) Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2. Parcel 3 shall provide an #upland connection# at the designated location shown on Map 3. In addition, such #upland connection# shall be provided as specified below:
 - (i) On Parcel 3, an #upland connection# is required at the designated location as shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall not apply;
 - (ii) In the event that Parcel 3 is developed with Parcels 2 or 4, an #upland connection# shall be provided within the flexible location zone shown on Map 3. The additional area requirements of paragraph (a)(2) of Section 62-561 shall apply.
- (3) On Parcels 1 and 3, if a Type 1 #upland connection# is provided, and a fire apparatus access road is required pursuant to the New York City Fire Code Section 503.2 (Fire apparatus access roads), or its successor, the design requirements of Section 62-64 shall be modified as follows:
 - (i) the required circulation path may be used to allow such fire apparatus access road, and its minimum width shall be in accordance with all applicable requirements of the Fire Code;
 - (ii) such circulation path shall be paved with distinct materials, not including asphalt, to facilitate pedestrian usage; and
 - (ii) the minimum planting area requirements shall be reduced to 15 percent;
- (4) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

#Supplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1, ~~and 2~~ and 11, as indicated on Map ~~2~~ 3 in the Appendix to this Chapter, ~~except that:.~~ However, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section ~~87-62 (Certification to Waive Supplemental Public Access Area Requirement).~~

(1) such requirement may be waived for Parcels 1 and 2 by the Chairperson of the City Planning Commission, in conjunction with a certification pursuant to paragraph (c) of Section 62-811 (Waterfront public access and visual corridors), where the site plan includes a vehicular connection through the #zoning lot#, provided that:

(i) such vehicular connection complies with the requirements of Section 87- 62 (Fire Apparatus Access Roads) and, for Parcel 2, the requirements of Section 87-62 (Contiguity of Fire Apparatus Access Road With Adjacent Zoning Lots on Parcels 2, 3 and 4); and

(ii) such vehicular connection, either:

(a) on Parcel 1, provides access between East 149th Street and Exterior Street, serving all #buildings# along the #shore public walkway# and mapped parkland; or

(b) on Parcel 2, provides a bi-directional connection between Exterior Street at its intersection with East 144th Street and the southernmost #lot line# of Parcel 2.

(2) for Parcel 11, at the location designated as “Supplemental Public Access Area (Shore Public Walkway Location)” on Map 3, a #supplemental public access area# shall be provided at a minimum width of 40 feet as indicated on Map 3, and the design and dimensional requirements for #shore public walkway# as set forth in Sections 62-50, inclusive, and 62-60, inclusive, shall apply.

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels ~~1 and 4~~, 4, 9, 11, 12 and 13, and mapped parkland, as indicated on Map ~~24~~ (Waterfront Access Plan: Visual Corridors) in the Appendix to this Chapter. For all required #visual corridors#, the provisions of Section 62-

512 (Dimension of visual corridors) shall be modified to allow the lowest level of a #visual corridor#, at its seaward points, to be measure to a height two feet above #base flood elevation# or a height equal to the Oak Point Rail Link train track bed elevation, whichever is higher.

The Oak Point Rail Link shall be a permitted obstruction for #visual corridors#.

87-72

Applicability of Waterfront Regulations

[NOTE: Existing provisions, moved from Section 87-65]

In the event that #streets# are mapped within a #zoning lot# on Parcels 1, 2, 3 and or 4 after June 30, 2009, or on Parcel 11 after [date of adoption], the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

87-73

Special Vesting Provisions for the South Subdistrict

In the South Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT), inclusive, shall apply, except as follows:

