



Legislation Text

File #: Res 1890-2021, Version: *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1890

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210423 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 919).

By Council Members Salamanca and Moya

WHEREAS, New York City Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special SoHo-NoHo Mixed Use District (Article XIV, Chapter 3) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections, which in conjunction with the related action would facilitate land use changes for a 56-block area to implement the SoHo/NoHo Neighborhood Plan in Manhattan, Community District 2 (Application No. N 210423 ZRM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 22, 2021, its decision dated October 20, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 210422 ZMM (L.U. No. 918), a zoning map amendment to change M1-5A and M1-5B districts to M1-5/R7X, M1-5/R9X, M1-6/R10 districts and establish the Special SoHo-NoHo Mixed Use District;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 9, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued October 28, 2020 (CEQR No. 21DCP059M). Significant adverse impacts related to hazardous materials, air quality and noise would be avoided through the placement of (E) designations (E-619) on selected projected and potential development sites as specified in Chapters 10, 15 and 17, respectively of the Final Environmental Impact Statement (FEIS). The FEIS determined that the proposed actions would have identified significant adverse impacts, which along with proposed mitigation measures, are summarized in Chapter 21, “Mitigation” of the FEIS. The Council has also considered the Technical Memorandum dated ___;

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. Consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

The Decision, together with the FEIS and Technical Memorandum 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, and based on the environmental determination and consideration described in the report, N 210423 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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.

Matter double struck out is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

ARTICLE I

GENERAL PROVISIONS

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

* * *

11-10

ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS AND INCORPORATION OF MAPS

* * *

11-12

Establishment of Districts

* * *

11-122

Districts established

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

* * *

Special Purpose Districts

* * *

Establishment of the Special Sheepshead Bay District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 4, the #Special Sheepshead Bay District# is hereby established.

Establishment of the Special SoHo-NoHo Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 3, the #Special SoHo-NoHo Mixed Use District# is hereby established.

Establishment of the Special South Richmond Development District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

* * *

Accessory use, or accessory

An “accessory use”

* * *

- (2) Living or sleeping accommodations for caretakers in connection with any #use# listed in Use Groups 3 through 18 inclusive, provided that:

* * *

- (iv) in C6-2M, C6-4M, M1-5M, M1-6M, ~~M1-5A~~ and M1-5B Districts, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#; and

* * *

Joint living-work quarters for artists

A “joint living-work quarters for artists” consists of one or more #rooms# in a #non-residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

- (a) and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and the #artist’s# household, and including adequate working space reserved for the #artist#, or #artists# residing therein;
- (b) by any household residing therein on September 15, 1986 whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or
- (c) by any person who is entitled to occupancy by any other provision of law.

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections 42-14, paragraph D. (Use Group 17 - Special Uses in ~~M1-5A~~ and M1-5B Districts), 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in ~~M1-5A~~ and M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in ~~M1-5A~~ and M1-5B Districts) and 74-78 (Conversions of Non-residential Floor Area).

* * *

Special Sheepshead Bay District

The “Special Sheepshead Bay District” is a Special Purpose District designated by the letters “SB” in which special regulations set forth in Article IX, Chapter 4, apply.

Special SoHo-NoHo Mixed Use District [date of adoption]

The “Special SoHo-NoHo Mixed Use District” is a Special Purpose District designated by the letters “SNX” in which special regulations set forth in Article XIV, Chapter 3, apply.

Special South Richmond Development District

The “Special South Richmond Development District” is a Special Purpose District designated by the letters “SR” in which special regulations set forth in Article X, Chapter 7, apply.

* * *

Chapter 4

Sidewalk Cafe Regulations

* * *

14-41

Locations Where Certain Sidewalk Cafes Are Not Permitted

No #enclosed# or #unenclosed sidewalk cafes# shall be permitted on any of the following #streets#, portions of #streets# and areas, except that #small sidewalk cafes# may be permitted pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

Citywide:

All #streets# with elevated rail transit lines, unless specifically permitted in Section 14-43.

Manhattan:

All #streets# bounded by 38th Street on the south, 59th Street on the north, Third Avenue on the east and Eighth Avenue on the west

All #streets# within ~~the M1-5A and M1-5B Districts~~ and the #Special SoHo-NoHo Mixed Use District#, south of Houston Street

Bowery - from East Broadway to Canal Street

* * *

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).

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
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* * *

Manhattanville Mixed-Use District	No ³	Yes
SoHo-NoHo Mixed Use District	No	Yes ⁶
Transit Land Use District	Yes	Yes

* * *

⁶ #Unenclosed sidewalk cafes# are not permitted south of Houston Street, except for #small sidewalk cafes# in locations designated in Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted)

* * *

Chapter 5 Residential Conversion within Existing Buildings

* * *

15-01 Applicability

* * *

15-012

Applicability within C6-1G, C6-2G, M1-5A, M1-5B or M1-6D Districts

#Conversions# in #buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, ~~M1-5A~~, M1-5B, M1-5M and M1-6M Districts).

Except as specifically set forth in Sections 15-013 and 15-024, the provisions of this Chapter are not applicable in ~~M1-5A or~~ M1-5B Districts.

In M1-6D Districts, the conversion to #dwelling units# of #non-residential buildings# erected prior to January 1, 1977, or portions thereof, shall be permitted, subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (MINOR MODIFICATIONS), paragraph (b), except as superseded or modified by the provisions of Section 42-481 (Residential use).

