CITY PLANNING COMMISSION

August 23, 2017 / Calendar No. 7 N 170312 ZRX

IN THE MATTER OF an application submitted by New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 7, for the purpose of establishing two subdistricts within the Special Harlem River Waterfront District and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 4.

This application (N 170312 ZRX) for an amendment of the Zoning Resolution of the City of New York concerning modifications to Sections 23-011, 23-154, 62-322, 62-90, 87-00, and Appendix F was filed by New York City Economic Development Corporation (NYCEDC) on March 15, 2017, in conjunction with several related actions. The proposed actions would facilitate a mixed-use development anticipated to include affordable housing, ground-floor retail space, office space, community facility space, and publicly-accessible open space along the Harlem River waterfront in Bronx Community District 4.

RELATED ACTIONS

In addition to the zoning text amendment (N 170312 ZRX) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 170311 ZMX	Zoning map amendment to change an M2-1 district to an R7-2/C2-5 district and establish a Special Harlem River Waterfront subdistrict
C 170314 PPX	Disposition of City-owned property
C 170315 ZSR	Special Permit to reduce parking requirements

BACKGROUND

A full background discussion and description of this application appears in the report for the related disposition action (C 170314 PPX).

ENVIRONMENTAL REVIEW

This application (N 170312 ZRX), in conjunction with the applications for the related actions (N 170315 ZSX, C 170311 ZMX and C 170314 PPX), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the Office of the Deputy Mayor for Housing and Economic Development. . The designated CEQR number is 16DME012X.

A summary of the environmental review appears in the report for the related disposition action (C 170314 PPX).

PUBLIC REVIEW

This application (N 170312 ZRX) was duly referred to Bronx Community Board 4 and the Bronx Borough President for information and review in accordance with the procedures for non-ULURP actions, along with the applications for the related actions (C 170311 ZMX, C 170314 PPX and C 170315 ZSX), which were certified as complete by the Department of City Planning on March 20, 2017, and was duly referred to Bronx Community Board 4 and the Bronx Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Bronx Community Board 4 adopted a resolution recommending approval of the application (C 170314 ZRX) with conditions on May 30, 2017 by a vote of 19 in favor, seven opposed, and with five abstentions.

A summary of the vote and recommendations of Community Board 4 appears in the report for the related disposition action (C 170314 PPX).

Borough President Recommendation

This application (C 170312 ZRX) was considered by the Bronx Borough President, who issued a recommendation approving the application with conditions on June 29, 2017. A summary of the Borough President's recommendation appears in the report of the related disposition action (C 170314 PPX).

City Planning Commission Public Hearing

On June 21, 2017 (Calendar No. 7), the City Planning Commission scheduled July 12, 2017 for a public hearing on this application (N 170312 ZRX) and the applications for the related actions. The hearing was duly held on July 12, 2017 (Calendar No. 24). There were a total of nine speakers at the hearing, six in favor of the application and three in opposition, as described in the report for the related disposition action (C 170314 PPX).

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 170312 ZRX), in conjunction with the applications for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 et seq.) The designated WRP number is WRP# 16-094.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 170312 ZRX), in conjunction with the applications for the related actions (C 170311 ZMX, C 170315 ZSX, and C 170314 PPX), is appropriate.

A full consideration and analysis of issues and the reasons for approving this application appear in the related report for the disposition action (C 170314 PPX).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 11, 2017, with respect to this application (CEQR No. 16DME012X) and the Technical Memorandum, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. 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

2. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed

action will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Residential Bulk Regulations in Residence Districts

* * *

23-00
APPLICABILITY AND GENERAL PURPOSES

23-01
Applicability of This Chapter

* * *

23-011
Quality Housing Program

* * *

R6 R7 R8 R9 R10

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

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

(2) Special Purpose Districts

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

* * *

#Special Grand Concourse Preservation District#;

#Special Harlem River Waterfront District#;

#Special Limited Commercial District#;