- (a) for #zoning lots# on #waterfront blocks# located completely beyond 100 feet of the #shoreline#, where an application has been filed with the Department of City Planning for certification pursuant to the provisions of Section 62-811 (Waterfront public access and visual corridors) prior to [date of adoption], and, subsequently, where the Chairperson of the City Planning Commission certifies that no #waterfront public access area# or #visual corridor# is required on the #zoning lot#, the #development# of a #building# on such #zoning lot# shall be permitted in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to [date of adoption], provided that all work on the foundations for such #development# has been completed prior to [date of adoption + 4 years];
- (b) for #zoning lots# on #waterfront blocks# located within 100 feet of the #shoreline#, where, as part of an application filed with the Department of City Planning for certification pursuant to the provisions of Section 62-811 prior to [date of adoption], a declaration of restrictions has been recorded with the Office of the Register of the City of New York

(County of the Bronx), setting forth the obligations of the owner to construct, and maintain a #waterfront public access area# pursuant to the provisions of Section 62-811, the #development# of a #building# on such #zoning lot# shall be permitted in accordance with such #waterfront public access area# plan and in accordance with the #bulk# regulations that were effective immediately prior to [date of adoption]; and

(c) for #zoning lots# on #waterfront blocks# located within 100 feet of the #shoreline#, where the Chairperson has certified that no #waterfront public access area# is required on the #zoning lot# pursuant to the provisions of Section 62-811 prior to [date of adoption], the #development# of a #building# on such #zoning lot# shall be permitted in accordance with the #bulk# and #waterfront public access area# regulations that were effective immediately prior to [date of adoption], provided that no new #buildings or other structures#, except those permitted as obstructions pursuant to Section 62-611, are located within 40 feet of the #shoreline#, and further provided that all work on the foundations for such #development# has been completed prior to [date of adoption + 4 years]. In addition, for such #developments#, no temporary certificate of occupancy shall be granted by the Department of Buildings unless and until the Chairperson of the City Planning Commission certifies that the #zoning lot# provides open space between the #building# and the #shoreline# that is in compliance with the size and design provisions for #shore public walkways# set forth in Section 62-53 and the applicable provisions of Section 62-60, inclusive. However, such provisions may be modified as follows:

- (1) in addition to the permitted obstructions listed in Section 62-611, a dead-end fire apparatus access road turnaround shall be a permitted obstruction within a #shore public walkway#, and an emergency egress path from #buildings# shall be a permitted obstruction within a screening buffer;
- (2) for portions of the #shore public walkway# where a fire apparatus access road turnaround is provided, the minimum width of a circulation path required pursuant to paragraph (a)(1) of Section 62-62 (Design Requirements for Shore Public Walkways and Supplemental Public Access Areas) may be reduced to a width of 10 feet, and the required width of a screening buffer required pursuant to paragraph (c)(2) of Section 62-62, may be reduced to six feet; and
- (3) where a fire apparatus access road is provided within the #shore public walkway#, the percentage of the #shore public walkway# required to be planted pursuant to paragraph (c) of Section 62-62 may be reduced to 35 percent.

A site plan shall be submitted with such application for certification, demonstrating compliance with such provisions.

As part of such certification, a written declaration of restrictions, in a form acceptable to the Chairperson, setting forth the obligations of the owner to construct, maintain and provide public access to improvements designated on site plans submitted pursuant to this Section, shall be recorded against such property in the Office of the Register of the City of New York (County of the Bronx). Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

Where foundations are required to be completed prior to [date of adoption + 4 years], in the event that such foundations have been commenced but not completed before such date, the building permit shall automatically lapse and the right to continue construction under the provisions of this Section shall terminate. No application to renew the building permit may be made to the Board of Standards and Appeals.

