



## Legislation Details (With Text)

<b>File #:</b>	Res 0449-2004	<b>Version:</b>	*	<b>Name:</b>	LU 148 - Zoning Reso., Downtown Brooklyn Development, Brooklyn (040172ZRK)
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Adopted</b>	
		<b>In control:</b>		Committee on Land Use	
<b>On agenda:</b>	6/28/2004				
<b>Enactment date:</b>		<b>Enactment #:</b>			
<b>Title:</b>	Resolution approving with modifications the decision of the City Planning Commission on Application No. N 040172 ZRK, amendments to the text of the Zoning Resolution relating to Section 37-03 (Off Street Relocation or Renovation of a Subway Stair), Article VII, Chapter 4 (Special Permits by the City Planning Commission) and Article X, Chapter 1 (Special Downtown Brooklyn District) (L.U. No. 148).				
<b>Sponsors:</b>	Melinda R. Katz				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Committee Report, 2. Hearing Transcript - Stated Meeting 6/28				

Date	Ver.	Action By	Action	Result
6/14/2004	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
6/28/2004	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 449

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 040172 ZRK, amendments to the text of the Zoning Resolution relating to Section 37-03 (Off Street Relocation or Renovation of a Subway Stair), Article VII, Chapter 4 (Special Permits by the City Planning Commission) and Article X, Chapter 1 (Special Downtown Brooklyn District) (L.U. No. 148).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on May 10, 2004 its decision dated May 10, 2004 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for amendments to the text of the Zoning Resolution (Application No. N 040172 ZRK) (the "Application");

WHEREAS, the Application is related to Applications Numbers C 040171 ZMK (L.U. No. 147) amendments to the Zoning Map; C 030514 MMK (L.U. No. 149), C 030515 MMK (L.U. No. 150), C 030516 MMK (L.U. No. 151), C 030517 MMK (L.U. No. 152) amendments to the City Map; C 040173 HUK (L.U. No. 153), C 040174 HUK (L.U. No. 154), C 040175 HUK (L.U. No. 155) urban renewal plan amendments; N 040176 HGK (L.U. No. 156) urban renewal area designation; C 040177 HDK (L.U. No. 157), C 040178 HDK (L.U. No. 158), C 040179 HDK (L.U. No. 159) disposition of city-owned properties within the urban renewal area; C 040180 PPK (L.U. No. 160) disposition of city-owned property; C 040181 ZSK (L.U. No. 161), C 040182 ZSK (L.U. No. 162), C 040183 ZSK (L.U. No. 163), C 040184 ZSK (L.U. No. 164) special permits; C 040185 PSK (L.U. No. 165) site selection of property;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 8, 2004 and was recessed until June 10, 2004;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on April 30, 2004 which identified significant adverse impacts and proposed mitigation measures (CEQR No. 03DME016K);

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable;
- (2) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

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

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

Matter in underline is new, to be added

Matter in ~~strikeout~~ is old, to be deleted

Matter within # # is defined in Section 12-10

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

Matter in **graytone, bold and double underline** is to be added by the Council

Matter in [ ] brackets is to be deleted by the Council

## Article III Commercial District Regulations

### Chapter 7 Special Regulations

\* \* \*

#### 37-03 Off-Street Relocation or Renovation of a Subway Stair

Where a #development# or #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-44, the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table...

\* \* \*

## Article VII Administration

### Chapter 4 Special Permits by the City Planning Commission

\* \* \*

#### 74-634 Subway station improvements in Downtown Brooklyn and in commercial zones of 10 FAR and above in Manhattan

The City Planning Commission may grant, by special permit, a #floor area# bonus not to exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations, and may waive or modify the provisions of Article III, Chapter 7 (Special Regulations), and the #street wall# continuity provisions of Section 81-43 (Street Wall Continuity Along Designated Streets)~~or~~ , Section 91-31 (Street Wall Regulations) or Section 101-41 (Special Street Wall Location Regulations), for #developments# or #enlargements# located on #zoning lots# where major improvements to adjacent subway stations are provided in accordance with the provisions of this section. For the purposes of this section, “adjacent” shall mean that upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway. Subway stations where such improvements may be constructed are those located within the #Special Midtown District# as listed in Section 81-511 (Subway station improvements), the #Special Lower Manhattan District# as listed in Section 91-43 (Special permit for subway station improvements), the #Special Downtown Brooklyn District# as listed in Section 101-211 (Special permit for subway station improvements), the #Special Union Square District# as listed in Section 118-60 and those stations listed in the following table:

\* \* \*

(d) Findings

\* \* \*

- (3) In determining modifications to the #street wall# continuity provisions of Section 81-43 in the #Special Midtown District#, ~~or~~ Section 91-31 of the #Special Lower Manhattan District# or Section 101-41 of the #Special Downtown Brooklyn District#, the Commission shall find that the modifications will permit the proposed design to provide for access of daylight and air to the subway platform, mezzanine or concourse and that the advantages of such access outweigh the disadvantages incurred by the interruption of #street wall# and retail continuity.