* * *

23-10
OPEN SPACE AND FLOOR AREA REGULATIONS

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

23-15
Open Space and Floor Area Regulations in R6 Through R10 Districts

R6 R7 R8 R9 R10

* * *

23-154
Inclusionary Housing

* * *

(d) Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas#

For #zoning lots# in #Mandatory Inclusionary Housing areas#, the following provisions shall apply:

* * *

(2) Maximum #floor area ratio#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section shall apply to any #MIH development#. However, the maximum #floor area ratio# for any #MIH development# in R7-1 and R7-2 Districts without a letter suffix shall be 4.6, and in an R7-3 or R7X District~~, the maximum #floor area ratio#~~ shall be 6.0 ~~for any #MIH development#~~, except that the maximum #floor area ratio# for an R7-2 District in a #Mandatory Inclusionary Housing area# in Community District 5, Borough of Brooklyn, mapped on or before April 20, 2016, shall be as set forth in paragraph (b) of this Section.

* * *

Article VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

* * *

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-30
SPECIAL BULK REGULATIONS

* * *

62-32
Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks

* * *

62-322
Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the applicable regulations of Section 23-14 (Open Space and Floor Area Regulations in R1 through R5 Districts) or Section 23-15 (Open Space and Floor Area Regulations in R6 through R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the table below, except as provided for in Sections 23-154 (Inclusionary Housing), 62-323 (Affordable independent residences for seniors) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE
FOR RESIDENTIAL BUILDINGS
OR RESIDENTIAL PORTIONS OF BUILDINGS

District	Maximum #Floor Area Ratio#[1]	Maximum #Lot Coverage# (in percent)
R1 R2	.50	35
R6B	2.00	60
R6	2.43	65
R6A R7B	3.00	65
R7-1 R7-2	3.44	65
R7A R8B	4.00	70

* * *

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[1] In #Inclusionary Housing designated areas# and in #Mandatory Inclusionary Housing areas#, the #floor area ratio# has been modified, pursuant to Section 23-154 or Section 62-35, inclusive

* * *

62-90
WATERFRONT ACCESS PLANS

* * *

62-92
Borough of The Bronx

The following Waterfront Access Plans are hereby established within the Borough of The Bronx.

All applicable provisions of Article VI, Chapter 2, remain in effect within the areas delineated by such plans, except as expressly set forth otherwise in the plans:

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

* * *

ARTICLE VIII

SPECIAL PURPOSE DISTRICTS

* * *

Chapter 7
Special Harlem River Waterfront District

87-00
GENERAL PURPOSES

* * *

87-01
Definitions

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

[The definition of "ground floor level" moved from 87-10 (SPECIAL USE REGULATIONS) and amended]

Ground floor level

~~As used in this Section,~~ ~~T~~the "ground floor level" shall mean the finished floor level of the first #story# that is within five feet of an adjacent public sidewalk or any other #publicly accessible open area#, or the finished floor level of the #lowest occupiable floor# pursuant to the provisions

of Section 64-21 (Ground Floor Use), whichever is lower.

Parcel 1 building line

The "Parcel 1 building line" shall be:

(a) in the event that the portion of the Major Deegan Expressway traversing Parcel 1, as shown on Map 1 in the Appendix of this Chapter, has been widened after June 30, 2009, a line 22 feet west of and parallel to the as-built western edge of such Expressway structure; or

* * *

87-02
General Provisions

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

[Latter portion of this Section has been moved to Section 87-043]

87-03
District Plan and Maps

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

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

Parcel 1: Block 2349, Lot 112

Parcel 2: Block 2349, Lot 100
(that portion not mapped as parkland*)

Parcel 3: Block 2349, Lots 46, 47, 146

Parcel 4: Block 2349, Lot 38

Parcel 5: Block 2349, Lots 15, 20

Parcel 6: Block 2349, Lots 3, 4

Parcel 7: Block 2323, Lot 43

Parcel 8: Block 2323, Lot 28

Parcel 9: Block 2323, Lots 5, 13, 18

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

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

The District Plan includes the following maps:

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

Map 2. (Waterfront Access Plan: Public Access Elements).

