



# **CITY OF YES FOR HOUSING OPPORTUNITY**

## **PROPOSED MODIFICATIONS TO THE ZONING RESOLUTION**

**PROPOSAL #2 – LOW DENSITY (R1-R5)**

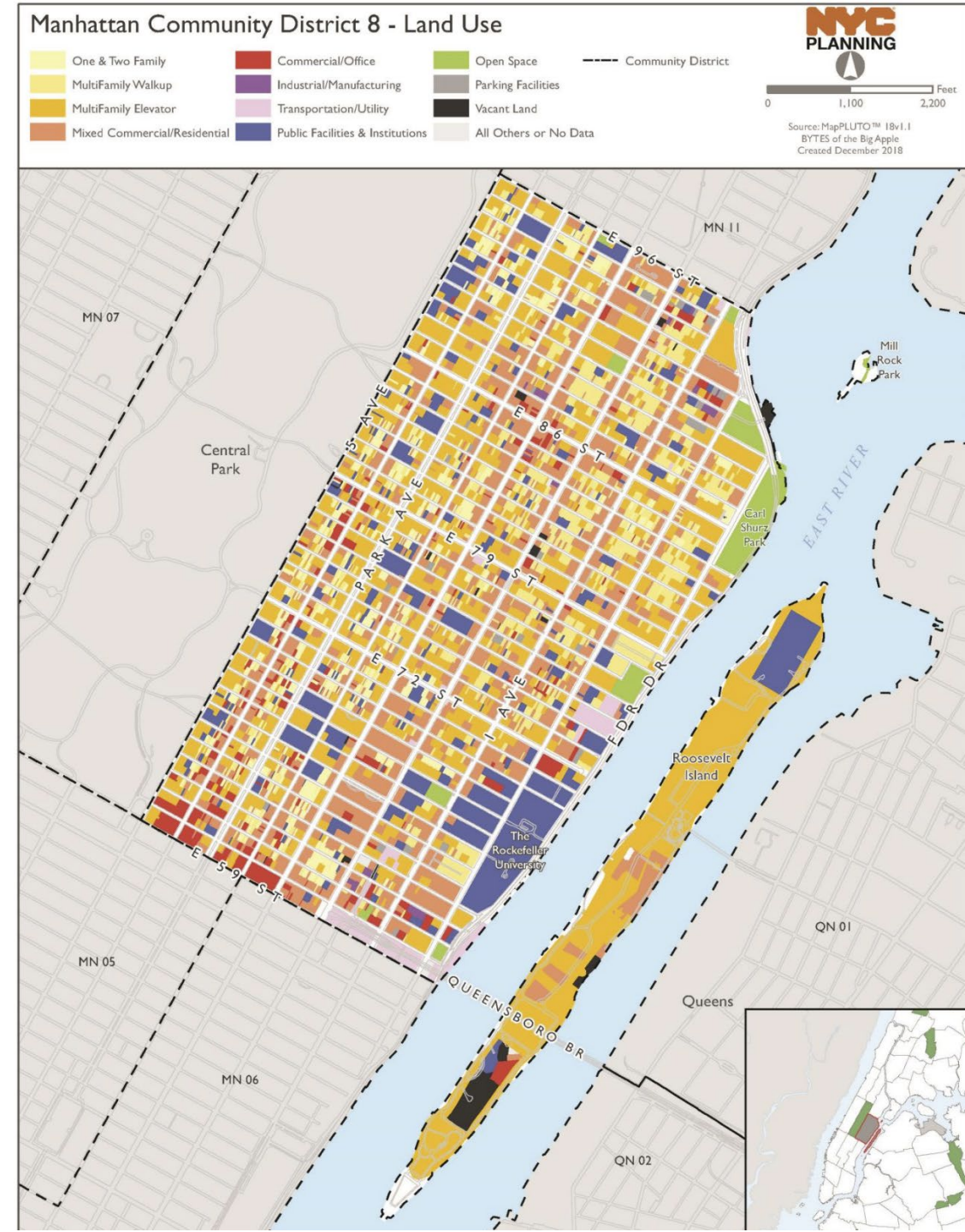
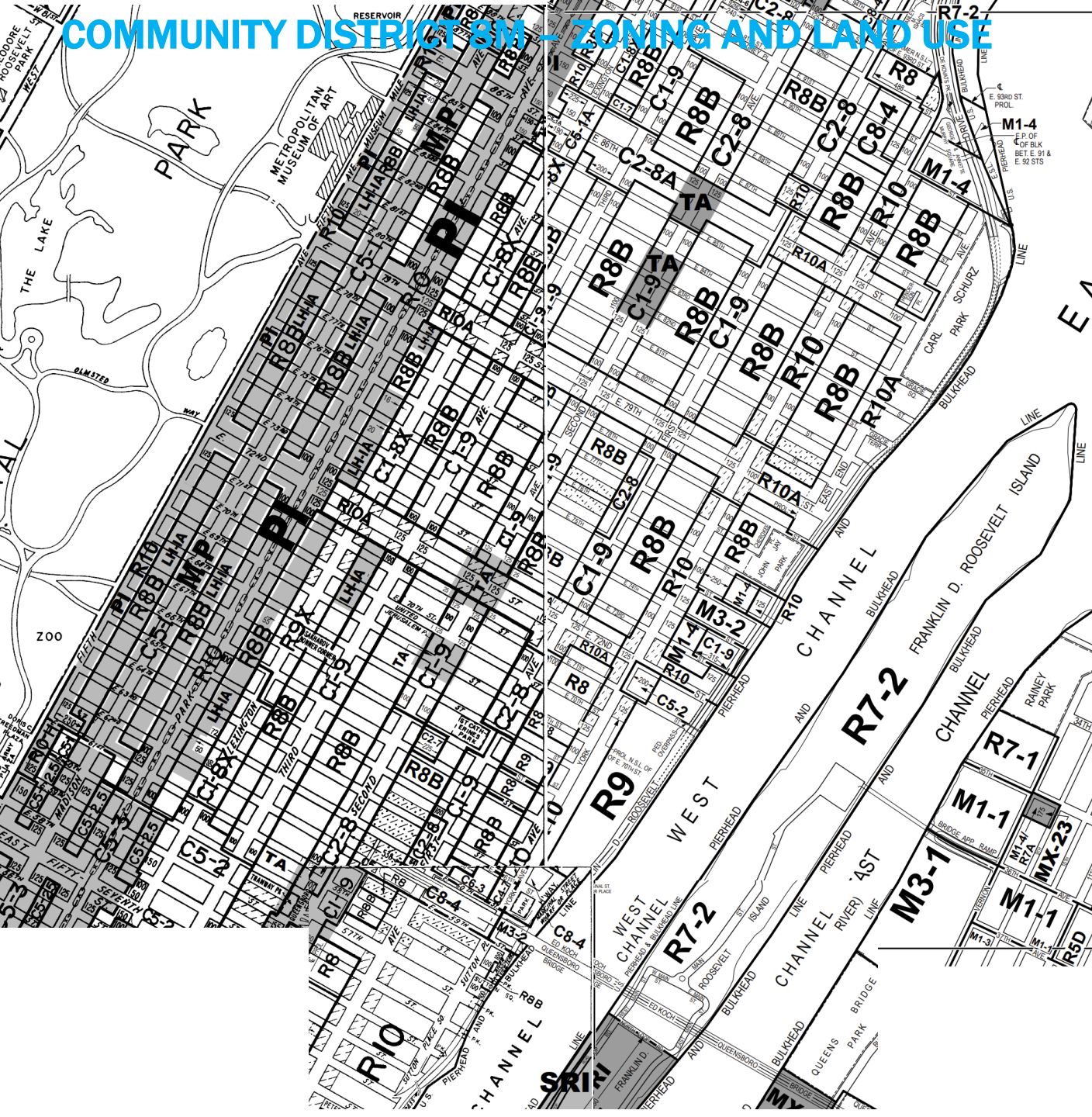
**PROPOSAL #3 – PARKING**

**PROPOSAL # 4 – OTHER ZONING CHANGES**

**Community Board 8M**  
**Zoning and Development Committee**  
27 February 2024



# COMMUNITY DISTRICT 8M - ZONING AND LAND USE





The Proposed Action ... represents the initiatives and tools relating to zoning, land use regulation, and related laws...