\* \* \*

## Article X Special Purpose Districts

### Chapter 1 Special Downtown Brooklyn District

#### 101-00 GENERAL PURPOSES

\* \* \*

#### 101-03 District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Downtown Brooklyn District# Plan.

The District Plan includes the following ~~six~~ eight maps:

Map 1 Special Downtown Brooklyn District and Subdistricts

Map 2 Ground Floor Retail Frontage

Map 3 Ground Floor Transparency Requirements

Map ~~3~~ 4 Street Wall Continuity and Mandatory Sidewalk Widening

Map-~~4~~ 5 Curb Cut Restrictions

Map ~~5~~ 6 Street Tree Planting

Map [6] ~~7~~ [Schermerhorn Street height Limitation Area] **Height Limitation Areas**

## Map 8 Subway Station Improvement Areas

\* \* \*

### **101-04 Subdistricts**

In order to carry out the provisions of this Chapter, two subdistricts are established within the #Special Downtown Brooklyn District#. In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Downtown Brooklyn District#. The subdistricts are outlined on Map 1 (Special Downtown Brooklyn District and Subdistricts) in Appendix E of this Chapter. Special regulations set forth in Sections ~~101-20 through 101-252~~, 101-60 through 101-632 inclusive, shall apply to the Fulton Mall Subdistrict. Special regulations set forth in Sections ~~101-30 through 101-36~~, 101-70 through 101-75 and Appendices A, B, C and D, inclusive, shall apply to the Atlantic Avenue Subdistrict. The subdistricts are also subject to all other regulations of the #Special Downtown Brooklyn District# and the underlying districts except as otherwise specified in the subdistrict regulations.

### **101-10 SPECIAL USE ~~AND FENESTRATION~~ REGULATIONS** *(Delete Sections 101-10 and 101-11)*

#### **101-11** **Special Ground Floor Use Regulations**

*(new text that consolidates existing special use regulations from Fulton Mall and Atlantic Avenue Subdistricts. No changes to allowed uses in Fulton Mall or Atlantic Avenue Subdistricts, except that libraries, museums and non-commercial art galleries are added as allowed uses throughout Downtown Brooklyn.)*

Map 2 in Appendix E of this Chapter (Ground Floor Retail Frontage) specifies locations where the special ground floor ~~use# frontage~~ regulations of this Section apply.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 50 feet of the #streetline# shall be limited to #commercial uses# listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C, where such #uses# are permitted by the underlying district. In addition, libraries, museums and non-commercial art galleries shall be permitted. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations. However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage provided such #street# frontage is not subject to curb cut restrictions as shown on Map 4 (Curb cut restrictions).

In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 30 feet or 50 percent of the building's total #street# frontage, whichever is less.

The regulations of this Section 101-11 are modified as follows:

- (a) Fulton Mall Subdistrict

For #buildings in the Fulton Mall Subdistrict, use group 6A shall not include post offices, dry cleaning, laundry, or shoe and hat repair establishments. Use group 6C shall not include automobile supply establishments, electrolysis studios, frozen food lockers, loan offices, or locksmiths. Use Group 8A shall not include billiard parlors, pool halls, bowling alleys or model car hobby centers. Use Group 9 shall be prohibited except for typewriter stores. Use Group 10 shall not include depositories for office records, microfilm or computer tapes. Use groups 6D, 7A, 7B, 8B, 8D, 11, 12A and 12C shall be prohibited. Furthermore, no bank or off-track betting establishment shall occupy more than 30 feet of frontage at the ground floor of any #development# along the #street line# of Fulton Street. Any establishment which fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.

(b) Atlantic Avenue Subdistrict

Automotive service stations are not permitted. No bank, loan office, business or professional office or individual use in Use Group 9 shall occupy more than 50 feet of linear frontage on Atlantic Avenue. Moving and storage uses in Use Group 7 are permitted on the ground floor of a #building# only if such #use# is located at least 50 feet from the front wall of the #building# in which the #use# is located. Any new #development# or #enlargement# on a #zoning lot# of 3,500 square feet or more shall have a minimum of 50 percent of the ground #floor area# of the #building# devoted to permitted #commercial uses# in Use Group 6, 7 or 9, except that this requirement shall not apply to any new #development# or #enlargement# occupied entirely by #community facility use#.

In any #development# or #enlargement# within the Atlantic Avenue Subdistrict, the provisions of Section 32-421 (Limitation on floors occupied by non-residential uses) restricting the location of non-#residential uses# listed in Use Groups 6, 7, 8, 9 or 14 to below the level of the first #story# ceiling in any #building# occupied on one of its upper stories by #residential# or #community facility uses#, shall not apply. In lieu thereof, such non-#residential uses# shall not be located above the level of the second #story# ceiling.