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

87-04
Applicability of District Regulations ~~Article VI, Chapter 2~~

[Existing Section 87-04 provision moved to 87-042; portion of existing 87-02 moved to 87-043]

87-041
Applicability of the Quality Housing Program

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

87-042
Applicability of Article VI, Chapter 2

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

[Existing waterfront zoning lot provision moved from Section 87-04]

For the purpose of applying such provisions, Parcels 1, 2, 3 and 4, within the Core Subdistrict as shown on Map 1 (Special Harlem River District, Subdistricts and Parcels) in the Appendix to this Chapter, shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after June 30, 2009.

87-043
Applicability of Article VI, Chapter 4

Notwithstanding the provisions of Section 87-02 (General Provisions) ~~However~~, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

87-044
Applicability of the Inclusionary Housing Program

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

* * *

87-10
SPECIAL USE REGULATIONS

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

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

[Definition of "ground floor level," moved to 87-01 and amended]

87-11
~~**Vehicle Storage Establishments**~~
Use Regulations in the Core Subdistrict

[Existing 87-11 provisions moved to 87-111]

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

87-111
Vehicle storage establishments

[Existing provisions, moved from 87-11]

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

(a) such #use# is the primary #use# on the parcel;

(b) no more than 10,000 square feet of #floor area# shall be provided on Parcel 5; and

(c) a #shore public walkway# is provided as set forth in paragraph (a) of Section 87-~~61~~71 (Special Public Access Provisions ~~by Parcel~~).

The streetscape provisions of Section 87-~~13~~40, inclusive, the maximum width of establishment provisions of Section 87-~~23~~213 and the special height and setback regulations of Section 87-30, inclusive, shall not apply to such #use#.

87-112
Location of ~~C~~commercial ~~S~~space

[Existing provisions, moved from 87-12]

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

~~87-14~~ 87-113
Location of ~~U~~underground ~~U~~uses

[Existing provisions, moved from 87-14]

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

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

[Existing 87-12 provisions moved to 87-112]

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

87-121
Modification of supplementary commercial use regulations

In the North Subdistrict, the supplementary #commercial use# regulations of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified to permit #commercial uses# to be on any #story#, provided no access exists between such #commercial# and #residential uses# at any level containing #residences#, and provided that such #commercial uses# are not located directly over any #residential use#.

~~**87-13**~~
~~**Streetscape Regulations**~~

[Existing Section 87-13 provisions moved to 87-40 and modified per subdistrict]

~~**87-14**~~
~~**Location of Underground Uses**~~

[Existing Section 87-14 provisions moved to 87-113]

87-20
SPECIAL FLOOR AREA REGULATIONS

[Existing Section 87-20 provisions moved to 87-21]

The #floor area# regulations of the underlying districts and of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) are modified by the provisions of this Section, inclusive.

87-21
~~Special Residential Floor Area Regulations~~
Floor Area Regulations in the Core Subdistrict

[Existing 87-21 provisions moved to 87-211; below: existing provisions, moved from 87-20]

The ~~#Special Harlem River Waterfront District#~~ Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive~~, applicable as modified within the Special District~~.

87-211
Special ~~R~~residential ~~F~~floor ~~A~~area ~~R~~regulations

[Existing provisions, moved from 87-21]

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

87-212
Special ~~R~~retail ~~F~~floor ~~A~~area ~~R~~requirement

[Existing provisions, moved from 87-22]

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

* * *

87-213
Maximum ~~W~~width of ~~E~~establishments

[Existing provisions, moved from 87-23]

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

87-214
Location of ~~B~~building ~~E~~entrances

[Existing provisions, moved from 87-24]

On Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, the main front entrance of at least one #building#, as the term "main front entrance" is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), or its successor, shall be located facing the #shore public walkway#. Such main front entrance of a #building# shall be:

(a) on Parcel 1, located no less than 120 feet from 149th Street;

(b) on Parcel 2, located no less than 95 feet from a mapped parkland; and

(c) on Parcels 3 and 4, located no less than 45 feet from an #upland connection#.