The pervasive nature of the housing crisis calls for a citywide approach, with every neighborhood—from the lowest-density areas to the highest—doing its part to provide a broader range of housing opportunities for the people who call New York City home. Incremental changes across a wide geography can create a significant amount of housing and affordable housing without resulting in dramatic change that can tax infrastructure and that neighborhoods sometimes fear and resist. This is what the Proposed Action aims to accomplish.

While all neighborhoods must do their part, different neighborhoods call for different approaches.

Densities, building forms, and other regulations appropriate for central locations with the best access to jobs and transit may not work in neighborhoods farther from the core. With that in mind, the Proposed Action comprises a range of proposals designed to encourage more housing and affordable housing in the range of New York City neighborhoods. Among others, the Proposed Action includes proposals to provide more space for affordable and supportive housing in medium and high-density districts to bring back modest, contextual three- to five-story apartment buildings in transitional areas, and to allow homeowners in NYC's lowest density areas to add a small accessory dwelling unit (ADU), if they choose.

# The Quality Housing Program

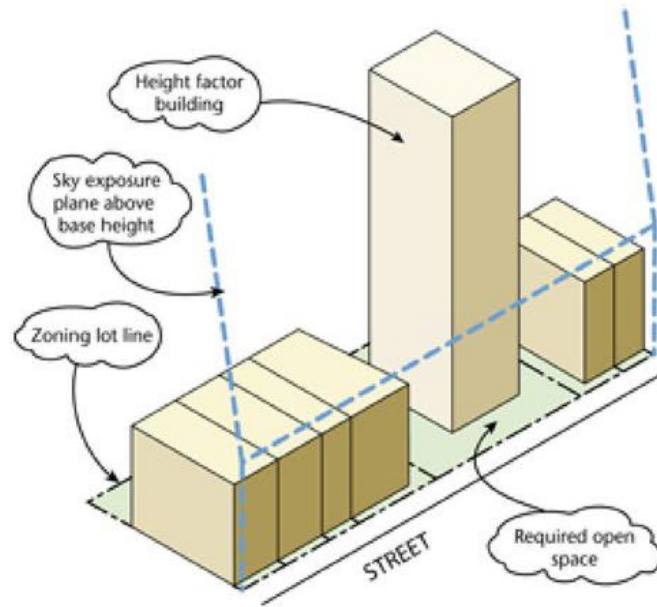
## Zr 28-00 – General Provisions

The Quality Housing Program is established to foster the provision of multifamily housing and certain community facilities that:

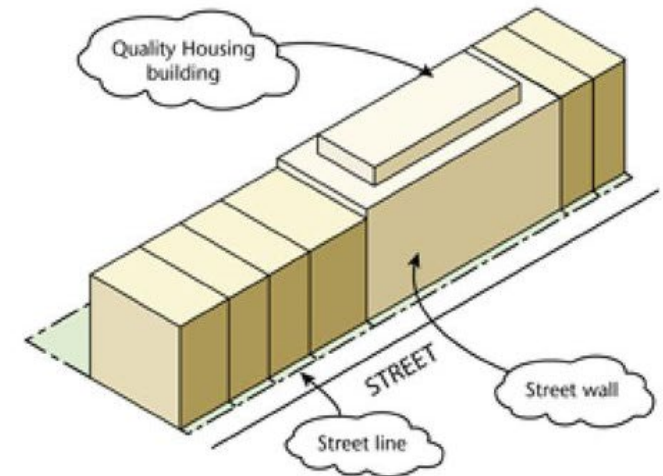
- (a) are compatible with existing neighborhood scale and character;
- (b) provide on-site amenity spaces to meet the needs of its residents; and
- (c) are designed to promote the security and safety of its residents.

QHP is mandatory in R6 through R10 contextual zoning districts and optional in all other R6 through R10 zones.

The Quality Housing Program (QHP) was created as a response to Height Factor Zoning. Height Factor is based on the Tower In The Park urban planning concept. Height factor buildings tend to be tall and slender. QHP was initiated to promote the development of shorter, more compact buildings that would fit better into their surroundings. Quality Housing has required setbacks, a typical New York architecture design.



Height Factor Zoning



Quality Housing Program

# The Quality Housing Program

## **Additional Zoning Deductions**

### **Elevated Ground Floor Zoning Deduction**

Quality Housing buildings with an elevated ground floor entered by stairs, ramp, or lift with apartments on the first floor can have some zoning deductions. **Refuse storage and Disposal Requirements and Zoning Deduction.** You must provide garbage storage and disposal if you have more than nine apartments per vertical circulation core. One garbage storage space of 2.9 cubic feet must be provided per apartment. On every floor, you must also have a minimum of twelve square foot trash room. You can deduct twelve square feet of the trash room from the zoning floor area.

### **Laundry Facilities Zoning Deductions**

If you provide a laundry facility, you can deduct the floor area of that space from the zoning floor area. To qualify, you must meet certain criteria related to number of machines, space for chairs and folding tables, and a window.

### **Daylight In Corridors Zoning Deductions**

If you provide a window in the public corridors, you can deduct up to 50% of the floor area of such corridors. To qualify, you must meet certain size standards.

### **Density Per Corridor Zoning Deduction**

If you meet the following criteria, 50% of a corridor floor area can be deducted from the zoning floor area. If the corridor serves less than a certain number of apartments per core on a sliding scale according to zoning profile.

### **1.3: Eliminate Obstacles to Quality Housing Development**

The Proposed Action would make changes to height and setback regulations to encourage greater predictability in non-contextual districts and reduce the unnecessary complexity produced by outdated height factor regulations.

Height factor regulations are a complicated legacy of the 1961 Zoning Resolution that have been largely but not entirely supplanted by the introduction of Quality Housing and contextual zoning districts beginning in the 1980s...Incompatibility between height factor regulations and contextual districts can render sites with significant remaining floor area and open space undevelopable.

Height factor regulations were created to facilitate superblock-scale redevelopment projects like Stuyvesant Town, an “Urban Renewal” approach that fell out of favor... Since 2000, almost all housing development in non-contextual districts has followed the Quality Housing regulations, which are an option within all non-contextual districts. Nonetheless, existing zoning poses ongoing challenges to Quality Housing development in certain circumstances that the Proposed Action would address.

The Proposed Action would:

- › **1.3a: Remove obstacles to Quality Housing development on sites with existing buildings (campus);**
- › **1.3b: Remove obstacles to Quality Housing development on irregular lots and lots where development is challenged by nearby infrastructure and other obstructions (additional height in non-contextual zones);**
- › **1.3c: Provide more flexible envelopes in Waterfront Areas to enable a broader range of development, including affordable housing;**
- › **1.3d: Eliminate the “sliver law” for developments that utilize Quality Housing regulations, regardless of district; and**
- › **1.3e: Create a discretionary action for sites in non-contextual districts where obstacles to Quality Housing development remain.**