* * *

15-02 General Provisions

* * *

15-021

Special use regulations

* * *

(e) In C6-1G and C6-2G Districts, in all #manufacturing# and #commercial buildings# except police

stations, courthouses and fire houses, or portions thereof, erected prior to December 15, 1961, #residential use# shall not be permitted unless the Commission has granted a special permit pursuant to Section 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, ~~M1-5A~~, M1-5B, M1-5M and M1-6M Districts). However, if the Chairperson determines that #floor area# in such #buildings# was occupied for #residential use# on April 1, 1984, such #residential use# shall be permitted to remain and no special permit shall be required, provided that a complete application for determination of occupancy is filed by the owner of the #building# or the occupant of a #dwelling unit# in such #building# not later than April 17, 1985.

* * *

15-50 SPECIAL PERMIT

* * *

15-51

Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021 paragraph (e), or 15-21 in accordance with the provisions of Sections 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, ~~M1-5A~~, M1-5B, M1-5M and M1-6M Districts).

* * *

ARTICLE II RESIDENCE DISTRICT REGULATIONS

Chapter 3 Residential Bulk Regulations in Residence Districts

* * *

23-03 Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

- (a) #developments#, or #enlargements# that increase the #floor area# on a #zoning lot# by 20 percent or more. However, #street# trees shall not be required for #enlargements# of #single-# or #two-family residences#, except as provided in paragraphs (b) and (c) of this Section;
- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

* * *

#Special Ocean Parkway District# ;

#Special SoHo-NoHo Mixed Use District# ;

#Special South Richmond Development District# ;

* * *

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 1

Statement of Legislative Intent

* * *

41-10

PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

* * *

41-11

M1 Light Manufacturing Districts (High Performance)

These districts are designed for a wide range of manufacturing and related uses which can conform to a high level of performance standards. Manufacturing establishments of this type, within completely enclosed buildings, provide a buffer between Residence (or Commercial) Districts and other industrial uses which involve more objectionable influences. New residences are excluded from these districts, except for:

- (a) joint living-work quarters for artists in M1-5A and M1-5B Districts;
- (b) dwelling units in M1-5M and M1-6M Districts;

* * *

Chapter 2

Use Regulations

* * *

42-10

USES PERMITTED AS-OF-RIGHT

* * *

42-11

Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B

* * *

42-111

Special provisions for hotels in M1 Districts

In M1 Districts, #transient hotels# shall be permitted only as set forth in this Section. The City Planning Commission may permit transient hotels in an M1 District pursuant to a special permit set forth in another Section of this Resolution, or pursuant to Section 74-803 (Transient hotels within M1 Districts), as applicable.

* * *

(c) Within ~~M1-5A and~~ M1-5B Districts

Within an ~~M1-5A or~~ M1-5B District, a special permit pursuant to Section 74-803 shall be required in conjunction with a special permit pursuant to Section 74-781 (Modifications by special permit of the City Planning Commission of uses in ~~M1-5A and~~ M1-5B Districts) except that a permit pursuant to Section 74-781 shall not be required for a #transient hotel# located above the ground floor level, where the #floor area# used for such #use# on the ground floor does not exceed an amount minimally necessary to access and service such #transient hotel#.

* * *

42-13

Use Groups 6C, 9A and 12B

* * *

42-131

~~M1-5A and~~ M1-5B Districts

M1-5A M1-5B

The regulations governing M1 Districts shall apply in ~~M1-5A and~~ M1-5B Districts except where the special #use# regulations set forth in Section 42-14, paragraph D. (Special Uses in ~~M1-5A and~~ M1-5B Districts) provide otherwise.

* * *

42-14

Use Group 17

M1 M2 M3

* * *

D. Special #uses# in ~~M1-5A and~~ M1-5B Districts

~~M1-5A~~ M1-5B

- (1) #Joint living-work quarters for artists# in #buildings# in ~~M1-5A and~~ M1-5B Districts, provided:
 - (a) Such #building# was erected prior to December 15, 1961.
 - (b) The #lot coverage# of such #building# does not exceed 5,000 square feet except that in #buildings# with frontage along Broadway the #lot coverage# shall not exceed 3,600 square feet. However, such quarters may also be located in a #building# occupying more than 5,000 square feet of #lot area# if the entire #building# was held in cooperative ownership by #artists# on September 15, 1970. #Joint living-work quarters for artists# are permitted in other #buildings or other structures# only by special permit of the City Planning Commission pursuant to Section 74-782, by minor modification of the

Chairperson of the City Planning Commission pursuant to Section 42-141 (Modification by certification of the Chairperson of the City Planning Commission of uses in ~~M1-5A~~ and M1-5B Districts), paragraph (e), or by authorization of the City Planning Commission pursuant to Section 42-142 (Modification by authorization of the City Planning Commission of use regulations in ~~M1-5A~~ and M1-5B Districts).

- (c) In M1-5B Districts in #buildings# occupying less than 3,600 square feet of #lot area#, #joint living-work quarters for artists# may not be located below the floor level of the second #story# unless modified by the Chairperson of the City Planning Commission pursuant to Section 42-141, Section 74-781 (Modification by special permit of the City Planning Commission of uses in ~~M1-5A~~ and M1-5B Districts), or by authorization of the City Planning Commission pursuant to Section 42-142.

* * *

- (2) #Commercial# and #manufacturing uses# below the floor level of the second #story# provided,

(a) ~~In M1-5A Districts, in #buildings# occupying more than 3,600 square feet of #lot area#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings#, unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 or 74-781;~~

(b) in M1-5B Districts, in any #buildings#, only #uses# listed in Use Groups 7, 9, 11, 16, 17A, 17B, 17C or 17E shall be allowed below the floor level of the second #story# of such #buildings# unless modified by the Chairperson of the City Planning Commission, pursuant to Sections 42-141 <<https://zr.planning.nyc.gov/article-iv/chapter-2>> or 74-781 <<https://zr.planning.nyc.gov/article-vii/chapter-4>>;

- (3) In addition to the above restrictions, the following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in ~~M1-5A~~ or M1-5B Districts:

* * *

- (4) (a) Any #use# which became #non-conforming# after April 27, 1976, shall be governed by Article V (Non-Conforming Uses and Non-Complying Buildings), except that in ~~M1-5A~~ and M1-5B Districts, Section 52-37 is hereby suspended and replaced by paragraph D.(4)(b) of this Section.