87-22
~~Special Retail Floor Area Requirement~~
Floor Area Regulations in the North Subdistrict

[Existing 87-22 provisions moved to 87-212]

Within the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, for all permitted #uses#, the #floor area# provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply. However, in no event shall the maximum #floor area ratio# for any #zoning lot# exceed 4.6.

~~87-23~~
~~Maximum Width of Establishments~~

[Existing provisions moved to 87-213]

~~87-24~~
~~Location of Building Entrances~~

[Existing provisions moved to 87-214]

87-30
SPECIAL HEIGHT AND SETBACK, LEGAL WINDOW AND COURT REGULATIONS

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, ~~T~~the underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section, inclusive, shall apply.

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the underlying height and setback regulations shall apply, except as modified by the provisions of this Section, inclusive, as applicable. The height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall not apply, except as specifically made applicable in this

Section, inclusive.

~~For the purposes of applying such regulations:~~

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

~~(1) Exterior Street; and~~

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

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

[Existing street line applicability provisions in paragraph (a) moved to Section 87-32]

87-31
Permitted Obstructions

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

87-32
~~Street Wall Location and Building Base~~
Special Height and Setback in the Core Subdistrict

[Existing 87-32 provisions moved to 87-321; below: some existing provisions moved from 87-30]

In the Core Subdistrict, ~~F~~for the purposes of applying ~~such~~ regulations of this Section, inclusive:

(a) a #shore public walkway#, mapped parkland, an #upland connection# or fire apparatus

access road, as required by the New York City Fire Code, shall be considered a #street# and its boundary shall be considered a #street line#. However, the following shall not be considered #streets# for the purposes of applying the #street wall# location provisions of paragraph (a) of Section 87-321:

(1) Exterior Street; and

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

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

87-321
Street ~~W~~wall ~~L~~location and ~~B~~building ~~B~~base

[Existing provisions of paragraphs (a), (b) and (c), moved from 87-32]

(a) #Street wall# location

* * *

(b) Minimum and maximum base heights

* * *

(c) Transition heights

* * *

87-322
Towers

[Existing provisions, moved from 87-33]

All #stories# of a #building# located partially or wholly above the applicable transition height set forth in paragraph (c) of Section 87-321 (Street wall location and building base) shall be considered

a “tower” and shall comply with the provisions of this Section. For #zoning lots# with less than 130,000 square feet of #lot area#, only one tower shall be permitted. For #zoning lots# with 130,000 square feet of #lot area# or more, not more than two towers shall be permitted.

* * *

87-33
~~Towers~~
Special Height and Setback, Legal Windows, and Courts in the North Subdistrict

[Existing 87-33 provisions moved to 87-322]

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the underlying height and setback, distance between #legally required windows# and #lot lines#, and #court# regulations, as modified by the provisions of this Section, inclusive, the following provisions shall apply: a #shore public walkway#, #visual corridor#, #upland connection# or #supplemental public access area# shall be considered a #street# and its boundary shall be treated as a #street line#. Any #visual corridor# or #upland connection# that measures at least 75 feet in width, or any #shore public walkway# or #supplemental public access area#, shall be considered a #wide street#. Any other #visual corridor# or #upland connection# shall be considered a #narrow street#.

87-331
Maximum height of buildings and setback regulations

In the North Subdistrict, #buildings or other structures#, or portions thereof, within 30 feet of a #shore public walkway#, shall not exceed the maximum base height provisions set forth in paragraph (a) of this Section. #Buildings or other structures#, or portions thereof, within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#, shall not exceed the maximum base height provisions set forth in paragraph (b) of this Section. Except as otherwise set forth in paragraph (a) or (b) of this Section, as applicable, such maximum heights may be exceeded only in accordance with Section 87-31 (Permitted Obstructions).

(a) Height allowances along the #shore public walkway#:

The maximum height of #buildings or other structures#, or portions thereof, located within 30 feet of a #shore public walkway# shall be as follows:

(1) such #buildings or other structures#, or portions thereof, shall not exceed 65 feet, except that 80 percent of the #street wall# of such #building or other structure#, or portion thereof, may rise to a maximum height of 85 feet; and

(2) no dormers, pursuant to the provisions of Section 87-31 (Permitted Obstructions), shall be permitted.