### **1.3d: Eliminate the “Sliver Law” for Quality Housing Developments, Regardless of District**

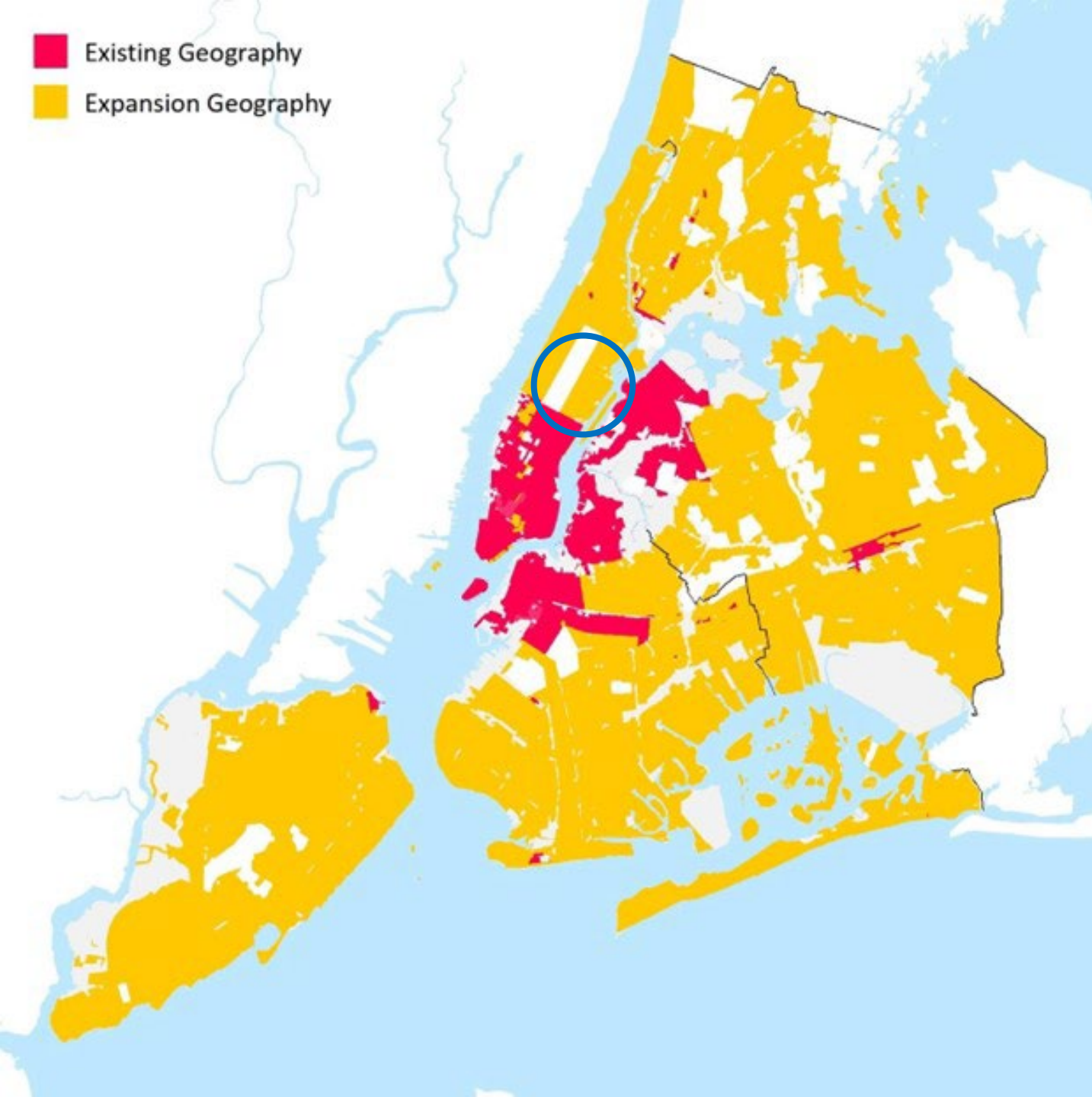
The ‘sliver law’ was established in 1983 to limit tall, narrow buildings in neighborhoods with strong street wall continuity. For zoning lots in R7-2, R7D, R7X, R8, R9, and R10 Residence Districts and equivalents with a width of less than 45 feet, this provision limits the height of the building to the width of the street or 100 feet, whichever is less.

These provisions, which are set forth in Section 23- 692, Height limitations for narrow buildings or enlargements, represented attempts to ensure predictable development in areas with strong neighborhood character in the era prior to contextual zoning.

The establishment of Quality Housing and contextual zoning districts in 1987, and their widespread mapping since, have largely rendered sliver law provisions outdated, redundant, and irrelevant in many areas. Historically, it has prevented sites from participating in the city’s Inclusionary Housing programs; going forward, it would prevent sites from participating in the UAP framework, resulting in entirely market-rate developments on sites that could otherwise provide affordable housing.

The Proposed Action would eliminate the sliver law in contextual districts and for developments utilizing the Quality Housing option in non-contextual districts to enable these sites to accommodate the amount of housing and affordable housing allowed by allotted FARs. Eliminating the sliver law would give zoning lots access to the underlying Quality Housing regulations.





### **1.4b: Expand Geographic Applicability of the Adaptive Reuse Regulations Citywide**

Currently, the City's adaptive reuse regulations apply primarily in the city's largest and most central business districts. The Proposed Action would expand the applicability of these regulations citywide.

Beyond commercial districts, this would enable Community Facility buildings, such as former schools, churches, convents or monasteries, and the like, to convert to residential use.



### **1.4c: Enable Conversions to a Wider Variety of Housing Types**

The existing adaptive reuse framework allows conversion to “dwelling units” only—that is, units that are classified as Use Group 2 and have full cooking and sanitary facilities. Conversion to Use Group 2 “rooming units,” which lack full cooking and/or sanitary facilities, or to Community Facility uses with sleeping accommodations, such as supportive housing and dormitories, is explicitly prohibited.

As part of an effort to encourage a wider variety of housing types to serve the diverse needs of families and households, the Proposed Action would enable conversion to rooming units and Community Facilities with sleeping for the first time, as permitted by other relevant bodies of law such as the Housing Maintenance Code.

### **1.4d: Eliminate Outdated Restrictions on Conversions in C6-1G, C6-2G, C6-2M and C6-4M Districts**

Currently, a small subset of commercial districts prohibits residential uses not because of any inherent use conflicts, as in C8 districts, but rather as an attempt in the 1980s to preserve certain commercial and light industrial uses in the face of a changing economy. These uses are largely gone. The effort to restrict conversions in these areas is outdated and has led to the rise of informal and unlawful residential uses that should be legalized and formally regulated.

The Proposed Action would remove these restrictions in C6-1G, C6-2G, C6-2M and C6-4M districts, **none of which are in CD8M**. The Department of City Planning will work with the Department of Housing Preservation and Development and other sister agencies to minimize disruption to existing residents of informal housing in these areas.