(b) In ~~M1-5A~~ and M1-5B Districts, any #non-conforming use# listed in Use Groups 5, 6, 8, 10, 12, 13, 14 or 15 may be changed, initially or in any subsequent change, only to a conforming #use# or a #use# listed in Use Group 6.

* * *

- (5) Museums or non-commercial art galleries, subject to the #bulk# regulations applicable for #manufacturing uses#, and subject to the provisions of this Section.

(a) ~~As of right~~

In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of paragraphs D.(2) or D.(4) of this Section and, above the ground floor where #joint living-work

quarters for artists# are permitted, pursuant to paragraph D.(1) of this Section.

(b) ~~By authorization of the City Planning Commission~~

~~In an M1-5A District, the City Planning Commission may authorize a museum or non-commercial art gallery where it is not permitted as of right, provided that the Commission finds that:~~

- ~~(i) the #use# of such space as a museum or non-commercial art gallery will not harm #manufacturing uses# in the M1-5A District or the industrial sector of the City's economy;~~
- ~~(ii) any commercial or manufacturing tenants in such space were given the opportunity by the owner or predecessors in title to remain in the space at fair market rentals, and the property owners or predecessors in title did not cause the vacating of the space through harassment, non-renewal of leases, or the charging of rents in excess of the then fair market value; and~~
- ~~(iii) any such museum or non-commercial art gallery will be supportive of the local art industry.~~

~~The Commission may set such conditions on the grant of an authorization to allow such #uses# as it deems necessary to protect #manufacturing uses# or the industrial sector of the City's economy. In no case shall such museum or non-commercial art gallery occupy more than 65,000 square feet of #floor area#.~~

* * *

42-141

Modification by certification of the Chairperson of the City Planning Commission of uses in M1-5A and M1-5B Districts

~~In M1-5A and M1-5B Districts, the requirements of paragraphs D.(1)(b), D.(1)(c), D.(1)(d) and D.(1)(e) or D. (2) of Section 42-14 (Use Group 17) may be modified by certification of the Chairperson of the City Planning Commission as provided in this Section. A copy of any request for modification under this Section shall be sent by the applicant to the applicable Community Board at least 20 days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 31 days of such notification.~~

* * *

42-142

Modification by authorization of the City Planning Commission of use regulations in M1-5A and M1-5B Districts

~~In M1-5A and M1-5B Districts, the requirements of Section 42-14 (Use Group 17), paragraphs D.(1)(b), (c), and (d), may be modified by authorization of the City Planning Commission, provided that:~~

* * *

42-30

USES PERMITTED BY SPECIAL PERMIT

* * *

42-31

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

* * *

M1-5A M1-5B

Eating and drinking establishments, with entertainment but not dancing, with a capacity of 200 persons or less [PRC-D]

M1-5A M1-5B M1-5M M1-6M

Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

* * *

42-32

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

* * *

M1

Indoor interactive entertainment facilities with eating and drinking* [PRC-D]

* * *

* In M1-1, ~~M1-5A~~, and M1-5B Districts, and in M1 Districts with a suffix "D," indoor interactive entertainment facilities with eating and drinking are not permitted

* * *

42-50

SIGN REGULATIONS

* * *

42-54

Permitted Projection or Height of Signs

* * *

42-541

Permitted projection

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-542 (Additional regulations for

projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except that:

- (a) in ~~M1-5A~~, M1-5B, M1-5M and M1-6M Districts, for each establishment located on the ground floor, non-#illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, 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 level of the first #story# ceiling.

* * *

Chapter 3

Bulk Regulations

* * *

43-10

FLOOR AREA REGULATIONS

* * *

43-17

Special Provisions for Joint Living-Work Quarters for Artists in ~~M1-5A~~ and M1-5B Districts

M1-5A M1-5B

In the ~~districts~~ district indicated, no #building# containing #joint living-work quarters for artists# shall be #enlarged#.

Mezzanines are allowed within individual quarters, in #buildings# with an existing #floor area ratio# of 12.0 or less, and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain, provided that such mezzanines do not exceed 33 and 1/3 percent of the gross #floor area# of such individual quarters. Such mezzanines shall not be included as #floor area# for the purpose of calculating minimum required size of a #joint living-work quarters for artists#.

In the ~~districts~~ district indicated no #building# containing #joint living-work quarters for artists# shall be subdivided into quarters of less than 1,200 square feet except where no #story# contains more than one #joint living-work quarters for artists# unless modified pursuant to Section 43-171.

However, the minimum size requirement may be replaced by the requirements of Section 15-024 for #joint living-work quarters for artists#:

* * *

ARTICLE VII

ADMINISTRATION

Chapter 3

Special Permits by the Board of Standards and Appeals

* * *

73-20
THEATERS

* * *

73-202
In ~~M1-5A or~~ M1-5B Districts

In ~~M1-5A or~~ M1-5B Districts, the Board of Standards and Appeals may permit theaters for a term not to exceed five years, provided that the following findings are made:

* * *

73-24
Eating or Drinking Places

73-241
In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3, C5, ~~M1-5A or~~ M1-5B Districts

In C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C3, C5, ~~M1-5A or~~ M1-5B Districts, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less, for a term not to exceed five years, provided that the following findings are made:

- (a) that such #use# will not impair the character or the future use or development of the surrounding residential or mixed use neighborhood;
- (b) that such #use# will not cause undue congestion in local #streets#;
- (c) that in ~~M1-5A and~~ M1-5B Districts, eating and drinking places shall be limited to not more than 5,000 square feet of floor space;
- (d) that in C1-1, C1-2, C1-3, C1-4, C2-1, C2-2, C2-3, C2-4, C5, ~~M1-5A and~~ M1-5B Districts, such #use# shall take place in a #completely enclosed building#; and
- (e) that the application is made jointly by the owner of such #building# and the operators of such eating or drinking establishment.