(b) Height allowances along all other frontages

The maximum height of #buildings or other structures#, or portions thereof, located within 10 feet of all other #wide streets#, or within 15 feet of #narrow streets#, shall not exceed a maximum height of 85 feet.

Beyond 30 feet of a #shore public walkway#, or beyond 10 feet of all other #wide streets#, or 15 feet of #narrow streets#, the maximum height of #buildings or other structures# shall be as set forth in Section 87-332 (Towers).

87-332
Towers

In the North Subdistrict, the maximum height of #buildings or other structures#, or portions thereof, beyond 30 feet of a #shore public walkway#, or beyond 10 feet of all other #wide streets#, or 15 feet of #narrow streets#, shall be 85 feet.

Such maximum #building# height may be exceeded by "towers" permitted in Location A or Location B. Such #towers# shall be provided in accordance with paragraphs (a) or (b) of this Section, as applicable. For the purpose of applying the provisions of this Section, all #stories# of a #building# located partially or wholly above 85 feet shall be considered a "tower" and shall comply with the provisions of this Section. Two or more #abutting towers# shall be considered one #tower#. In addition, for the purposes of applying the provisions of this Section, Location A shall be the portion of the North Subdistrict located within 100 feet of the northerly boundary of East 149th Street, and Location B shall be the remaining portion of the North Subdistrict.

(a) Tower in Location A

One #tower# shall be permitted, subject to the following provisions:

(1) the maximum width of any #story# of a #tower# facing a #shoreline# shall not exceed 100 feet, except that any permitted dormers need not be included in such maximum width;

(2) each #residential story# of such #tower#, partially or fully above the height of the base height, shall not exceed 10,000 square feet, except that any permitted dormers need not be included in such gross area;

(3) such #tower# shall not exceed a maximum #building# height of 400 feet;

(4) a #tower# that exceeds a height of 260 feet shall provide articulation in accordance with the following provisions:

(i) For #towers# less than 300 feet in height, the uppermost three #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#; and

(ii) For #towers# 300 feet or more in height, the uppermost four #stories# shall have a #lot coverage# not exceeding 90 percent of the #lot coverage# of the #story# immediately below such #stories#.

(b) Towers in Location B

#Towers# shall be permitted, subject to the following provisions:

(1) no #tower# shall be located within 60 feet of a #tower# within Location A;

(2) the aggregate width of #towers# that face a #shoreline#, and are located within 100 feet of a #shore public walkway#, shall not exceed 185 feet, where such aggregate width is measured in accordance with paragraph (c)(5) of Section 62-341 (Development on land and platforms);

(3) the #aggregate width of street walls# of #towers# located along the southerly boundary of the required #visual corridor# as specified in paragraph (d) of Section

87-71, shall not exceed 150 feet.

(4) such #towers# shall not exceed a maximum #building# height of 260 feet; and

(5) any #tower# that exceeds a height of 200 feet shall provide articulation in accordance with the following provisions: the uppermost three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# not exceeding 80 percent of the #lot coverage# of the #story# immediately below such #stories#.

87-40
~~**SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS**~~

STREETSCAPE REGULATIONS

[All existing 87-40 text moved to 87-50]

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

87-41
~~**Fire Apparatus Access Roads**~~
Streetscape Requirements in the Core Subdistrict

[Existing 87-41 provisions moved to 87-51]

In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the ground floor and streetscape provisions of this Section, inclusive, shall apply.

87-411
Ground floor uses within the Core Subdistrict

[Existing provisions, moved from 87-13 (a)]

Within the Core Subdistrict, all ~~All~~ #ground floor level uses# facing a #shore public walkway#,

mapped parkland or an #upland connection# shall comply with the minimum depth requirements of 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# shall be considered designated retail #streets#. Lobbies and entrances shall comply with the provisions for Type 1 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses). The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other publicly accessible area.