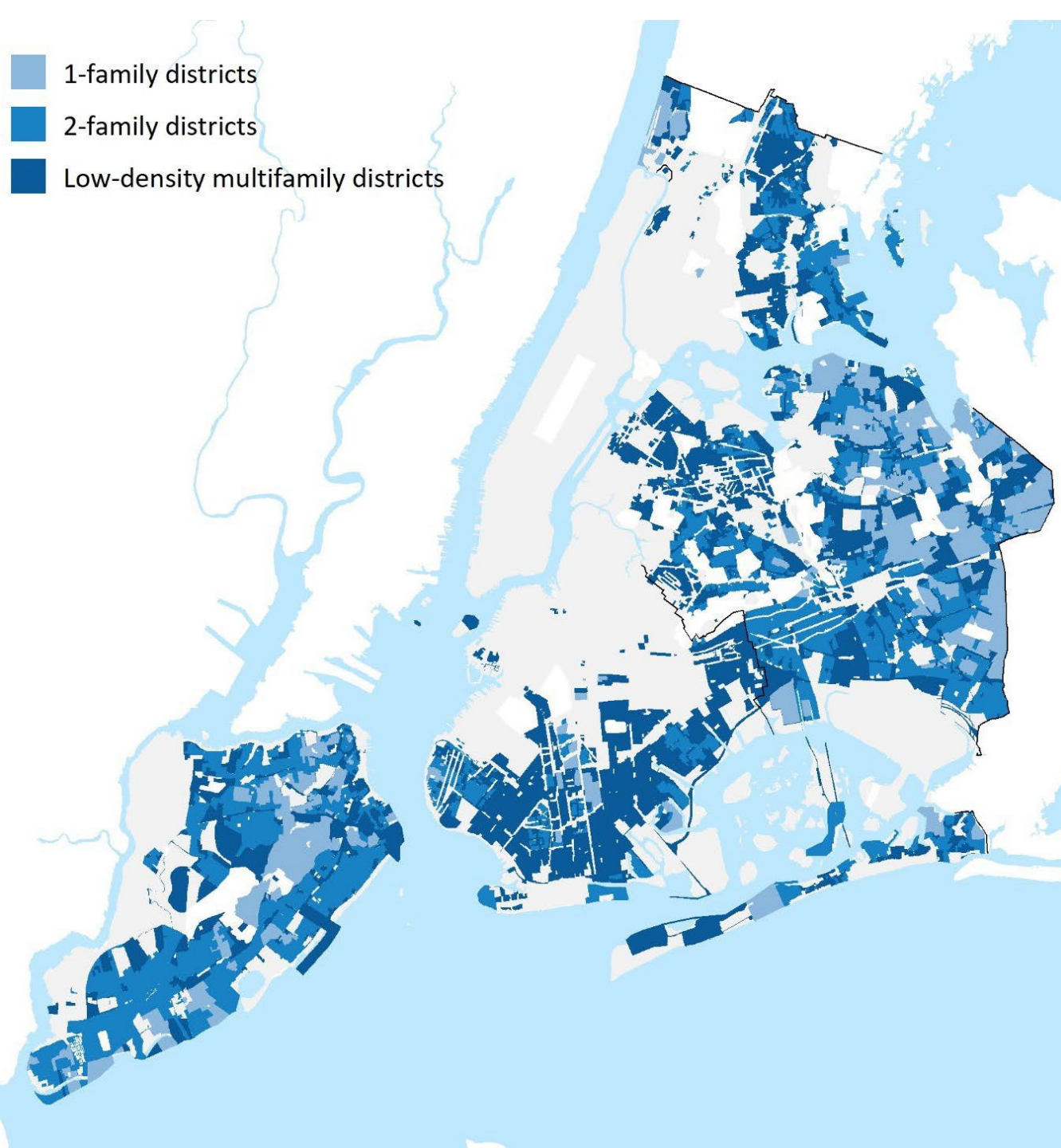
## **2.1: Low-Density Proposals**

### **Low-Density Basic**

The Low-Density Basic proposals seek to adjust zoning regulations in R1 through R5 districts to provide additional flexibility for existing buildings (and homeowners) and ensure that each district can support new development nominally allowed today—such as two-family residences in two-family districts and small multifamily developments in districts that allow multifamily.

To provide additional flexibility for existing buildings and support incremental housing production across lower-density areas, the Proposed Action would make generally minor adjustments to:

- › **2.1a:** Provide additional FAR and adjust floor area rules;
- › **2.1b:** Adjust perimeter height limits and building envelopes;
- › **2.1c:** Adjust yard, open space, and court requirements;
- › **2.1d:** Increase flexibility to provide off-street parking where required or voluntarily provided; and
- › **2.1e:** Relax minimum lot size and width restrictions.



## 2.1a: Provide Additional FAR and Adjust Floor Area Rules

One of the most basic obstacles in low-density districts is FAR set too low to accommodate existing buildings or development of anything other than a single-family home. The Proposed Action would increase FARs across low-density districts to provide flexibility for existing buildings and new development alike. These increases in FAR are also intended to accommodate accessory dwelling units enabled by another component of the Proposed Action described below.

		Current FAR	Proposed FAR	Change from Current FAR
Single-Family Districts	R1-1	0.50	0.75	+0.25
	R1-2	0.50	0.75	+0.25
	R1-2A	0.50	0.75	+0.25
	R2X	1.00	1.00	+0.00
	R2	0.50	0.75	+0.25
	R2A	0.50	0.75	+0.25
Two-Family Districts	R3-1	0.60	0.75	+0.15
	R3A	0.60	0.75	+0.15
	R3X	0.60	0.75	+0.15
	R4-1	0.90	1.00	+0.10
	R4A	0.90	1.00	+0.10
	R4B	0.90	1.00	+0.10
	R5A	1.10	1.50	+0.40
Multi-Family Districts	R3-2	0.60	0.75	+0.15
	R4	0.90	1.00	+0.10
	R5	1.25	1.50	+0.25
	R5B	1.35	1.50	+0.15
	R5D	2.00	2.00	+0.00



## 2.1b: Adjust Perimeter Height Limits and Building Envelopes

Heights in many low-density districts are governed by a maximum perimeter height ranging from 21 to 25 feet, above which pitched roofs or setbacks are required, and an overall maximum height.

Today, many existing buildings do not comply with perimeter heights on the lower end of that range, and new developments have difficulties fitting two full stories within it. The Proposed Action would increase all maximum perimeter heights to 25 feet.

### Eliminate Side and Rear Setbacks

The Proposed Action would eliminate side and rear upper-story setbacks in low-density areas. In 2016, ZQA eliminated rear setbacks for medium- and high-density districts because such setbacks can mandate building forms that are difficult and expensive to construct without providing any light and air benefit to public space, such as the street or sidewalk. This logic also applies in low-density districts, where access to light and air is particularly abundant owing to more basic bulk provisions.

The Proposed Action would eliminate the side and rear setback required for certain developments in R1 through R5 districts.

	Current	Proposed		
	Current Perimeter Height/ Sky Exposure	Perimeter Height	Additional Perimeter Height	Max Height
R2A	21	25	+4	35
R2X	21	25	+4	35
R3-1	21	25	+4	35
R3A	21	25	+4	35
R3X	21	25	+4	35
R3-2	21	25	+4	35
R4A	21	25	+4	35

## **2.1c: Adjust Yard, Open Space, and Court Requirements**

### **Adjust Yard Requirements and Lot Coverage Maximums**

The Proposed Action would reduce side yard requirements from 8 feet to 5 feet in districts where side yards are required, reduce rear yard requirements from 30 feet to 20 feet up to two stories in all low-density districts, and reduce front yard requirements from 10 feet to 5 feet for one frontage on corner lots in districts with wraparound front yard requirements. Low-density districts would also include a standard 70 percent lot coverage maximum.

### **Shallow Lot Relief**

The depth of the required rear yard for an interior lot is reduced by six inches for each foot less than 90 feet in lot depth up to a minimum rear yard of 10 feet. Certain types of accessory and amenity spaces can serve as permitted obstructions in a required rear yard up to a height of 15 feet. The Proposed Action would extend rear yard relief for shallow zoning lots to all low-density districts.

### **Eliminate Open Space Ratio**

“Open space ratio” regulations have no advantages over—easy-to-understand front, side, and rear yard requirements and maximum lot coverage rules. The Proposed Action would replace open space ratio with yard regulations in the low-density areas where open space ratios remain, namely R1 and R2 districts other than R1-2A, R2A, and R2X.

### **Simplify Front Yard Planting Requirement**

Under Section 23-451, Planting Requirement, of the zoning resolution, low-density districts have a variable planting requirement based on a variety of factors, and planting requirements range from 20 to 50 percent of the required front yard. The Proposed Action would implement a flat percentage planting requirement. This change would simplify the regulation and increase pervious surface without imposing significant new burdens on homeowners or developers.

### **Allow Small Courts**

The Proposed Action would extend small inner and outer court provisions to low-density districts to provide additional opportunities for light and air for multifamily buildings in low-density districts.

2.1d: Increase Flexibility to Provide Off-Street Parking

2.1e: Relax Minimum Lot Area and Width Restrictions

The Proposed Action would reduce minimum lot area requirements in low-density districts to better reflect prevalent lot widths and sizes in these districts and to remove obstacles to developing the types of housing these districts nominally allow Existing lot widths and sizes are much smaller, in most cases, than the minimums required by the Zoning Resolution.

Revising the minimums will lead to building frontages that better reflect the existing context.