## **101-12**

### **Transparency Requirements**

Map 3 in Appendix E (Ground Floor Transparency Requirements) specifies locations where the following transparency requirements apply:

For any new #development# or #enlargement#, each ground floor #street wall# shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. Where such glazed area is required to occupy at least 70 percent of the area of the ground floor #street wall#, up to 20 percent of the area of the ground floor #street wall# may be glazed with translucent materials. #Show windows# shall have a sill height not more than 2 feet, six inches above #curb level#.

For all locations specified on Map 3, security gates installed after (the effective date of this amendment) that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit

visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

### **101-13**

#### **Sign Regulations**

*(new text. Sign regulations for Fulton Mall and Atlantic Avenue remain unchanged except that banners and 2-faced signs as per 101-131 will be permitted throughout Downtown Brooklyn)*

In the #Special Downtown Brooklyn District#, except as modified by the provisions of Section 101-131, the regulations of Section 32-60, et. seq., pertaining to #signs#, shall apply. Further regulations for the Fulton Mall Subdistrict and the Atlantic Avenue Subdistrict are set forth in Section 101-60, inclusive, and Section 101-70, inclusive.

### **101-131**

#### **Permitted projection**

The provisions of Section 32-652 (Permitted projection in all other Commercial Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

No permitted #sign# shall project across a #street line# more than 12 inches, except as provided below.

Banners for theaters may project across a #street line# for a maximum distance of four feet, provided such banners are separated at least 25 feet apart, and further provided that such banners are located between 12 feet and 40 feet above #curb level# .

For each establishment located on the ground floor, #non-illuminated# double-faced #signs# may project perpendicularly across a #street line# for a maximum distance of 40 inches, provided that: no more than two such #signs#, separated at least 25 feet apart, are permitted along each #street# on which such establishment fronts, and further provided that any such #sign# shall not exceed a surface area of 24 by 36 inches, and shall not be located above the sill level of the second #story# windows.

### **101-20**

#### **SPECIAL BULK REGULATIONS**

*(delete Sections 101-12, 101-13, 101-131, 101-132, 101-133, 101-134, 101-14 and 101-15. Sections 101-21 through 101-223 are new text).*

### **101-21**

#### **Special Floor Area and Lot Coverage Regulations**

R7-1 C5-4 C6-1 C6-4.5

(a) In R7-1 Districts

In R7-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Sections 23-142, 23-143 and 23-

144 shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 4.0, except that for #non-profit residences for the elderly# the maximum #floor area ratio# shall be 5.01. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #non-profit residences for the elderly# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 80 percent.

(b) In C6-1 Districts

In C6-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Sections 23-142, 23-143 and 23-144 shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 3.44, except that for #non-profit residences for the elderly# the maximum #floor area ratio# shall be 5.01. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #non-profit residences for the elderly# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 80 percent. For #buildings developed# or #enlarged# pursuant to the Quality Housing Program, the underlying #floor area ratio# and #lot coverage# regulations shall apply.

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted.

## **101-211**

### **Special Permit for Subway Station Improvements**

Within the Special Downtown Brooklyn District, the City Planning Commission may grant, by special permit, a #floor area# bonus for #buildings# that provide subway station improvements, pursuant to the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in commercial zones of 10 FAR and above in Manhattan).

The total additional #floor area# permitted on the #zoning lot# shall not exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations.

For the purposes of the Special District, the #zoning lot# for the development# or #enlargement# that will receive the #floor area# bonus shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway.

The subway stations where such improvements are permitted are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E.



<u>Station</u>	<u>Line</u>
<u>Borough Hall</u>	<u>Broadway-7th Ave IRT</u>
<u>Court Street</u>	<u>Broadway BMT</u>
<u>Dekalb Avenue</u>	<u>6<sup>th</sup> Ave IND/ Broadway BMT</u>
<u>Hoyt Street</u>	<u>Broadway-7th Ave/ Lexington Ave</u>
	<u>IRT</u>
<u>Hoyt-Schermerhorn Street</u>	<u>8<sup>th</sup> Ave IND, Brooklyn-Queens IND</u>
<u>Jay St Borough Hall</u>	<u>6<sup>th</sup> Ave IND/ 8<sup>th</sup> Ave IND</u>
<u>Lawrence Street</u>	<u>Broadway BMT</u>
<u>Nevins Street</u>	<u>Broadway-7th Ave IRT/ Lexington</u>
	<u>Ave IRT</u>
<u>Pacific Street</u>	<u>Broadway BMT</u>

## **101-22**

### **Special Height and Setback Regulations**

The provisions of Section 101-221 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District.