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

87-412
Parking wrap and screening requirements within the Core Subdistrict

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

The following provisions shall apply to all parking facilities in the Core Subdistrict:

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

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

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

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

~~(d)~~(b) Design requirements for enclosed off-street parking facilities

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

(1) The provisions of this paragraph, ~~(d)~~(b)(1), shall apply to facilities facing a #shore

public walkway#, an #upland connection#, mapped parkland, or the northern #street line# of 138th Street.

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

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

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

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

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

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

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

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

height of three feet shall be provided.

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

87-413
Transparency requirements within the Core Subdistrict

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

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

87-42

~~***Sidewalks***~~
Streetscape Requirements in the North Subdistrict

[Existing 87-42 provisions moved to 87-52]

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the provisions of Section 37-30 (SPECIAL GROUND FLOOR RETAIL PROVISIONS FOR CERTAIN AREAS), inclusive, to this Section, inclusive, in locations where non-#residential floor area# is provided along public access areas in accordance with the provisions of Section 87-421 (Ground floor uses in the North Subdistrict), such portions

of #shore public walkways#, mapped parkland, #upland connections# or #streets# shall constitute a designated retail street.

87-421
Ground floor uses in the North Subdistrict

For #building# walls more than 50 feet in width that face a #street#, #shore public walkway#, #public park# or #upland connection#, at least 30 percent of the width of such #building# walls shall be occupied by non-#residential floor area# on the #ground floor level#. Such non-#residential floor area# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

87-422
Transparency

Along designated retail streets, any #building# wall shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements).

87-423
Parking wrap and screening requirements in the North Subdistrict

Along designated retail streets, any off-street parking spaces shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements).

In other locations, any #accessory# off-street parking space provided on the #ground floor level# of a #building# shall be wrapped by #floor area# or screened in accordance with the provisions of paragraph (b) of Section 37-35.

87-50
~~**SPECIAL PARKING REGULATIONS**~~
SPECIAL REQUIREMENTS FOR CERTAIN ROADS AND SIDEWALKS

[Existing 87-50 provisions moved to 87-40 and 87-60]

87-51
~~Curb Cut Restrictions~~
Fire Apparatus Access Roads

[Existing 87-51 provisions moved to 87-611; below: existing text, moved from 87-41]

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

(a) In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, such fire apparatus access road shall comply with the following provisions:

~~(a)~~(1) the width of a paved road bed shall be 34 feet, constructed to minimum Department of Transportation standards for public #streets#, including curbs and curb drops;

~~(b)~~(2) curbs shall be provided along each side of the entire length of such road;

~~(c)~~(3) a minimum 13 foot paved sidewalk shall be provided adjacent to and along the entire length of the required curb;

~~(d)~~(4) for the purposes of making the #street# tree requirements of Section 26-41 applicable to fire apparatus access roads, a fire apparatus access road shall be considered a #street#; and

~~(e)~~(5) all such roads shall be constructed with lighting, signage, materials and crosswalks to minimum Department of Transportation standards for public #streets#.

(b) In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, in the event that such fire apparatus access road is provided within 50 feet of a #shore public walkway#, the road, or portion thereof, and any area between such road and the #shore public walkway#, shall comply with the following provisions:

(1) If access to such road is limited to emergency and maintenance vehicles, such road, and any area between the road and the #shore public walkway#, shall be flush-to-grade with the upland boundary of the #shore public walkway# and shall be accessible to persons with physical disabilities in accordance with the Americans

with Disabilities Act and the American National Standards Institute design guidelines. To facilitate pedestrian access between such road and the #shore public walkway#, at least 50 percent of the area between the road and the #shore public walkway# shall be free of obstructions.

In addition, the road, and any area between such road and the #shore public walkway#, shall be accessible to the public during the hours of operation set forth in the maintenance and operation agreement required for the #shore public walkway# pursuant to the provisions of Section 62-74 (Requirements for Recordation).

(2) If the road is configured to be accessible to private passenger vehicles, such road shall be improved at least to the minimum standards of the Department of Transportation for public #streets#, including sidewalks, curbs and curb drops. In addition, any area between the sidewalk and the #shore public walkway# shall be configured in accordance with paragraph (b)(1) of this Section.