		Allowed Housing Typology	Current Minimum Lot Size	Proposed Minimum Lot Size	Change	Current Minimum Lot Width	Proposed Minimum Lot Width	Change
Single-Family Districts	R1-1	1-family detached	9,500	4,750	-4,750	100	50	-50
	R1-2	1-family detached	5,700	4,750	-950	60	50	-10
	R1-2A	1-family detached	5,700	4,750	-950	60	50	-10
	R2X	1-family detached	2,850	2,850	0	30	30	0
	R2	1-family detached	3,800	2,850	-950	40	30	-10
	R2A	1-family detached	3,800	2,850	-950	40	30	-10

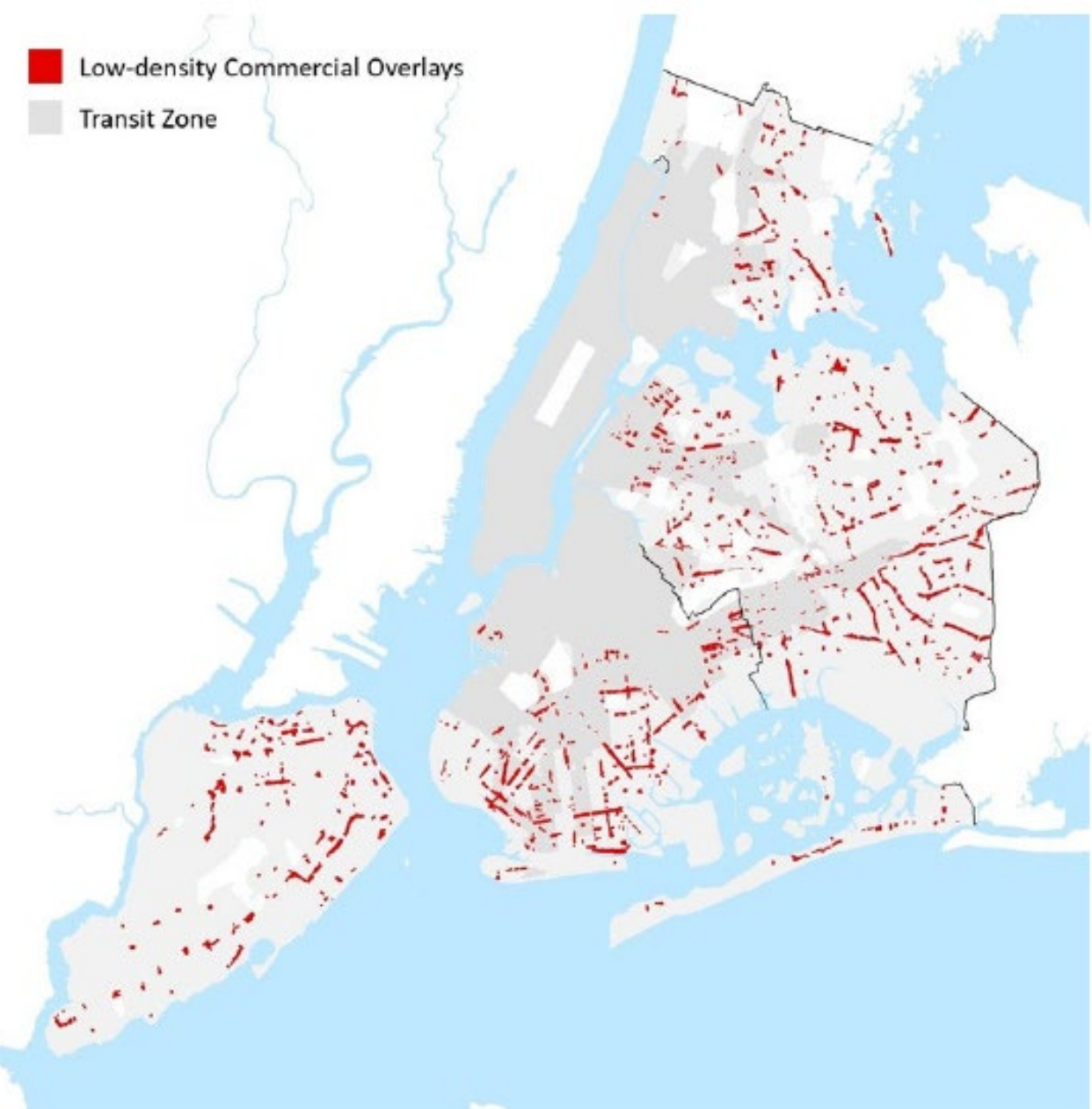


## **2.2: Low-Density Plus: “Missing Middle” Housing**

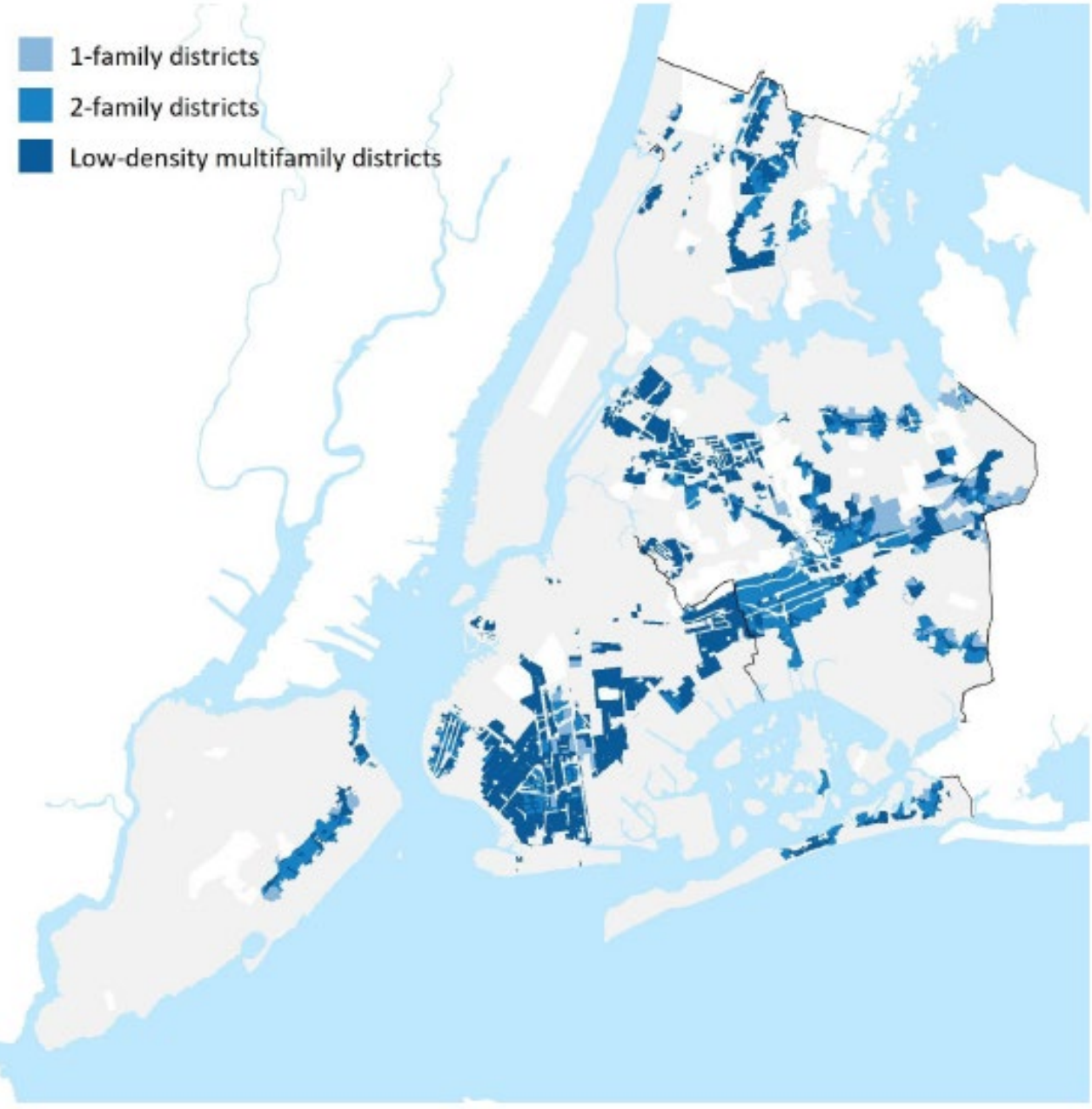
The “Low Density Plus” proposals seek to allow “missing middle” housing—that is, not one-family homes or high rises, but modest apartment buildings of three to six stories—within commercial districts in R1 through R5 districts, on large sites within the Greater Transit-Oriented Development Area in R1 through R5 districts, and on existing campuses above 1.5 acres or with full-block control in R1 through R5 districts.

