DEPARTMENT OF CITY PLANNING, CITY OF NEW YORK
TECHNICAL REVIEW DIVISION

TO: Land Use Participants

FROM: Harun Ekinoglu. TRD

Date: December 13, 2024

RE: Effects of City of Yes for Housing Opportunity (CHO) on 73-99 Empire Boulevard Rezoning (C 230309 ZMK)

Dear Land Use Participant,

The above project was certified into ULURP on November 4, 2024. Subsequent to certification, the Department of City Planning's City of Yes for Housing Opportunity (CHO) zoning text amendment was adopted with modifications by the City Council, on December 5, 2024. This wide-ranging text amendment will help alleviate the city's acute housing crisis by facilitating a little more housing in every neighborhood. The text amendment accomplishes this through changes to the regulations for zoning districts across the city.

Therefore, the regulations underlying the zoning districts proposed in this project may have changed since its certification. The information in the application materials for this project reflects regulations that were in effect at the time of certification, before CHO was adopted, that may no longer be in effect. Further, a footnote in the project description of the application noted what changes could have resulted from adoption of the CHO proposal that was referred into public review on April 29, 2024. However, the footnote is no longer up to date due to modifications to CHO by the City Planning Commission and the City Council.

Now that CHO is in effect, the table below provides updated information you can use in your review of this project. The information below represents the regulations for these districts that will be in place should this project be approved.

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	Existing Zoning (R6/C1-3)		Existing Zoning (C8-2)		Proposed Zoning (C4-4D)	
	ZR Section	Permitted/Required	ZR Section	C8-2	ZR Section	Permitted/Required
USE GROUPS	22-10, 32-10	I-IV, VI-X	22-10/ 32-10	I, III, IV-X	22-10/32-10	I, III, IV-X
MAXIMUM FAR						
Residential	23-22	2.20[1]/3.00[2]/3.90[1,2,3]	NA	NA	23-22	6.02/7.02[3]
Community Facility	24-11 / 33-121	4.8	33-123	4.80	33-123	6.5
Commercial	33-121	2	33-122	2.00	33-122	3.4
Manufacturing	NA	NA	NA	NA	NA	NA
YARDS						
Minimum Front Yard	23-321	none required	NA	NA	NA	NA
Minimum Side Yard	23-334/33-25	none required or 5ft (residential) none required or 8ft (commercial)	33-25	None or 8 ft	33-25/23-462	None or 8 feet
Minimum Rear Yard[4]	23-342/33-26	20 or 30 feet	33-26	20 ft	33-26	20ft
HEIGHT AND SETBACKS						
Minimum Base Height	23-432	30ft[1]/40ft[2]	NA	NA	23-432	60ft
Maximum Base Height	23-432	45ft[1]-65ft[1,3]/65ft[2,3]	33-432	60 ft or 4 stories	33-432	95ft/105ft[3]
Maximum Building Height	23-432	55ft[1]-85ft[1,3]/75ft[2] -95ft[2,3]	33-432	Sky Exposure Plane	33-432	125ft/145ft[3]
Maximum Height of Front Wall	33-431	60 ft or 4 stories	33-432	60 ft or 4 stories	33-432	105'
Sky Exposure Plane	33-431	2.7 to 1 (narrow)/ 5.6 to 1 (wide)	33-432	2.7 to 1 (Narrow) 5.6 to 1 (Wide)	33-432	NA
Setbacks from Narrow Streets	23-432	15 ft (residential) 20 ft (commercial)	33-432	20 ft	33-432	20 ft
Setbacks from Wide Streets	23-432	10 ft (residential) 15 ft (commercial)	33-432	15 ft	33-432	15 ft
LOT COVERAGE						
Interior/Through Lot	23-362	80%,50%-65%[5]	NA	NA	NA	NA
Corner Lot	23-362	100%,50%-65%[5]	NA	NA	NA	NA
PARKING						
Residential	25-222	25% of DU/ 0%[1]	36-21	By use	36-21	By use

[1]Beyond 100' of a wide street

[2]Within 100' of a wide street

[3] Values listed are for #qualifying affordable housing#

[4]Required rear yards are the same for every residential district. Minimum yard depths are 20 or 30 feet depending on building type and height and lot width. For more detail see ZR 23-342.

[5]Values listed for #eligible sites# as defined in 23-434(a). Eligible sites are generally large or irregularly shaped, making typical bulk massing difficult.

NA = Not applicable.