87-52
Sidewalks

[Existing provisions, moved from 87-42]

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

* * *

87-60
~~HARLEM RIVER WATERFRONTACCESS PLAN~~
SPECIAL PARKING REGULATIONS

[All existing 87-60 text moved to 87-70]

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

87-61
~~Special Public Access Provisions~~
Special Parking Regulations in the Core Subdistrict

[Existing 87-61 provisions moved to 87-71; below: existing provisions moved from 87-50]

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

(a) Use of parking facilities

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

(b) Off-site parking

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

[Existing text in paragraphs (c) through (e) of 87-50 moved to Section 87-412]

~~(f)~~(c) Roof parking

Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, that is larger than 400 square feet, shall be landscaped. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. Up to 25 percent of such roof area may be accessible solely from an adjacent #dwelling unit# and the remaining roof area shall be accessible for the recreational use of the occupants of the #building# in which it is located. Hard surfaced areas shall not cover more than 60 percent of such roof area.

87-611
Curb Cut Restrictions

[Existing provisions, moved from 87-51]

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

~~**87-62**~~
~~**Certification to Waive Supplemental Public Access Area Requirement**~~

[Existing 87-62 provisions moved to 87-72]

~~**87-63**~~
~~**Certification to Allow Fire Apparatus Road Turnaround in Shore Public Walkways**~~

[Existing 87-63 provisions moved to 87-73]

~~**87-64**~~
~~**Declaration of Restrictions**~~

[Existing 87-64 provisions moved to 87-74]

~~**87-65**~~
~~**Applicability of Waterfront Regulations**~~

[Existing 87-65 provisions moved to 87-75]

~~**87-66**~~
~~**Connection with Adjacent Zoning Lots**~~

[Existing 87-66 provisions moved to 87-76]

87-70
HARLEM RIVER WATERFRONT ACCESS PLAN

[Existing provisions, moved from 87-60]

Map 2 (Waterfront Access Plan: Public Access Elements) in the Appendix to this Chapter shows the boundaries of the area comprising the Harlem River Waterfront Access Plan and the location of certain features mandated or permitted by the Plan.

87-71
Special Public Access Provisions

[Existing provisions, moved from 87-61]

The provisions of 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) shall apply to #developments#, #enlargements#, alterations or changes of #use#, as follows:

(a) #Shore public walkways#

(1) In the Core Subdistrict, as shown on Map 1 in the Appendix to this Chapter, ~~T~~the #shore public walkway# shall be constructed at an elevation of two feet above the highest level of the Oak Point Rail Link, except that:

(i) on Parcels 6 and 7, no such elevation requirement shall apply;

(ii) on Parcel 5, if commercial or public utility vehicle storage, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the #zoning lots#, such elevation requirement shall not apply. However, for any other #use#, such elevation requirement shall only apply along the westernmost section of the #shore public walkway# to a depth of 40 feet; and

(iii) on all #zoning lots#, a #shore public walkway# shall be required to meet the grade of an existing adjacent #street#, which may include deviating from such elevation requirement where necessary.

(2) In the Core Subdistrict, ~~A~~a dead-end fire apparatus access road turnaround, as defined in the New York City Fire Code, Section 503.2.5 (Dead-ends), or its successor, may by certification extend into a designated #shore public walkway# as set forth in Section 87-73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

* * *

(b) #Upland connections#

#Upland connections# shall be located on Parcels 3, 4, ~~and~~ 6~~,~~ and 10 as designated on Map 2 in the Appendix to this Chapter.

In the Core Subdistrict, ~~T~~the provisions of Section~~s~~ 62-50 are modified, as follows:

(1) Parcel 3 may provide the #upland connection# at either of the two optional locations indicated on Map 2.

(2) The required width for an #upland connection# on Parcel 6 is reduced to 12 feet. Such #upland connection# shall be subject only to the applicable pedestrian path provisions.