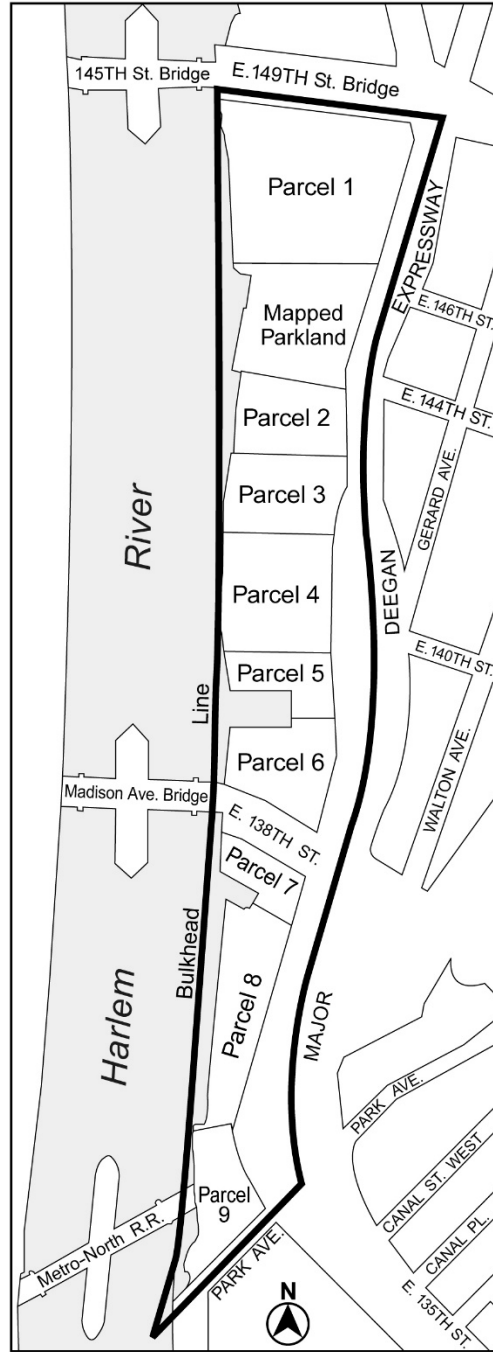
In addition, where foundations are required to be completed prior to [date of adoption + 4 years], such date shall be the effective date for applying the provisions of Section 11-332 (Extension of period to complete construction).

For the purposes of this Section, #development# shall be as defined in Section 62-11.