In R7-1, C5-4, C6-1, and C6-4 Districts, except C6-1A Districts, the underlying height and setback regulations shall not apply. In lieu thereof, all #developments# or #enlargements# shall comply with the provisions of Section 101-222 (Standard height and setback regulations), or, as an option where applicable, Section 101-223 (Tower regulations). #Developments# or #enlargements# within the **Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas** shall comply with the provisions of Section 101-30 (SPECIAL REGULATIONS WITHIN [THE SCHERMERHORN STREET] HEIGHT LIMITATION AREA**S**). However, the underlying height and setback regulations shall apply to any #building developed# or #enlarged# pursuant to the Quality Housing Program, except that the Quality Housing Program shall not be applicable within any R7-1 District mapped within a C2-4 District.

## **101-221**

### **Permitted Obstructions**

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosures) may penetrate a maximum height limit provided the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage, or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

## **101-222**

**Standard height and setback regulations****R7-1 C5-4 C6-1 C6-4**

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum building height set forth in the following table. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

**MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS**  
**IN C2-4/R7-1, C5-4, C6-1 AND C6-4 DISTRICTS**

District	<u>Maximum Base Height</u>		<u>Maximum Building Height</u>	
	Beyond 100 feet of	Within 100 feet of	Beyond 100 feet of	Within 100 feet of
	<u>#wide street#</u>	<u>#wide street#</u>	<u>#wide street#</u>	<u>#wide street#</u>
<u>C2-4/R7-1</u>	<u>85</u>	<u>85</u>	<u>160</u>	<u>160</u>
<u>C6-1 C5-4</u>	<u>125</u>	<u>150</u>	<u>185</u>	<u>210</u>
<u>C6-4</u>				
<u>C6-4.5</u>	<u>125</u>	<u>150</u>	<u>250</u>	<u>250</u>

**101-223****Tower regulations****C5-4 C6-1 C6-4**

In the districts indicated, except C6-1A Districts, the provisions of this Section shall apply as an alternative to the provision of 101-222 (Standard height and setback regulations).

**(a) Setback requirements for residential towers**

For #developments# or #enlargements# that contain #residential floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet. Such portions of #buildings# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

**(b) Setback requirements for commercial or community facility towers**

For #developments# or #enlargements# that contain #commercial# or #community facility floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet. For #zoning lots# that do not exceed a #lot area# of 15,000 square feet, such portions of #buildings# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#. For #zoning lots# that exceed an area of 15,000 square feet, such portions shall be set back at least 20 feet from any #street line#.

However, setbacks shall not be required for any portion of a #building# fronting upon the south side of Willoughby Street between Gold Street and Flatbush Avenue Extension, or

upon that portion of Flatbush Avenue Extension between Willoughby Street and DeKalb Avenue within 250 feet of Willoughby Street.

(c) Lot coverage requirements for towers

All #developments# or #enlargements#, or portions thereof, shall have a maximum #lot coverage# of 65 percent of the #lot area# of the #zoning lot# above a height of 150 feet, up to a height of 300 feet. Above a height of 300 feet, all #developments# or #enlargements#, or portions thereof, shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#. However, any #development# or #enlargement# containing #residential floor area# shall have, above a height of 150 feet, a maximum #lot coverage# of 40 percent of the #lot area# of the #zoning lot#, or, for #zoning lots# less than 20,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

<u>Area of #Zoning Lot# (in sq ft)</u>	<u>Maximum Percentage of #Lot Coverage#</u>
<u>10,500 or less</u>	<u>50</u>
<u>10,501 to 11,500</u>	<u>49</u>
<u>11,501 to 12,500</u>	<u>48</u>
<u>12,501 to 13,500</u>	<u>47</u>
<u>13,501 to 14,500</u>	<u>46</u>
<u>14,501 to 15,500</u>	<u>45</u>
<u>15,501 to 16,500</u>	<u>44</u>
<u>16,501 to 17,500</u>	<u>43</u>
<u>17,501 to 18,500</u>	<u>42</u>
<u>18,501 to 19,999</u>	<u>41</u>

(d) Maximum building height

In C6-1 Districts, the maximum height of a #building or other structure developed# or #enlarged# pursuant to this Section 101-223 shall be 495 feet. No height limit shall apply within a C5-4 or C6-4 District.

**101-30**

**SPECIAL PROVISIONS [FOR SCHERMERHORN STREET] WITHIN HEIGHT LIMITATION AREAS**

The provisions of this Section shall apply within the **Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas**, as shown on Map 7 in Appendix E of this Chapter.

**(a) Flatbush Avenue Extension Height Limitation Area**

**Within the Flatbush Avenue Extension Height Limitation Area, no #building or other structure# shall exceed a height of 400 feet.**

**(b) Schermerhorn Street Height Limitation Area**

**Within the Schermerhorn Street Height Limitation Area, the provisions of this paragraph (b) shall apply:**

**[(a)](1) Urban plaza prohibition**

No #urban plazas# shall be permitted within Area B.