* * *

73-60
MODIFICATIONS OF BULK REGULATIONS

* * *

73-62

Modification of Bulk Regulations for Buildings Containing Residences

* * *

73-625

Modification of Affordable Housing Fund payment options in the SoHo NoHo Mixed Use District

Within the #Special SoHo-NoHo Mixed Use District#, for #conversions# from non-#residential# to #residential use# in #buildings# existing prior to [date of adoption] that are not otherwise subject to paragraph (d)(3)(v) of Section 23-154 (Inclusionary Housing), the Board of Standards and Appeals may permit a contribution to the #affordable housing fund# pursuant to such paragraph to satisfy the requirements of paragraph (d)(3), inclusive, of such Section, provided that the Board finds that:

- (a) the configuration of the #building# imposes constraints, including, but not limited to, deep, narrow or otherwise irregular #building# floorplates, limited opportunities to locate #legally required windows#, or pre-existing locations of vertical circulation or structural column systems, that would create practical difficulties in reasonably configuring the required #affordable floor area# into a range of apartment sizes and bedroom mixes serving a number of lower-income residents comparable to what such quantity of #affordable floor area# would serve in a more typical configuration, pursuant to the #guidelines# of the Inclusionary Housing Program. Before the Board issues a final determination on any application made pursuant to this Section, the Department of Housing Preservation and Development shall submit comment or appear before the Board regarding this finding.
- (b) the practical difficulties existed on [date of enactment].

For the purposes of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

A copy of each application to the Board for a special permit under the provisions of this Section shall be provided by the applicant to the Department of Housing Preservation and Development concurrently with its submission to the Board.

The Board may prescribe such conditions and safeguards as it deems necessary to minimize adverse effects upon the surrounding area and the community at large.

* * *

Chapter 4

Special Permits by the City Planning Commission

* * *

74-40

USE PERMITS

* * *

74-46

Indoor Interactive Entertainment Facilities

In C4, C6, C7, C8 Districts and M1 Districts, except in M1-1, ~~M1-5A~~, M1-5B Districts and M1 Districts with a suffix "D," the City Planning Commission may permit, for a term not to exceed five years, indoor interactive entertainment facilities with eating and drinking, consisting of mechanical, electronic or computer-supported games subject to the following conditions:

- (a) there shall be a minimum of 1,000 square feet of #floor area# per game. This requirement shall not apply within the Theater Subdistrict of the #Special Midtown District#;
- (b) the entrance to such #use# shall be a minimum of 200 feet from the nearest #Residence District# boundary;
- (c) in C4 and C6 Districts, a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms;
- (d) parking shall be provided in accordance with the parking regulations for Use Group 12A (Parking Category D); and
- (e) the application is made jointly by the owner of the #building# and the operators of such indoor interactive entertainment facility.

* * *

74-71

Landmark Preservation

* * *

74-712

Developments in Historic Districts

Within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may grant a special permit, in accordance with the following provisions:

- (a) In ~~M1-5A~~ and M1-5B Districts, on a #zoning lot# that, as of December 15, 2003, is vacant, is #land with minor improvements#, or has not more than 40 percent of the #lot area# occupied by existing #buildings#, the Commission may modify #use# regulations to permit #residential development# and, below the floor level of the second #story# of any #development#, #uses# permitted under Section 32-15 (Use Group 6), provided:
 - (1) the #use# modifications shall meet the following conditions, that:
 - (i) #residential development# complies with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) pertaining to R8 Districts;

- (ii) total #floor area ratio# on the #zoning lot# shall be limited to 5.0;
 - (ii) the minimum #floor area# of each #dwelling unit# permitted by this Section shall be 1,200 square feet;
 - (iii) all #signs# for #residential# or #commercial uses# permitted by this Section shall conform to the applicable regulations of Section 32-60 (SIGN REGULATIONS) pertaining to C2 Districts; and
 - (v) eating and drinking establishments of any size, as set forth in Use Groups 6A and 12A, are not permitted; and
- (2) the Commission shall find that such #use# modifications:
 - (i) have minimal adverse effects on the conforming #uses# in the surrounding area;
 - (ii) are compatible with the character of the surrounding area; and
 - (iii) for modifications that permit #residential use#, result in a #development# that is compatible with the scale of the surrounding area.
- (b) In all districts, the Commission may modify #bulk# regulations, except #floor area ratio# regulations, for any #development# on a #zoning lot# that is vacant or is #land with minor improvements#, and in ~~M1-5A~~ and M1-5B Districts, the Commission may make such modifications for #zoning lots# where not more than 40 percent of the #lot area# is occupied by existing #buildings# as of December 15, 2003, provided the Commission finds that such #bulk# modifications:
 - (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
 - (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

* * *

74-781

Modifications by special permit of the City Planning Commission of uses in ~~M1-5A~~ and M1-5B Districts

In ~~M1-5A~~ and M1-5B Districts, the City Planning Commission may, after public notice and hearing and subject to Board of Estimate approval, permit modification of Section 42-14, paragraphs D.(1)(c), D.(1)(d), D.(2)(a) or D.(2)(b), provided that the Commission finds that the owner of the space, or a predecessor in title, has made a good faith effort to rent such space to a mandated #use# at fair market rentals. Such efforts shall include but not

be limited to: advertising in local and citywide press, listing the space with brokers and informing local and citywide industry groups. Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet, prior to the date of the application for a special permit.