Appendix
Special Harlem River Waterfront District Plan

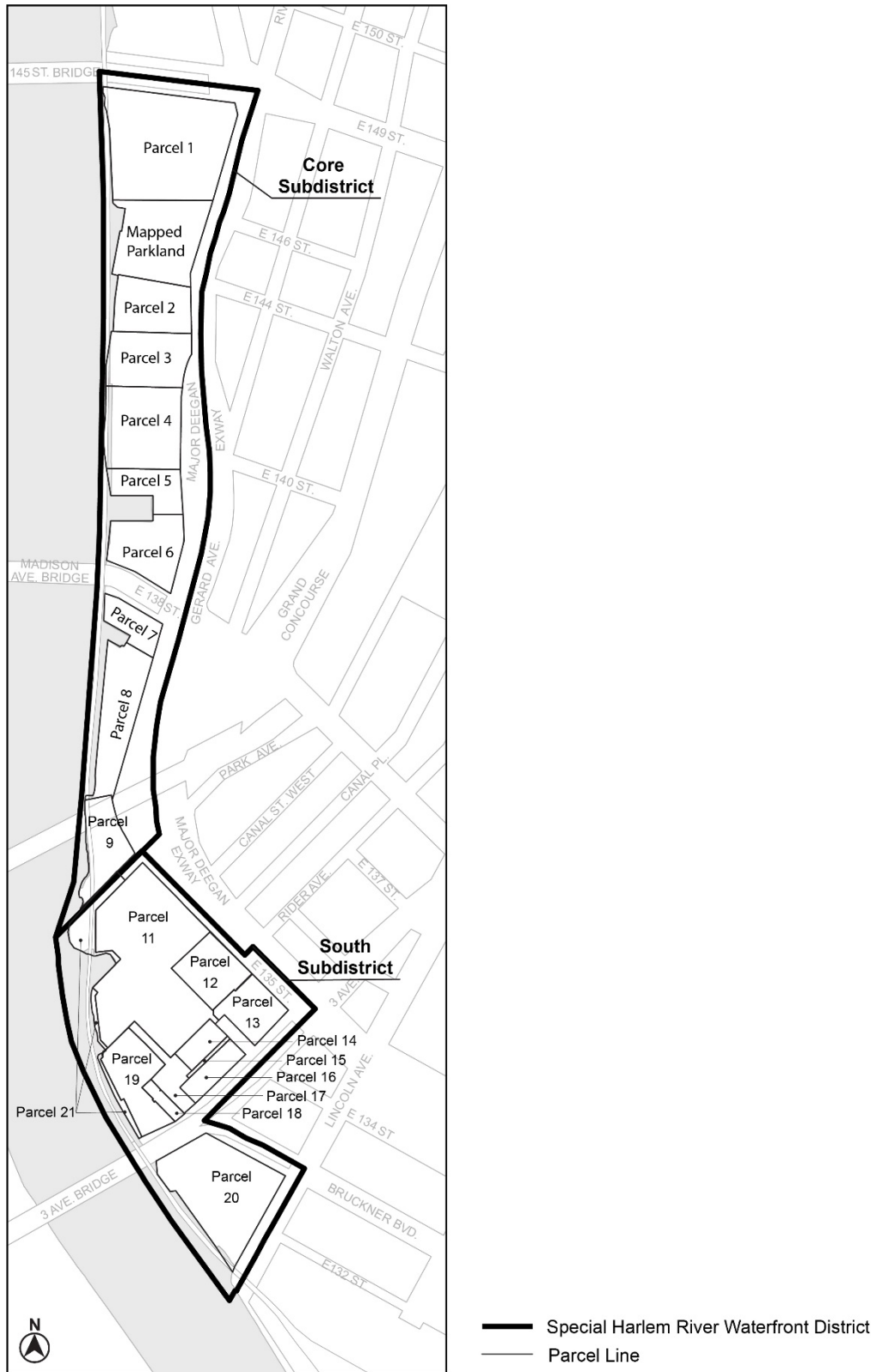
Map 1. Special Harlem River Waterfront District, Subdistricts and Parcels

[EXISTING MAP]