**[(b)](2)** Height and setback regulations

The tower provisions of Section 101-223 shall not apply. The standard height and setback regulations of Section 101-222 shall apply within Area A, and are modified to limit maximum #building# height to 140 feet within Area B, and to permit a maximum #building# height of 250 feet within Area C. For #buildings developed# or #enlarged# pursuant to the Quality Housing Program, the underlying height and setback regulations shall apply, except that the maximum height of a #building# shall be as specified on Map 7, or as specified pursuant to the Quality Housing Program, whichever is less.

**[(c)](3)** Rear yard modification

The provisions of Section 23-533 (Required rear yard equivalents) shall not apply to any #through lot#. In lieu thereof, an open area with a minimum depth of 60 feet, midway, or within 10 feet of being midway between the two #street lines# upon which such #through lot# fronts, shall be provided. Such #rear yard# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

**101-40**  
**MANDATORY DISTRICT PLAN ELEMENTS**

**101-41**  
**Special Street Wall Location Regulations**

Map 4 in Appendix E of this Chapter (Street Wall Continuity and Mandatory Sidewalk Widening) specifies locations where the special #street wall# location regulations of this Section apply. However, such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

**(a) Fulton Mall Subdistrict**

Within the Fulton Mall Subdistrict, the #street wall# of any #building# shall be located on the #street line# and shall extend along the full length of the #street line# for that portion of the #development# within the subdistrict, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. Such required #street walls# shall extend to a minimum height of 60 feet above

#curb level# or the height of the #building#, whichever is less, and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Section 101-222 (Standard height and setback regulations) or 101-223 (Tower regulations) shall apply.

(b) Atlantic Avenue Subdistrict

Within the Atlantic Avenue Subdistrict, the underlying height and setback regulations shall apply, except that the front wall of any #development# or #enlargement# shall be coincident with the #street line# for a minimum height of 16 feet above #curb level#, and, in a C2-4 District mapped within an R6A District, a maximum height of 50 feet above #curb level#, or, in a C2-4 District mapped within an R7A District, a maximum height of 60 feet above #curb level#.

(c) Willoughby Square

For #developments# or #enlargements# fronting upon Willoughby Square, at least 70 percent of the #streetwall# of that portion of the #building# fronting upon Willoughby Square shall be located on the #streetline# and extend to a minimum height of 80 feet and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Section 101-223 (Tower regulations) shall apply.

(d) All other areas

On all other #streets# shown on Map 4, at least 70 percent of the #aggregate width of #street walls# of any #development# or #enlargement# shall be located within eight feet of the #street line# and extend to at least a height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less.

## **101-42**

### **Mandatory Sidewalk Widening**

Map 4 in Appendix E of this Chapter (Street Wall Continuity and Mandatory Sidewalk Widening) specifies locations where the sidewalk widening regulations of this Section apply. Such regulations shall apply to all #developments#, and to those #enlargements# where the #enlarged# portion of the #building# contains a #floor area ratio# of 3.0 or more.

All #buildings# that front upon the southerly #street line# of Willoughby Street between Adams Street and Flatbush Avenue Extension shall provide a five foot deep sidewalk widening along the full frontage of the #zoning lot# along Willoughby Street. Such sidewalk widening shall be improved as sidewalks to Department of Transportation standards, be at the same level as the adjoining public sidewalk, and be accessible to the public at all times. For the purposes of applying the height and setback regulations of Section 101-22, inclusive, and the #street wall# location requirements of Section 101-41, the sidewalk widening line shall be considered to be the #street line#.

## **101-43**

## **Street Tree Planting Requirements**

Map 6 in Appendix E of this Chapter (Street Tree Planting) specifies #streets# where the tree planting requirements of this Section shall apply:

All #buildings# located on the #streets# specified on such map shall provide and maintain trees of not less than four-inch caliper, at the time of planting, in the sidewalk adjacent to the #zoning lot#. Such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#. Such trees shall be planted at maximum intervals of 25 feet and at a distance from the curb consistent with existing tree plantings, except where the Commissioner of Parks determines that such tree planting would be infeasible. These trees shall be provided with metal guards in accordance with Department of Parks and Recreation guidelines.

### **101-44**

#### **Off-Street Relocation or Renovation of a Subway Stair**

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair).

The subway stations where such improvements are required are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E.