74-782

Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, ~~M1-5A~~, M1-5B, M1-5M and M1-6M Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021, paragraph (e), or 15-21, and in ~~M1-5A~~ and M1-5B Districts, the Commission may permit modification of the requirements of Section 42-14, paragraph D.(1)(b), provided that the Commission finds that:

* * *

74-92

Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts

74-921

Use Groups 3A and 4A community facilities

- (a) Use modifications for Use Groups 3A and 4A in M1 Districts

In M1 Districts, except for houses of worship and ambulatory diagnostic or treatment health care facilities, the City Planning Commission may permit uses listed in Use Group 4A - Community Facilities and, in M1-5 Districts, except in ~~M1-5A~~, M1-5B and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such community facility is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

* * *

ARTICLE XIV **SPECIAL PURPOSE DISTRICTS**

Chapter 3 **Special SoHo-NoHo Mixed Use District**

143-00

GENERAL PURPOSES

The “Special SoHo-NoHo Mixed Use 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:

- (a) to enhance neighborhood economic diversity by broadening the range of housing choices for residents of varied incomes;
- (b) to reinforce the longstanding mixed-use character of the area by allowing a wider range of residential, commercial and community facility uses while retaining significant concentration of commercial and manufacturing space;
- (c) to ensure the development of buildings is compatible with existing neighborhood character;
- (d) to sustain SoHo/NoHo’s cultural legacy and support New York City’s creative economy with provisions that support arts, cultural and creative uses, organizations and their broader public audience;
- (e) to retain jobs within New York City; and
- (f) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect City tax revenues.

143-01

General Provisions

The provisions of this Chapter shall apply within the #Special SoHo-NoHo Mixed Use District#. 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.

143-02

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. Other defined terms are set forth in Section 12-10 (DEFINITIONS).

Qualifying building

For the purposes of this Chapter, a “qualifying building” shall be any #building#, where, prior to [date of adoption]:

- (a) such #building# contained at least 60,000 square feet of #floor area#; and
- (b) at least 20 percent of the #floor area# within such #building# was allocated to non-#residential floor area#, as such term is utilized in Section 143-14.

SoHo-NoHo Arts Fund

For the purposes of this Chapter inclusive, the “SoHo-NoHo Arts Fund” (the “Arts Fund”) shall be a separate interest-bearing account established for the deposit of contributions made when converting #joint living-work quarters for artists# to #residences# through in accordance with the provisions of Section 143-13 (Joint Living-Work Quarters for Artists). Funds within the The Arts Fund shall be allocated by the New York City Department of Cultural Affairs, or a not-for-profit entity designated by the Department of Cultural Affairs, to support arts programming, projects, organizations, and facilities that promote the public presence of the arts within the Special District and surrounding neighborhoods and extend the cultural legacy of SoHo and NoHo

generally. Such allocation should prioritize under-resourced organizations and under-served areas within Lower Manhattan neighborhoods south of 14th Street.

No later than June 30 of each year, the Department of Cultural Affairs shall submit a report to the Speaker detailing the amount of money deposited into the Arts Fund and any expenditure of funds.

143-03

District Plan and Map

In order to carry out the purposes and provisions of this Chapter, a district map is located in the Appendix to this Chapter and is hereby incorporated and made an integral part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Appendix A

Map 1. Ground Floor Use Requirements

Such map is hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

143-04

Applicability of the Inclusionary Housing Program

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90, inclusive, #Mandatory Inclusionary Housing areas# within the #Special SoHo-NoHo Mixed Use District# are shown on the maps in APPENDIX F of this Resolution. Such provisions are modified as follows:

- (a) #Conversions# from #joint living-work quarters for artists# to #residences#, as set forth in Section 143-13 (Joint Living-Work Quarters for Artists), shall not be subject to the provisions of paragraph (d)(1) of Section 23-154.
- (b) The provisions of paragraph (d)(4)(i) of Section 23-154 shall apply only :
 - (1) in M1 districts paired with R7D districts, to #developments# or #enlargements# on #zoning lots# existing on [date of adoption] on which the maximum permitted #residential floor area#, less #floor area# equivalent to a #floor area ratio# of 0.6, does not exceed 12,500 square feet; and
 - (2) in all other districts, to #developments# or #enlargements# on a #zoning lots# existing on [date of adoption] on which the maximum permitted #residential floor area#, less the #lot area#, does not exceed 12,500 square feet on [date of adoption].
- (c) For #conversions# in #buildings# existing prior to [date of adoption] that are not otherwise subject to paragraph (d)(3)(v) of Section 23-154, the Board of Standards and Appeals may permit a contribution to the #affordable housing fund#, pursuant to the provisions of Section 73-625.

143-05

Applicability of Article VI, Chapters 4 and 6

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), 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 Zones), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit

Stations), the provisions of Article VI shall control.

143-06

Applicability of Article XII, Chapter 3

In the #Special SoHo-NoHo Mixed Use District#, M1 Districts are paired with a #Residence District#. In paired districts, the special #use#, #bulk#, and parking and loading provisions of Article XII, Chapter 3 (Special Mixed Use District) shall apply, except where modified by the provisions of this Chapter.

Notwithstanding the provisions of Section 123-10 (GENERAL PROVISIONS), in the event of a conflict between the provisions of this Chapter and the provisions of Article XII, Chapter 3, the provisions of this Chapter shall control.

143-07

Applicability of Quality Housing regulations

All #buildings# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

143-08

Applicability of Article I, Chapter 5

The provisions of Article I, Chapter 5 shall apply to the #conversion# of non-#residential floor area# to #residences#, except where such regulations are modified by the provisions of this Chapter. Where the regulations in effect prior to the establishment of this Chapter were utilized to provide #floor area# for #joint living-work quarters for artists# in a manner not otherwise permitted by Article I, Chapter 5, such provisions may continue to apply in order to #convert# such #floor area# to #residences#, provided that light and air provisions of Section 15-23, and #conversion# provisions of Section 143-13 are met.