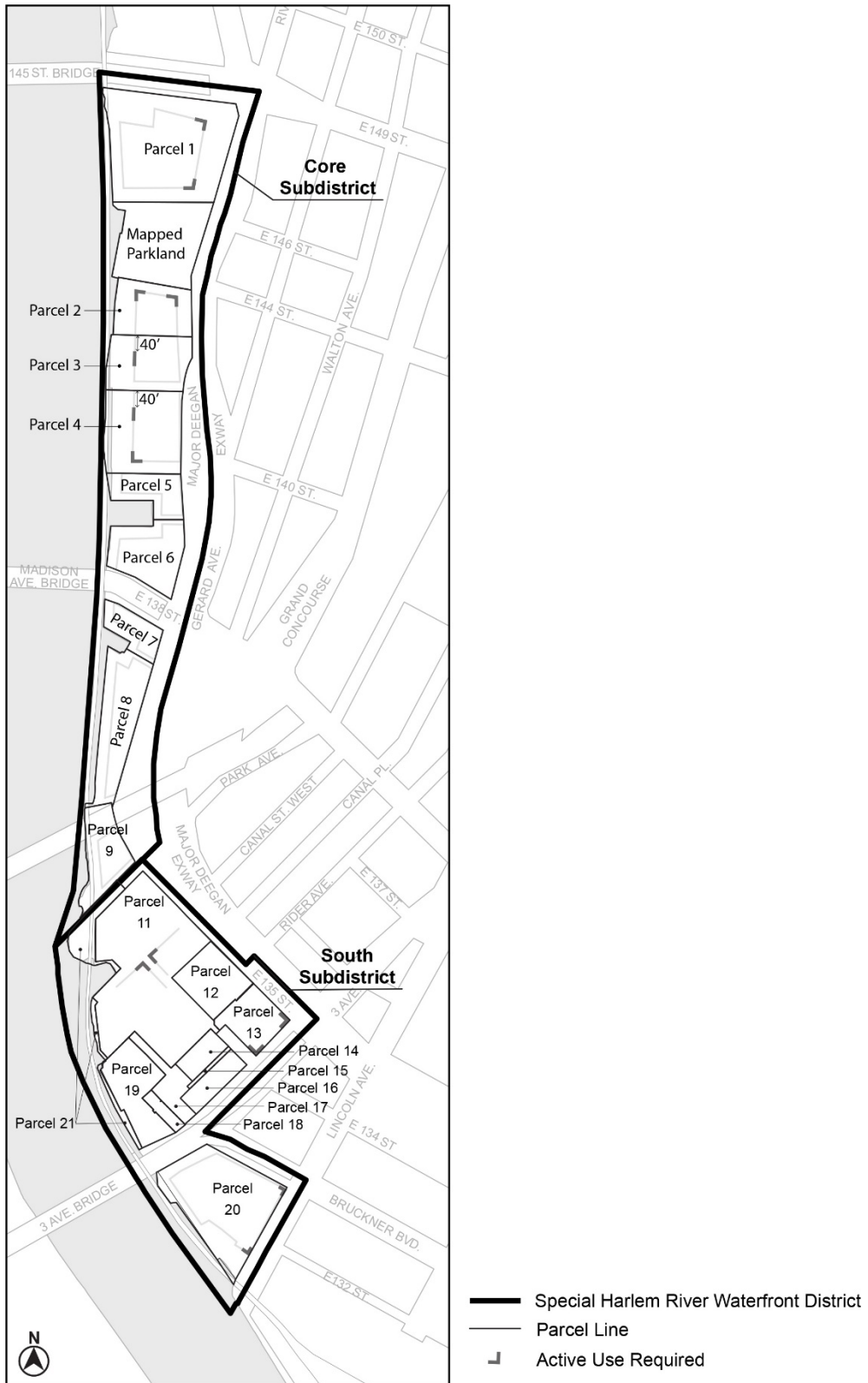
— Special Harlem River Waterfront District

[PROPOSED MAP]