<u>Station</u>	<u>Line</u>
<u>Borough Hall</u>	<u>Broadway-7th Ave IRT</u>
<u>Court Street</u>	<u>Broadway BMT</u>
<u>Dekalb Avenue</u>	<u>6<sup>th</sup> Ave IND/ Broadway BMT</u>
<u>Hoyt Street</u>	<u>Broadway-7th Ave/ Lexington Ave</u>
	<u>IRT</u>
<u>Hoyt-Schermerhorn Street</u>	<u>8<sup>th</sup> Ave IND, Brooklyn-Queens IND</u>
<u>Jay St Borough Hall</u>	<u>6<sup>th</sup> Ave IND/ 8<sup>th</sup> Ave IND</u>
<u>Lawrence Street</u>	<u>Broadway BMT</u>
<u>Nevins Street</u>	<u>Broadway-7th Ave IRT/Lexington Ave IRT</u>
<u>Pacific Street</u>	<u>Broadway BMT</u>

### **101-45**

#### **Indoor Bicycle Parking**

##### **C6-1 C6-5 C6-4**

In the districts indicated, a designated area for bicycle parking shall be provided for commercial #developments# or #enlargements# with a minimum #floor area ratio# of 5.0. Such designated area shall be provided at a ratio of one square foot per 1,000 square feet of #floor area#, but in no event shall more than 400

square feet be required. Such facility shall be enclosed, accessible and secure. Up to 25 percent of the designated bicycle parking area may be used for #accessory# facilities.

## **101-16 101-50**

### **OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS**

#### **101-51**

##### **Parking Requirements in R7-1 Districts**

In R7-1 Districts, the provisions of Article 2 Chapter 5 (ACCESSORY OFF-STREET PARKING AND LOADING FACILITIES) shall apply, except that Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-#street# parking spaces for at least 50 percent of the total number of new #dwelling units#.

#### **101-52**

##### **Curb Cut Restrictions**

*(Existing Section 101-16)*

Along the #streets# specified on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter, no curb cuts for parking facilities or loading berths shall be permitted. However, the City Planning Commission may, by authorization, permit a curb cut on a #street# specified on Map 5 in Appendix E, for parking facilities and loading berths on a #zoning lot# that does not have access or egress on another #street#, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan.

#### **101-17**

##### **Street Tree Planing Regulations**

*(Move to Section 101-43)*

#### **101-20 101-60**

### **FULTON MALL SUBDISTRICT**

#### **101-201 101-601**

##### **General Purposes of the Fulton Mall Subdistrict**

\* \* \*

#### **101-202 101-602**

##### **General Provisions for the Fulton Mall Subdistrict**

Within the Fulton Mall Subdistrict, any change of #use# to another #use# listed in the same or another Use Group shall be subject to the special #use# regulations of Section ~~101-21~~, inclusive, ~~101-10~~, the special #sign# regulations of Section ~~101-22~~, 101-61, inclusive, and the special ~~storefront~~ transparency provisions of Section

~~101-241~~ 101-12.

On application, the City Planning Commission may authorize minor modifications of the regulations of Sections ~~101-22, inclusive,~~ 101-61, inclusive, Section 101-12, and ~~101-24~~ 101-62, inclusive, governing ~~#signs#~~, transparency and facades within the Fulton Mall Subdistrict, upon the Commission's finding that the proposed modifications are in conformity with the principles of good design and are not inconsistent with the purposes of this Chapter.

*(Delete Sections 101-21 (Special Use Regulations for the Fulton Mall Subdistrict), Section 101-210 (Ground floor use restrictions), Section 101-211 (Use Group FM), and Section 101-212 (Restrictions on frontage and location)).*

## **~~101-22~~ 101-61** **Special Sign Regulations for the Fulton Mall Subdistrict**

Any erection of a new ~~#sign#~~, or alteration (including a change in graphic representation on an existing ~~#sign#~~), reconstruction or replacement of an existing ~~#sign#~~, shall be subject to the special ~~#sign#~~ regulations of this Section, inclusive.

### **~~101-221~~ 101-611** **Area of permitted signs**

Except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), All permitted #signs# in the Fulton Mall Subdistrict shall be subject to the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions), this Section ~~101-222~~ 101-611 and 101-612 (Sign band) and this Section.

### **~~101-222~~ 101-612** **Sign band**

\* \* \*

### **~~101-223~~ 101-613** **Special sign content regulations**

\* \* \*

### **~~101-224~~** **Permitted projection of signs**

~~Except as otherwise permitted in Section 32-653 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 12 inches. Double or multifaced #signs# are not permitted.~~

### **~~101-225~~ 101-614** **Sign illuminations**



\* \* \*

**~~101-226~~ 101-615**  
**Temporary signs**

\* \* \*

**~~101-227~~ 101-616**  
**Removal of existing signs with change of use**

\* \* \*

**~~101-228~~ 101-617**  
**"For sale" or "for rent" signs**

\* \* \*

**~~101-229~~ 101-618**  
**Termination of certain non-conforming signs**

\* \* \*

**101-62**  
**Special Bulk Regulations**

**~~101-231~~**  
**~~Mandatory street wall~~**  
*(Delete entire Section; incorporated into paragraph (a)(1) of Section 101-23)*

**~~101-24~~ 101-621**  
**Special Regulations Concerning Building Facades**

\* \* \*

**~~101-242~~ 101-622**  
**Special provisions for building facades above the ground floor**

\* \* \*

**~~101-25~~ 101-63**  
**Modification of Accessory Off-Street Parking and Loading Requirements**

**~~101-251~~ 101-631**  
**Restricted access and prohibition on curb cuts**

\* \* \*

**~~101-252~~ 191-632**

**Waiver of off-street parking and loading requirements**

The Commissioner of Buildings may waive any requirement in this Chapter that #accessory# off-street parking or loading berths be provided where the Commissioner finds that the required parking or loading cannot be provided consistent with Section ~~101-251~~.101-631.