143-10

SPECIAL USE REGULATIONS

Within the #Special SoHo-NoHo Mixed Use District#, the #use# provisions of Article XII, Chapter 3 are modified by the provisions of this Section.

143-11

Use Group 10A Modifications for certain uses

Within the #Special SoHo-NoHo Mixed Use District#, the following #use# modifications shall apply:

- (a) colleges or universities, including professional schools but excluding business colleges or trade schools and colleges or school student dormitories and fraternity or sorority student houses as listed in Use Group 3A, shall not be permitted;

(b) eating or drinking establishments, as set forth in Use Groups 6A, 6C, 10A or 12A, shall be limited to 8,500 square feet of #floor area# per establishment; and

(c) all #uses# listed in Use Group 10A shall be permitted, provided that retail #uses# do not exceed the following size limitations:

(1) For establishments with a #primary entrance# along a #wide street#, 25,000 square feet of #floor area# per establishment; and

(2) For all other establishments, 10,000 square feet of #floor area# per establishment.

However, the City Planning Commission may, by special permit, allow retail #uses# in Use Group 10A that exceed the size limitations of this Section, pursuant to Section 143-31 (Special Permit for Certain Retail #Uses#).

all #uses# listed in Use Group 10A shall be permitted. However, for #buildings# that do not contain #accessory# off-street loading berths, no Certificate of Occupancy shall be issued by the Department of Buildings for a retail #use# listed in Use Group 10A with a size exceeding 25,000 square feet, until the Chairperson of the City Planning Commission certifies that a delivery plan has been submitted and accompanied by a letter of support from the Department of Transportation, that such loading plan:

(a) will incorporate sustainable best practices in loading, consolidating and retiming goods transport methods and procedures;

(b) is based upon a traffic and curbside management study prepared by a qualified professional, approved by the Department of Transportation, outlining and identifying the operational needs of the tenant as well as adjacent uses; and

(c) to the greatest extent feasible, will not create or contribute to serious safety concerns, unduly inhibit pedestrian, cyclist or vehicular movement adjacent to the site or generate excessive noise or other undue adverse effects.

143-12

Home Occupation

The #home occupation# provisions of Section 12-10 (DEFINITIONS - Home occupation) shall apply, except that up to 49 percent of the total #floor area# of a #dwelling unit# may be used for a #home occupation#, and such #home occupation# may occupy more than 500 square feet of #floor area#.

In addition, in connection with such #home occupation#, up to three persons not residing in such #dwelling unit# may be employed, and a #home occupation# may include any permitted #commercial use#, subject to the limitations set forth in paragraph (b) of the definition of #home occupation#.

143-13

Joint Living-Work Quarters for Artists

#Conversions# to #joint living-work quarters for artists#, as listed in Use Group 17D, shall not be permitted after [date of adoption] within the #Special SoHo-NoHo Mixed Use District#.

For #developments#, #enlargements# or #conversions#, for the purposes of applying Section 123-21, Use Group 17D #joint living-work quarters for artists# shall not be considered an existing #manufacturing# or #commercial# use.

For #joint living-work quarters for artists# existing on [date of adoption], any #conversion# to a #residence# shall only be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of the Department of Building that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #SoHo-NoHo Arts Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any #building# permit allowing the #conversion# a #joint living-work quarters for

artists# to a #residence#.

The contribution amount shall be \$100.00 per square foot of #floor area# to be #converted# from a #joint living-work quarters for artists# to a #residential use# as of [date of adoption], and shall be adjusted by the Chairperson annually. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the 12 months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received.

143-14

Non-Residential Retention for Qualifying Buildings

For #developments#, #enlargements#, and #conversions# on #zoning lots# with #qualifying buildings# existing on [date of adoption], #residential uses# shall only be permitted upon certification by the Chairperson of the City Planning Commission to the Commissioner of the Department of Buildings that the #zoning lot#, as it existed on [date of adoption], will contain at least the amount of non-#residential floor area# that existed within such #qualifying buildings# on the #zoning lot# on [date of adoption] or where the #qualifying building# will be #converted# to #residences# that are exclusively #income-restricted housing units#. For the purposes of this Section, non-#residential floor area# shall not include #residences#, including #dwelling units# that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7-C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for #residential use# on September 1, 1980, #joint living-work quarters for artists#, #community facility uses# with sleeping accommodations or #transient hotels#, where permitted.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to provide the amount of non-#residential floor area# that existed within #qualifying buildings# on [date of adoption], on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register.

143-15

Ground Floor Use Requirements

The provisions of this Section shall apply to #developments# and #ground floor level enlargements#.

For the purposes of applying the special #ground floor level# streetscape provisions set forth in Section 37-30 to this Chapter, any portion of a #ground floor level street# frontage along #streets# designated on Map 1 in the Appendix to this Chapter shall be considered #primary street frontages#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, defined terms shall include those in Sections 12-10 and 37-311.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

(b) Along #secondary street frontages#

Any #street wall# width exceeding 50 feet with no transparent elements on the #ground floor level# shall provide visual mitigation elements in accordance with the provisions for Type 1 blank walls set forth in Section 37-361 (Blank wall thresholds).

[Removing provisions relating to physical culture establishments because they have been superseded by the CPC-approved Health and Fitness Text Citywide Amendment (N 210382 ZRY).]

[Removing provisions relating to hotels because they have been superseded by the CPC-approved Citywide Hotel Text Amendment (N 210406 ZRY).]

143-20

SPECIAL BULK REGULATIONS

Within the #Special SoHo-NoHo Mixed Use District#, the #bulk# provisions of Article XII, Chapter 3 are modified by the provisions of this Section.