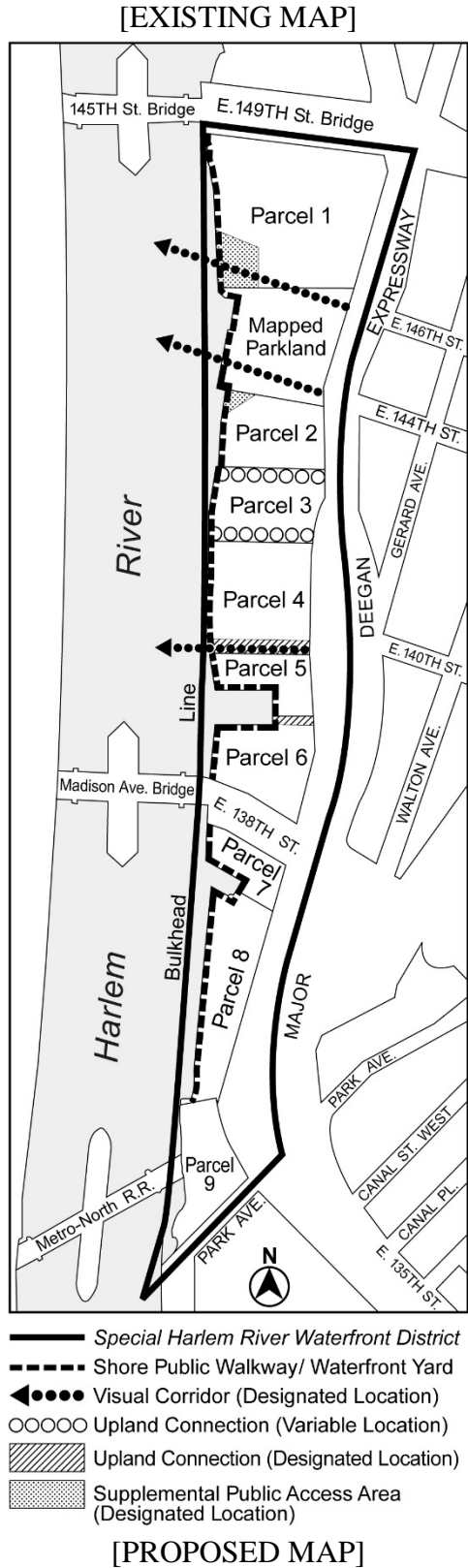


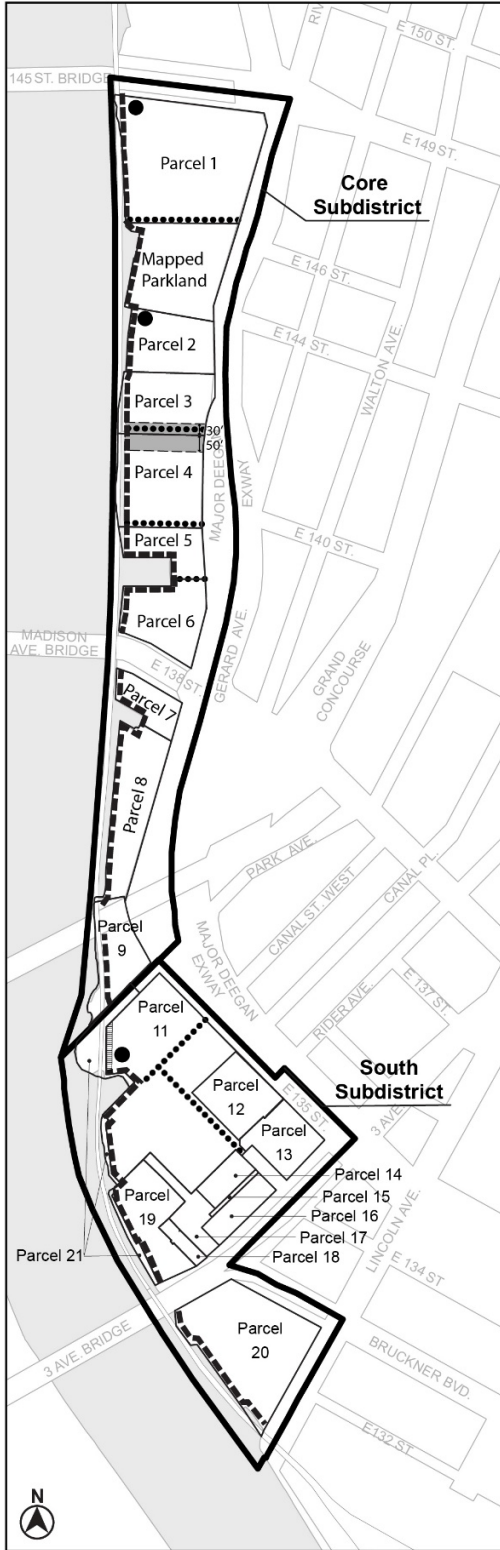
Map 2. Designated Non-residential Use Locations

[PROPOSED MAP]