**~~101-30~~ 101-70**

**ATLANTIC AVENUE SUBDISTRICT**

**~~103-301~~ 103-701**

**General purposes**

\* \* \*

**~~101-302~~ 101-702**

**Definitions specific to the Atlantic Avenue Subdistrict**

\* \* \*

**~~101-303~~**

**~~General provisions for the Atlantic Avenue Subdsitriet~~**

*(Move text to Section 101-744)*

**~~101-32~~ 101-71**

**Sign Regulations**

\* \* \*

**~~101-321~~ 101-711**

**Total surface area of signs**

The total #surface area# and number of all permitted #signs#, including non-#illuminated# and #illuminated signs#, shall not exceed the limitations set forth for non-#illuminated signs# in Section ~~101-322~~ 101-712 (Area of non-illuminated signs).

**~~101-322~~ 101-712**

**Area of non-illuminated signs**

The total #surface area# (in square feet) of non-#illuminated signs# on a #zoning lot# shall not exceed three times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 150 square feet for #interior# or #through lots# or 150 square feet on each frontage for #corner lots#. Each commercial establishment shall be permitted not more than one #sign#. The vertical dimension of any #sign# shall not exceed 3 feet, 0 inches. The provisions of this Section shall not apply to projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection)

**~~101-323~~ 101-713**

**Area of illuminated signs**

\* \* \*

**~~101-324~~ 101-714**

**Permanent window graphics**

\* \* \*

**~~101-325~~ 101-715**

**Location of signs**

If more than one #commercial# establishment is located on the same floor of a #building#, the #signs accessory# to all such establishments, except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), shall be of equal height and mounted or painted on a common #sign# board. All #signs# or common #sign# boards shall be located as follows:

\* \* \*

**~~101-326~~ 101-716**

**Sign materials and colors**

\* \* \*

**~~101-33~~ 101-72**

**Modification of Bulk Regulations**

**~~101-331~~ 101-721**

**Height and setback**

\* \* \*

**~~101-34~~ 101-73**

**Special Provisions**

### **~~101-341~~ 101-731**

#### **Special provisions for certain existing buildings**

Any alteration, #incidental alteration# or minor work (including any change in, addition to or removal from the parts or materials of a #building#, including finishes) done to the front wall of any #building# of the #specified building type# shall comply with the following standards:

- (a) Alteration or reconstruction of storefronts shall comply with the provisions of Section ~~101-344~~ 101-734 (Special provisions for storefronts).

\* \* \*

- (c) Front walls which are replaced shall have windows at each floor, the area of which shall comply with the provisions of Section ~~101-343~~ 101-733 (Special provisions for new development and enlargement). Such windows shall have stone or precast lintels and sills having a minimum height of six inches and extending at least four inches beyond the window opening on either side. Existing window openings above the ground floor may not be reduced in size but may be completely sealed if the window area provisions of Section ~~101-343~~ 101-733 are met. Such openings shall be completely sealed with masonry recessed at least two inches behind the wall and finished to match the wall. New windows shall be double-hung, fixed or casement sash finished in an approved manner, as indicated in Appendix D of this Chapter.
- (d) No existing cornice shall be removed unless required by the Department of Buildings. A cornice which must be removed shall be replaced by a new cornice having the same height, length and projection beyond the surface of the wall and finished in an approved color, as indicated in Appendix D of this Chapter.

### **~~101-342~~ 101-732**

#### **Special provisions for other existing buildings**

Any alteration, #incidental alteration# or minor work done to the front wall of any #building# not of the #specified building type#, shall comply with the following standards:

- (a) alteration or replacement of storefronts shall comply with the provisions of Section ~~101-344~~ 101-734 (Special provisions for storefronts); and
- (b) alteration or replacement of front walls shall comply with the provisions of Sections ~~101-331~~ 101-721 (Height and setback) and ~~101-343~~ 101-733 (Special provisions for new development and enlargement).

### **~~101-343~~ 101-733**

#### **Special provisions for new development and enlargement**

The front wall of any new #development# or #enlargement# shall be built to comply with the following standards:

- (a) The front wall shall extend along the full length of the Atlantic Avenue #street line#. It may be interrupted at the ground level by entrances or exits for off-street parking or loading spaces permitted

under the provisions of Section 101-311 (Restricted and special permit uses), pursuant to Section 101-744 (Special permit for public parking garages or public parking lots).