- › **2.2a:** For low-density commercial districts, the Proposed Action would provide additional residential FAR and height and provide a preferential FAR for mixed developments.
- › **2.2b:** For Qualifying Sites, the Proposed Action would: define Qualifying Site criteria, including location within the Greater Transit-Oriented Development Area and a minimum lot size of 5,000 square feet; modify use regulations to allow multifamily housing on Qualifying Sites within one- and two-family districts; and provide additional FAR and adjustments to height and setback regulations.
- › **2.2c:** For low-density campuses, the Proposed Action would: define campus as a 1.5-acre or full block site; replace restrictive yard and open space requirements with a 50-percent lot coverage maximum; and provide new height limits for infill developments in R3-2, R4, and R5 districts.

# Existing Low-Density Commercial Districts



# Existing Low-Density Residence Districts Within the Greater Transit-Oriented Development Area



## 2.3: Accessory Dwelling Units

The ADU proposal seeks to enable an “accessory dwelling unit” on zoning lots with one- or two- family residences. Many areas zoned for lower densities in New York City have a severe shortage of housing typologies appropriate for smaller, younger, older, and lower-income households. While many lower-density areas have seen a proliferation of unlawful subdivisions, basement apartments, and the like, the typologies typically encompassed by the term “ADU” have not been prevalent because zoning and other regulations are not in place to support them. To support the creation of ADUs in lower density areas, the Proposed Action would:

- › 2.3a: Define a new type of residence called an “accessory dwelling unit” or “ADU” with a size limit of 800 square feet and be located on a zoning lot with a one- or two-family residence;
- › 2.3b: Provide ADU-specific relief from various provisions that limit the number of dwelling units on a zoning lot and parking requirements, and in conjunction with other low-density initiatives, provide generally applicable allowances for FAR, height and setback, yard requirements, distance-between-building requirements, and new non-compliances in R1 through R5 districts to accommodate an ADU on typical zoning lots with one- and two-family residences.

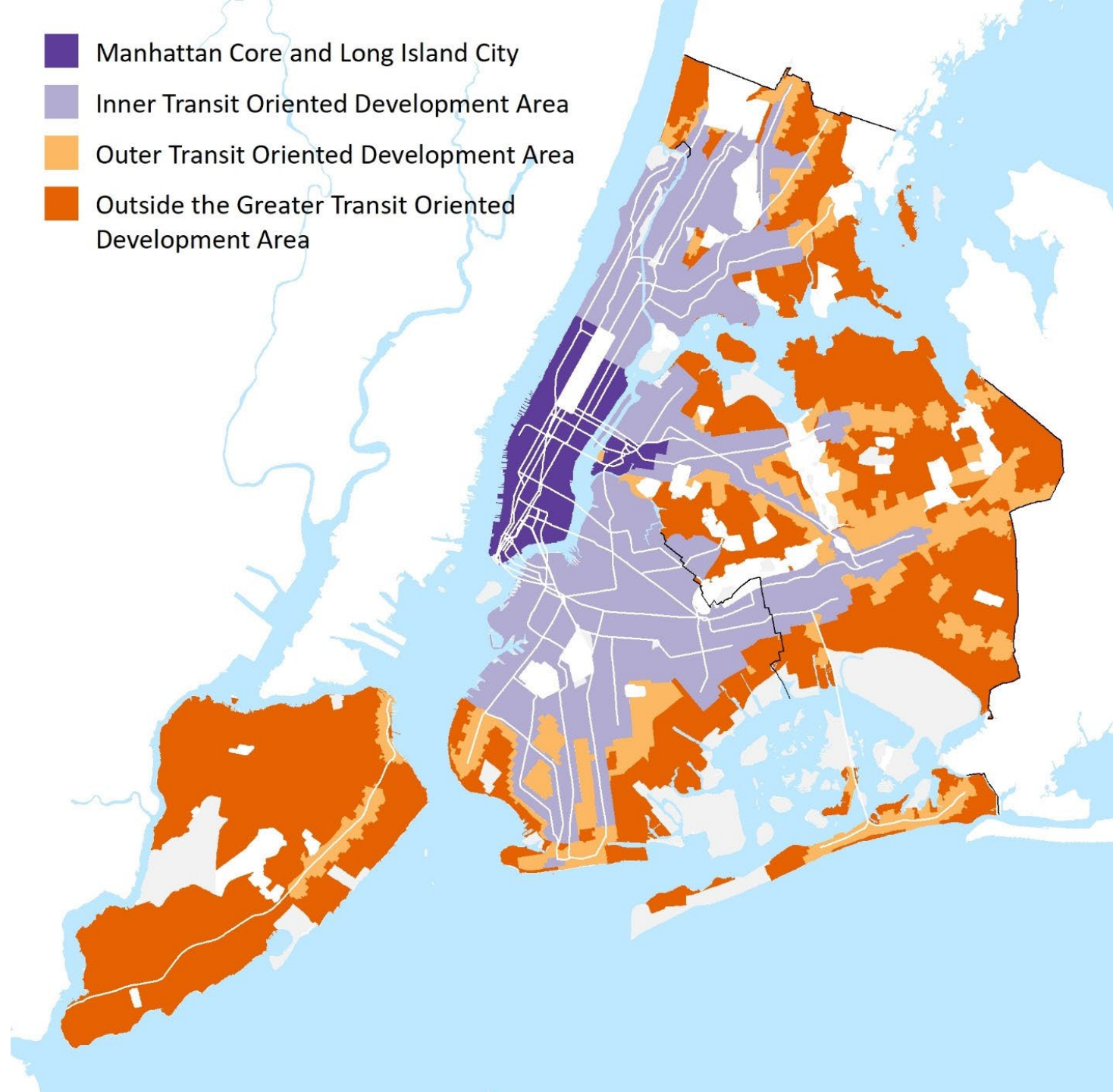


### 3: Parking Proposals

The Parking proposals seek to eliminate parking requirements citywide for new residential development. ...it is expected that developers in most parts of the city would continue to provide some parking as part of new housing development... Parking requirements for existing housing will remain, but the Proposed Action would create discretionary actions to eliminate or reduce those requirements where deemed appropriate by a public review process.

#### 3.1a: Manhattan Core and Long Island City

This geography comprises Manhattan Community Districts 1 through 8 and portions of Long Island City. In this geography, there is currently no required parking for any new housing and there are limits on how much parking may be provided voluntarily. Under the Proposed Action, the basic regulations within this geography would remain the same, with limited adjustments described below.



## 3.2: Reduce, Simplify, Parking Requirements

In addition to establishing the parking geographies, the Proposed Action would adjust other aspects of parking regulation to reduce, simplify, and streamline existing parking requirements and administration.

Section	Title	Issue	Proposed Solution
13-431	Reduction of minimum facility size	Section 13-27 says minimum or maximum parking zone requirements may be modified by a chair certification in Section 13-431, but 13-431 says the Chair can only reduce the minimum size.	Change Section 13-431 to allow for a reduction in minimum size and an increase in maximum size.
13-432	Floor area exemption for automated parking facilities	This chair certification is limited to the MN Core.	Extend it citywide. Make this as-of-right and increase permitted obstruction to 40 feet.
13-442	Limited increase in parking spaces for existing buildings without parking	Recently built buildings can get this authorization as long as they exist as of filing because they technically "exist." This allows developers of new buildings to obtain 15 spaces through this authorization and avoid having to get a special permit and go through ULURP.	Change Section 13-442 to allow an authorization only up to the number of spaces that would have been permitted as of right based on the Manhattan Core regulations. An increase past the as-of-right amount would require the appropriate special permit under Section 13-45.
13-45	Special Permits for Additional Parking Spaces	Sub-section (b) Conditions indicates applicants need to comply with Section 13-20, but this is redundant because they need to comply with it anyway.	Take out the reference to Section 13-20, but keep exceptions.
13-451	Additional parking spaces for residential growth	Sub-section (b) re-states the MN Core maximums even though the only reason why someone would apply for this special permit is to exceed those maximums.	Rephrase to clarify.
none		The ZR does not address motorcycle parking. Motorcycles do not fit in car spaces or bike spaces.	Allow a reduction in size of spaces/maneuverability as part of another project.