143-21

Special Floor Area Regulations

The applicable #floor area# regulations shall be modified as follows:

- (a) the #floor area ratio# for #community facility uses# shall be 6.5; and
- (b) in M1-5 Districts paired with an R9X District north of Howard Street, the #floor area ratio# for all other non-#residential uses# shall be 6.0;
- (c) in M1-6 Districts paired with an R10 District east of Broadway and south of Grand Street, the #floor area ratio# for #commercial uses# shall be 8.0; and
- (d)(b) in M1-6 Districts paired with an R10 District east of Broadway and north of Great Jones Street, the #floor area ratio# for all other non-#residential uses# #commercial uses# shall be 7.0.

143-22

Density

For all #residential buildings#, or portions thereof, including those existing on December 15, 1961, the factor to determine the maximum number of #dwelling units# shall be 680.

Where a #joint living-work quarters for artists# has utilized the provisions of Section 15-024 as alternative density provisions, such provisions shall remain in effect for any subsequent #conversion# to #dwelling units#. However, in applying such provisions, the #dwelling unit# factor provisions of this Section shall apply in lieu of 15-111.

143-23

Special Yard Regulations

The applicable #rear yard# and #rear yard equivalent# regulations shall be modified as follows:

(a) Permitted obstructions

In any #rear yard# or #rear yard equivalent#, any #building# or portion of a #building# used for #commercial#, #manufacturing#, or #residential uses#, other than dwelling units, shall be a permitted obstruction, provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#.

In addition, in M1-5 Districts paired with an R9X District north of Howard Street, in any #rear yard#, any #building# or portion of a #building# used for any permitted non-#residential use#, shall be a permitted obstruction, provided that the height of such #building#, or portion thereof, shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

Decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, pursuant to Section 43-42 (Permitted Obstructions), shall be permitted above such height limitations.

(b) Required #rear yards#

For all #uses#, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot#, except as follows:

- (1) no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less;
- (2) whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#; and
- (3) for #interior lots# where the depth of such #zoning lot#, or a portion thereof, is less than 90 feet, and such shallow depth was in existence on December 15, 1961 and the date of application for a #building# permit, the required #rear yard# for such #interior lot#, or portion thereof, may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 90 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 10 feet.

(c) Required #rear yard equivalents#

For #buildings#, or portions thereof, containing non-#residential uses#, no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

For #buildings#, or portions thereof, containing #residential# uses, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, a #rear yard equivalent# consisting of an open area with a minimum depth of 40 feet midway, or within 10 feet of being midway, between the two #street lines# upon which such #through lot# fronts, shall be provided.

However, for #through lots# where the depth of such #zoning lot#, or a portion thereof, is less than 180 feet, and such shallow depth was in existence on December 15, 1961 and on the date of application for a building permit, the required #rear yard equivalent# for such #through lot#, or portion thereof, may be reduced by one foot for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 180 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than 20 feet.

(d) Along district boundaries

The provisions of 43-30 (Special Provisions Applying Along District Boundaries), shall not apply along the district boundaries of two M1 Districts paired with #Residence Districts#.

143-24**Special Height and Setback regulations**

For the purposes of this Section, Watts Street, West Broadway, Centre Street, and Great Jones Street shall be considered #wide streets#.

The applicable height and setback regulations are modified as follows:

(a) #Street wall# location

Along all #street# frontages, the #street wall# regulations applicable to #Quality Housing buildings# on a #wide street# in a C6 District, as set forth in Section 35-651 (Street wall location), shall apply. On #through lots#, the additional regulations set forth in paragraph (b) of Section 35-655 shall not apply.

For the purposes of applying such regulations, the minimum base height a #street wall# shall rise to, without setback, shall be those set forth in paragraph (b) of this Section.

(b) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, and maximum #building# height for all #buidings#.

A setback is required for all portions of a #building# that exceed the maximum base height specified for the applicable district, and shall be provided in accordance with paragraph (c) of this Section.

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,**AND MAXIMUM BUILDING HEIGHTS**

<u>District</u>	<u>Minimum base height (in feet)</u>	<u>Maximum base height (in feet)</u>	<u>Maximum #building# height (in feet)</u>
<u>M1-5 / R7D</u>	<u>60</u>	<u>105</u>	<u>115</u>
<u>M1-5 / R7X</u>	<u>60</u>	<u>105</u>	<u>145</u>
<u>M1-5 / R9A</u>	<u>60</u>	<u>125</u>	<u>175</u>
<u>M1-5 / R9X, north of East Houston Street</u>	<u>60</u>	<u>125</u>	<u>195</u>
<u>M1-5 / R9X, south of East Houston Street</u>	<u>85</u>	<u>145</u>	<u>205</u>
<u>M1-6 / R10</u>	<u>125</u>	<u>155</u>	<u>275</u>

However, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum and maximum base heights may be modified as follows:

- (1) the minimum base height of a #street wall# may vary between the minimum height set forth in the table above, and the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height; and
- (2) the maximum base height of a #street wall# may vary between the maximum base height set forth in the table above, and the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height.

(c) Setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in the table in paragraph (b) of this Section, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(d) Dormers

As an alternative to the dormer provisions of paragraph (c) of Section 23-621, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

143-25

Additional bulk modifications

For #buildings# containing #residences#, or portions thereof, the following additional #bulk# modifications shall apply.

(a) #Outer court# modifications

For #outer courts# containing #legally required windows#, if an #outer court# is less than 20 feet wide, the width of such #outer court# shall be at least equal to the depth of such #outer court#. If an #outer court# is 20 feet or more in width, it may extend to any depth.

(b) #Inner court# modifications

For #inner courts# containing #legally required windows#, the area shall not be less than 600 square feet, and the minimum dimension of such #inner court# shall not be less than 20 feet.

The minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 20 feet.

(c) Distance between #legally required windows# and #lot lines#

The minimum distance between a #legally required window# and: any wall; a #rear lot line#, or vertical projection thereof; or a #side lot line#, or vertical projection thereof; shall be 20 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening.

(d) Distance between #buildings#

The required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall be 40 feet below a height of 125 feet. Portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart.

143-30

Special Permits

143-31

Special Permit for Certain Retail #Uses#

Within the #Special SoHo-NoHo Mixed Use District#, the City Planning Commission may, by special permit, allow retail #uses# in Use Group 10A that exceed the size limitations of Section 143-11, provided that the conditions of paragraph (a) and the findings of paragraph (b) are met.

(a) Conditions

For #buildings# that do not contain #accessory# off-street loading berths, the application shall include a delivery plan for the retail #use#. Such loading plans shall be based upon a traffic and curbside management study prepared by a qualified professional, outlining and identifying the operational needs of the tenant as well as adjacent uses.

(b) Findings

The Commission shall find that:

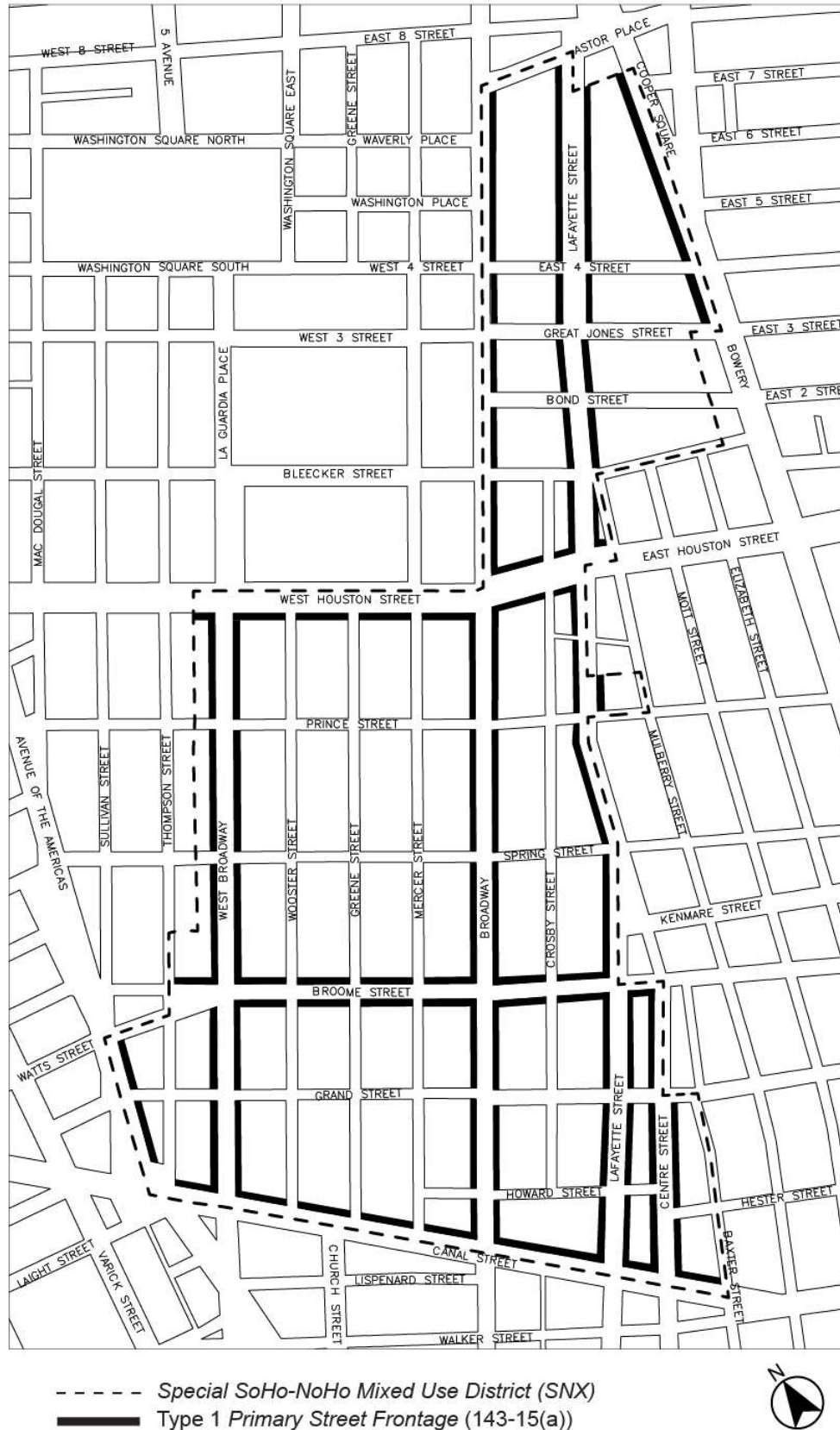
- (1) In consultation with the Department of Transportation, where a loading plan is provided, such plan will incorporate sustainable best practices in loading, consolidating, timing of deliveries and other delivery methods and procedures;
- (2) such retail #use# will not create or contribute to serious safety concerns, unduly inhibit pedestrian, cyclist or vehicular movement adjacent to the site; and
- (3) such retail #use# will not impair the character or the future use or development of the surrounding mixed-use neighborhood.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

APPENDIX A

Special SoHo-NoHo Mixed Use District Plan

Map 1: Ground Floor Use Requirements



* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

MANHATTAN

* * *

Manhattan Community District 2

Map 1 - [date of adoption]



Portion of Community District 2, Manhattan

* * *

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 _____, 2021, on file in this office.

City Clerk, Clerk of The Council