Front wall recesses are permitted for architectural purposes provided that the aggregate length at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed three feet. No recesses are permitted within 20 feet of the intersections of two #street lines# forming an angle of 100 degrees or less.

- (b) ~~Windows or glazed doors shall occupy at least 45 percent of that area of the ground floor wall not occupied by storefronts. (For the purposes of calculation, the height of the ground floor wall shall be measured between #curb level# and the ground floor ceiling).~~
- (e)(b) Windows shall occupy at least 35 percent of the wall area at the level of any #story# above the ground floor. (For the purposes of calculation, the wall height at any #story# shall be measured between the floor and ceiling of that #story#).
- (d)(c) Window and door framing trim shall be finished in an approved color as indicated in Appendix D.

#### **101-344 101-734**

##### **Special provisions for storefronts**

No storefront of the #specified storefront type# shall be demolished unless its demolition is required by the Department of Buildings. Reconstruction or repair of storefronts of the #specified storefront type# shall be done in such a manner as to retain or restore the original design and materials, except that plate glass may be replaced by transparent plastic. Such storefronts shall be finished in an approved manner, as indicated in Appendix D of this Chapter.

In addition to the transparency requirements of Section 101-12, new storefronts installed in any existing or new #building# shall comply with the following standards:

- (a) A store front installed in a #building# of the #specified building type# shall occupy at least the same area of the front wall as the original storefront. A storefront installed in any other #building# shall occupy the entire frontage of the front wall devoted to #commercial uses#.
- (b) ~~A minimum of 50 percent of the storefront area shall be glazed with transparent materials and may include #show windows#, glazed transoms or glazed portions of doors. The storefront area shall be measured horizontally between the outermost framing elements and vertically between #curb level# and the bottom of any cornice or fascia. #Show windows# shall have a sill height of not more than 2 feet, 6 inches above #curb level# and a total height of not less than 10 feet, 0 inches above #curb level#.~~
- (e)(b) Storefront entrance doors shall be set back a minimum of 2 feet, 0 inches behind the vertical surface of the #show windows#. A minimum of 50 percent of the door area shall be transparent glazed.
- (d)(c) In the case of existing #buildings#, no existing cornice above a storefront shall be demolished unless required by the Department of Buildings. A cornice which is removed shall be replaced by a cornice having the same length, height and projection beyond the surface of the front wall. In any #building# of the #specified building type# where the original cornice above the storefront has been previously

removed, any new storefront shall incorporate a cornice or fascia extending the full length of the store front and having a minimum height of 2 feet, 0 inches.

(e) ~~If rolling security doors or grilles are installed, they shall be incorporated into the storefront in such a manner that no part of the door or grille or its enclosure or operating mechanism projects more than 10 inches beyond the surface of the #show windows#.~~

(f)(d) All framing elements, trim elements, doors, etc. of the storefront shall be finished in an approved manner, as indicated in Appendix D.

(g)(e) Any awning or canopy attached to a #building# with a storefront which incorporates a cornice shall be attached in such manner as not to obscure or cover the cornice.

## **101-35 101-74**

### **Modification of Accessory Off-Street Parking and Loading Requirements**

#### **~~101-351~~ 101-741**

##### **Accessory off-street parking**

\* \* \*

#### **~~101-353~~ 101-742**

##### **Screening**

\* \* \*

#### **~~101-352~~ 101-743**

##### **Accessory off-street loading**

\* \* \*

#### **~~101-311~~ 101-744**

##### **~~Restricted and special permit uses~~**

##### **Special permit for public parking garages or public parking lots**

The City Planning Commission may grant a special permit for #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Location of Access to the Street), 36-55 (Surfacing) and ~~104-073~~ 36-56 (Screening), are met and that no roof parking is permitted. The Commission may permit floor space on one or more #stories#, and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

\* \* \*

#### **101-36 101-75**

##### **Special Provisions for Demolition of Buildings**

\* \* \*

## **APPENDIX A**

### **Atlantic Avenue Subdistrict: Buildings Conforming to the Specified Building Type**

The following list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that conform to the definition of #specified building type# contained in Section ~~101-302~~ 101-702.

\* \* \*

## **APPENDIX B**

### **Atlantic Avenue Subdistrict: Storefronts Conforming to the Specified Storefront Type**

The following list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# which contain storefronts conforming to the definition of #specified storefront type# contained in Section ~~101-302~~ 101-702.

\* \* \*

## **APPENDIX C**

### **Atlantic Avenue Subdistrict: Permitted Wall Finishes for Street Walls**

\* \* \*

## **APPENDIX D**

### **Atlantic Avenue Subdistrict: Permitted Trim Finishes (for storefronts, cornices, window sash, shutters or trim)**

\* \* \*

## **APPENDIX E Special Downtown Brooklyn District Maps**

Adopted.

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

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The



City of New York on June 28, 2004, on file in this office.

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