Section	Title	Issue	Proposed Solution
11-411, 13-00	Renewals, Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core	Public parking garages with a pre-1961 special permit can only renew for ten years at a time, so they need to keep coming back to the CPC.	Add language to Article I, Chapter 3 indicating that pre-1961 parking special permits remain effective indefinitely and do not need to be renewed.
Appendix I	Inner Transit-Oriented Development Area	Roosevelt Island was left out of the Manhattan Core geography when it was originally mapped because there was no subway station there, but it is now close to transit and not auto-oriented.	Add Roosevelt Island to the Inner Transit-Oriented Development Area.
13-02	Definitions	The definition of "access zone" does not include all items that should be in this space of a garage, causing confusion when applications are reviewed.	Add to definition: "attendant booth," "waiting areas" and "pedestrian circulation areas."
13-07	Existing Buildings and Off-street Parking Facilities	Sub-section (b) refers to Section 13-442 as it currently exists, so any changes to that section would throw off this one. Also, currently (a)(2) requires buildings that already have parking to get a special permit for any increase, meaning they cannot get up to their permitted or 15 spaces with an authorization.	(1) Change subsection (b) to reflect proposed changes to Section 13-442. (2) Change (a)(2) to allow for what 13-442 will allow when changed.
13-242	Maximum width of curb cuts	This section requires a 22-foot maximum width for curb cuts in certain districts, but it does not say, "including splays." The underlying zoning regulations do include splays.	Add "including splays" to this section wherever the curb cut maximum width is provided.
13-242	Maximum width of curb cuts	For R1-R8 districts, this section refers to the underlying zoning district regulations on curb cuts. Since there are none for R9 and R10, it indicates the regulations for those districts here. This is convoluted and could cause confusion.	Make underlying zoning district regulations on curb cuts consistent.
13-25	Reservoir Spaces	The current reservoir-space requirement for automated facilities in paragraph (b) allows for vehicle elevators to function as reservoir spaces. This creates a safety issue.	Update the definition of reservoir spaces for automated facilities to ensure they do not apply to the vehicle elevator.
13-26	Pedestrian Safety and Access	There is no maximum distance that speed bumps must be located from the street line.	Add another sub-section to paragraph (b) with the maximum distance at eight feet.

## 4: Other Zoning Changes

The components of the Proposed Action in this section represent zoning changes that are consistent with overall project goals—to enable more housing and more types of housing in every neighborhood across the city—but that do not fit naturally within any of the categories described above.

### 4.1: Create New Zoning Districts to Fill in FAR Gaps

As zoning districts have evolved in recent decades, and as preferences for affordable housing have taken a more central role in residential zoning, residential FARs have shifted and left significant gaps in the hierarchy of zoning districts. When the gap is large enough, it can be difficult to find an appropriately sized zoning district for certain neighborhood contexts, forcing a choice between zoning that may be too tight and zoning that may be too loose in relation to existing or proposed context. It may also mean that zoning districts created to mimic certain widespread building forms—like the six-story semi-fireproof buildings that dominate many neighborhoods—no longer serve their original purpose as their FARs and height regulations have been modified over time.

The Proposed Action will create several new zoning districts to fill in the largest gaps and replace existing zoning district structures that rely on wide and narrow street determinations to define the bulk and envelope, which the city will not map in the future. They will receive building envelopes commensurate with their FARs to accommodate the proposed densities. These new districts would have no immediate applicability but can be mapped subsequently via zoning map actions.

Additional contextual districts will be proposed to fill in gaps in the existing distribution where the difference between districts is especially large, generally greater than 1 FAR. New non-contextual districts will be proposed to replace existing districts that have different FAR and envelope regulations depending on whether they front on wide or narrow streets.



## **4.2: Street Wall Regulations**

**The Proposed Action would establish a new system of street wall regulation to provide more flexibility and greater sensitivity to neighborhood context. Today's regulations often prevent new development from fitting in with neighborhood context or aligning horizontally or vertically with neighboring buildings. In particular, the Proposed Action would**

- › 4.2a: Establish a new system of street wall regulations based on street typologies rather than zoning district; The Proposed Action would decouple street wall regulations from zoning districts and establish a new system based on street wall typologies. This would be a simpler form of street wall regulation that is more attuned to neighborhood context. Under this form of street wall regulation, line-up provisions would be stricter on blocks with a strongly established context (Type I) and more flexible on blocks with more variation (Type II).**
- › 4.2b: Provide base height allowances to enable new developments to align with the base heights of neighboring buildings; The Proposed Action would retain existing minimum and maximum base heights while adding an allowance that enables new developments to go lower or higher than those limits to match the base heights of neighboring buildings.**
- › 4.2c: Simplify dormer provisions under one flexible dormer rule. The Proposed Action would create a unified dormer provision that enables dormers with a width of up to 40 percent to rise above maximum street wall height**

### **4.3: Allowances for Irregular and Challenged Sites**

The Proposed Action would extend relief to irregular and challenged sites for which compliance with underlying zoning regulations may be difficult, in many cases frustrating the planning goals and the provision of public benefits. More specifically, the Proposed Action would

- › 4.3a: Provide setback and height relief for sites near elevated infrastructure such as aboveground trains, bridges, and elevated streets;
- › 4.3b: The Proposed Action would increase permitted tower coverage, particularly at mid-range heights, to allow for elevating and more efficient building floorplates. The proposal would look to emulate models that already exist in the Lower Manhattan and Downtown Brooklyn Special Districts.
- › 4.3c: The Proposed Action would provide limited allowances for a new noncompliance or an increase in the degree of an existing noncompliance for alterations that achieve enumerated goals, such as compliance with ADA policies, provision of rooftop recreation space in multifamily buildings, and other aims.

### **4.4: Replace Qualifying Ground Floor Regulations**

Qualifying ground floor criteria set forth what individual developments must do to qualify for an additional 5 feet in height intended to allow new developments to provide a ground floor that meets Contemporary standards. The Proposed Action would replace the qualifying ground floor criteria with a simple requirement that the second story begin no lower than 13 feet above the adjoining sidewalk. This ensures that the additional five feet in height is used as intended. Ground floor uses would be regulated in accordance with other citywide zoning changes that seek to implement a standard set of ground floor use regulations based on entire street frontages rather than individual developments.

#### **4.5: Increase Flexibility for Zoning Lots Split by a District Boundary**

Under the existing regulations, the basic rule is that each portion of the zoning lot must comply with either the maximum FAR of the zoning district for that portion or the adjusted maximum FAR—that is, total floor area divided by lot area—whichever is greater. In a limited universe of zoning districts, a further allowance enables the portion of a zoning lot in the higher density district to exceed the district maximum FAR by up to 20 percent, which enables shifts of floor area away from the lower density district and into the higher density district. The Proposed Action would expand this allowance to shift from the lower district to the higher, up to 20 percent, to all districts to encourage greater flexibility and enable greater concentration of density along avenues and other wide streets.

#### **4.6: Simplify and Standardize Tower-on-a-Base Regulations**

Tower-on-a-base regulations were introduced in the 1990s to reinforce contextual street walls in tower districts and to indirectly limit height.. The Proposed Action would replace the various forms of tower-on-a-base regulation with a uniform system based on the contextual regulations for R10X, which include a contextual base and tower lot coverage minimums and maximums.

#### **4.7: Eliminate Limits on Side-by-Side Residences in Two-Family Districts**

Section 22-42, Detached and Semi-Detached Two-Family Residences, of the Zoning Resolution requires an authorization by the CPC for a two-family residence with dwelling units side-by-side rather than one atop the other. The Proposed Action would eliminate the authorization in Section 22-42 of the Zoning Resolution and allow side-by-side two-family homes as-of-right in two-family districts.