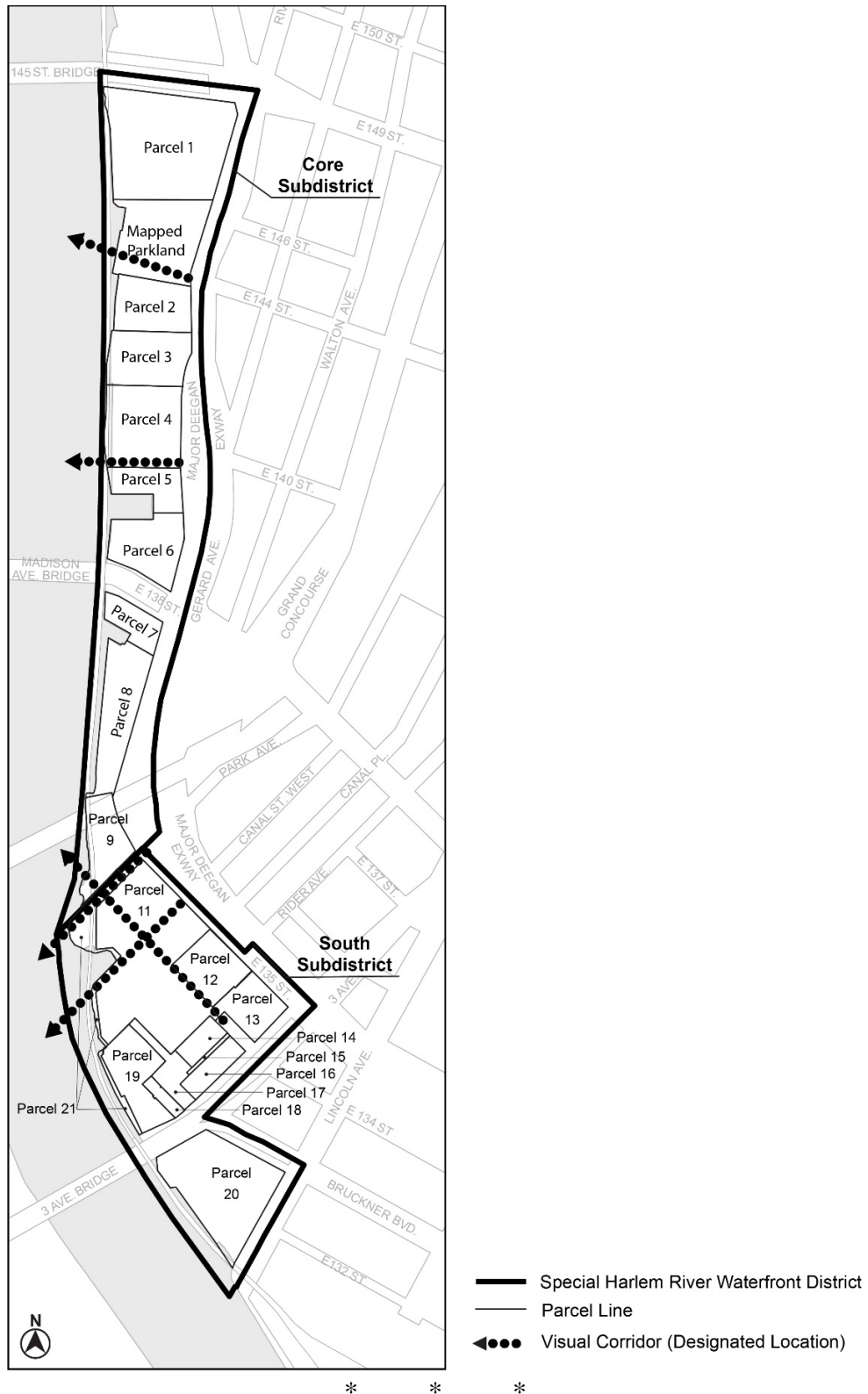
Map 3. Waterfront Access Plan: Public Access Elements





Map 4. Waterfront Access Plan: Visual Corridors

[PROPOSED MAP]



The above resolution (N 170414 ZRX), duly adopted by the City Planning Commission on October 4, 2017 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., Vice Chairman

RAYANN BESSER, ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, RICHARD W. EADDY,

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARÍN, LARISA ORTIZ, *Commissioners*