## **4.8: Eliminate Exclusionary Geographies.**

The Proposed Action would eliminate:

- › 4.8a: Reductions in FAR and heights in the Manhattan Core; Proposed Action would eliminate reductions in FARs and heights in the Manhattan Core, providing the same FARs and heights as the underlying zoning in other parts of the city.
- › 4.8b: The limits on FAR and affordable housing production in R10 districts and equivalents in Manhattan Community District 7 (the Upper West Side); Proposed Action would eliminate this exclusionary provision and enable developments in R10 and R10-equivalents to achieve 12 FAR as they can elsewhere in the City.
- › 4.8c: The limits on heights in R8 districts in Manhattan Community District 9; The Proposed Action would eliminate special R8 height regulations for this geography to the extent they differ from the proposed underlying heights for R8 districts elsewhere in the city.
- › 4.8d: Eliminate Limited Height Districts in Cobble Hill, the Upper East Side, and Gramercy Park.

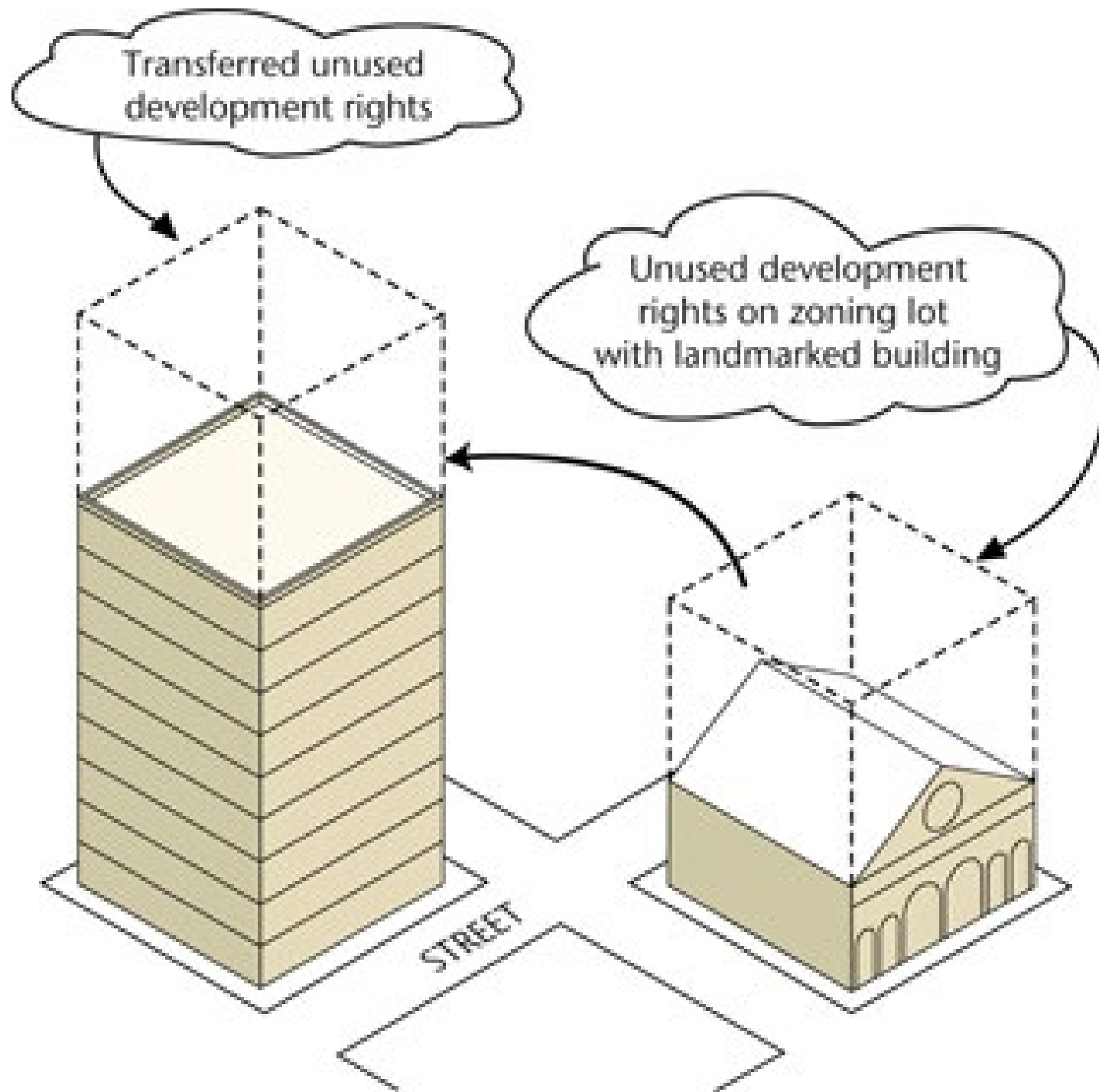
## **4.9: Clarify and Simplify the Railroad Right-of-Way Special Permit**

The Railroad Right-of-Way Special Permit has two purposes: First, to ensure that development on zoning lots that include railroad rights-of-way does not interfere with current or future railroad operations and, second, to ensure that development resulting from often large and irregular zoning lots consisting of former railroad rights-of-way is appropriate from a planning perspective. First, the Proposed Action would create a definition of “railroad right-of-way or yard” that would provide clarity about when such a right-of-way exists and when zoning actions are required to develop a zoning lot. The term is not defined today. Second, on certain zoning lots that include a railroad right-of-way, the Proposed Action would reduce or eliminate approval procedures for developments that construct over a railroad right-of-way and/or use floor area generated by the right-of-way.



#### 4.10: Simplify and Expand the Landmark TDR (Transfer of Development Rights) Program

The Proposed Action would loosen restrictions on the ability of designated landmarks to transfer unused development rights to zoning lots in the immediate vicinity. This is popularly known as the “Landmark TDR” program. Today, the program is not available for landmarks in historic districts and in R1 through R5 districts, and equivalents, and can only send TDRs to adjacent zoning lots—that is, lots that abut the landmark zoning lot or would abut if not for an intervening street. The Proposed Action would expand the program to historic districts and lower density areas and extend existing transfer opportunities to other zoning lots on the same zoning block as the landmark zoning lot or across the street or an intersection from that block. Furthermore, transfers would be permitted by authorization for transfers that require limited bulk modifications on receiving sites, or certifications for transfers that do not require bulk modifications.



#### **4.11: Special Permit Renewal**

...special permits and authorizations vest upon substantial construction of one building. When multiple buildings abut, however, a special permit or authorization does not vest until all abutting buildings are substantially constructed. The Proposed Action would eliminate this condition for abutting buildings, putting special permits and authorizations with abutting buildings on the same footing as other special permits and authorizations

#### **4.12: Clarify Adjacency Rules for MX Districts**

The adjacency requirements of Special Provisions Applying Along District Boundaries, of the zoning resolution were never intended to apply to Special Mixed Use Districts (MX) mapped adjacent to residence districts. MX districts contain residence districts themselves. A recent New York State court decision found to the contrary, creating significant uncertainty. The Proposed Action would clarify that the adjacency requirements of Section 43-30 do not apply to MX districts.

#### **4.13: Reduce Procedure for Enlargements Under 73-622, Enlargements of Single and Two-Family Detached and Semi-Detached Residences**

For over 25 years, homeowners within certain zoning districts in defined geographies in Brooklyn have been able to seek a special permit from the Board of Standards and Appeals to enlarge one and two-family homes beyond what the underlying district regulations would allow. Over time, approval of these applications has become routine and the ability to enlarge is capitalized into homes in the applicable geographies.

The Proposed Action would reduce the procedure involved in approval of such enlargements, reducing as many enlargements as possible to a ministerial approval by the Department of Buildings for proposed enlargements that meet enumerated criteria. The Proposed Action may also expand or adjust geographic applicability.

#### **4.14: Minor Changes to Enable Improved Building Design and Function**

The Proposed Action would address zoning issues that can make it difficult to design high quality buildings. This would include issues that limit outdoor area on roofs or balconies, as well as other building services.