(c) #Supplemental public access areas#

In the Core Subdistrict, #~~S~~supplemental public access areas#, pursuant to this Plan, shall be provided on Parcels 1 and 2, as indicated on Map 2 in the Appendix to this Chapter. However, the requirement may be waived by certification by the Chairperson of the City Planning Commission as set forth in Section 87-~~62~~ 72 (Certification to Waive Supplemental Public Access Area Requirement).

In the North Subdistrict, a #supplemental public access area# shall be provided on Parcel 10, as indicated on Map 2.

(d) #Visual Corridors#

#Visual corridors# shall be located within Parcels 1, ~~and~~ 4 and 10, and mapped parkland, as indicated on Map 2 in the Appendix to this Chapter.

87-72
Certification to Waive Supplemental Public Access Area Requirement

[Existing provisions, moved from 87-62]

In the Core Subdistrict, ~~F~~for Parcels 1 and 2, the requirement to provide a designated #supplemental public access area#, as indicated on Map 2 in the Appendix to this Chapter, may be waived by the Chairperson of the City Planning Commission, provided that:

(a) the site plan includes a vehicular connection through the #zoning lot# pursuant to the design guidelines set forth in Section 87-~~41~~ 51 (Fire Apparatus Access Roads);

(b) a declaration of restrictions has been provided, pursuant to Section 87-~~64~~ 74;

(c) the design meets all applicable connection requirements set forth in Section 87-~~66~~ 76 (Connection with Adjacent Zoning Lots in the Core Subdistrict); and

(d) such a vehicular connection, either:

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

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

87-73
Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways

[Existing provisions, moved from 87-63]

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

(a) a declaration of restrictions has been provided, pursuant to Section 87-~~64~~ 74;

* * *

87-74
Declaration of Restrictions

[Existing provisions, moved from 87-64]

In the Core Subdistrict, ~~F~~for any fire apparatus access road proposed for certification pursuant to Sections 87-~~62~~ 72 or 87-~~63~~ 73, a declaration of restrictions shall be provided to guarantee the construction, improvement, operation, maintenance and repair of such road, to guarantee that such road remains open, unobstructed and accessible to all members of the public, except as necessary to avoid public dedication, and to ensure compliance with all applicable provisions. Such declaration of restrictions shall be prepared in a form acceptable to the Department of City Planning, shall be filed and duly recorded in the Borough Office of the Register of the City of New York and indexed against the property. Filing and recording of the declaration of restrictions shall be a precondition for the Chairperson's certification under Sections 87-~~62~~ 72 and 87-~~63~~ 73, where applicable.

For certifications proposed pursuant to Section 87-~~63~~ 73, at the time a declaration of restrictions has been provided by the adjacent #development#, #enlargement#, alteration or change of #use#, pursuant to this Section, permitting vehicular connection between #zoning lots#, the #zoning lot# containing a previously constructed fire apparatus access turnaround shall be responsible for the following actions on the portion of the connection on such #zoning lot#:

(a) deconstructing the fire apparatus access road turnaround;

(b) re-landscaping the area that had extended into the #shore public walkway#, so as to create the conditions of the immediately surrounding #shore public walkway#, which may include any combination of tree planting, laying sod, removing pavers, or any other required landscaping action;

(c) extending all required sidewalks that had remained short of the #lot line# to the shared #lot line# to connect to the required adjacent sidewalks and enable pedestrian movement across parcels; and

(d) complying with all applicable waterfront rules, #street# regulations and the New York City Fire Code.

87-75
Applicability of Waterfront Regulations

[Existing provisions, moved from 87-65]

In the Core Subdistrict, ~~I~~in the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after June 30, 2009, the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all waterfront regulations of the Zoning Resolution.

87-76
Connection with Adjacent Zoning Lots in the Core Subdistrict

[Existing provisions, moved from 87-66]

In the Core Subdistrict, ~~T~~the following provisions apply to #developments#, #enlargements#, alterations or changes of #use#, pursuing certification, pursuant to either Section 87-~~62~~ 72 (Certification to Waive Supplemental Public Access Area Requirement) or 87-~~63~~ 73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

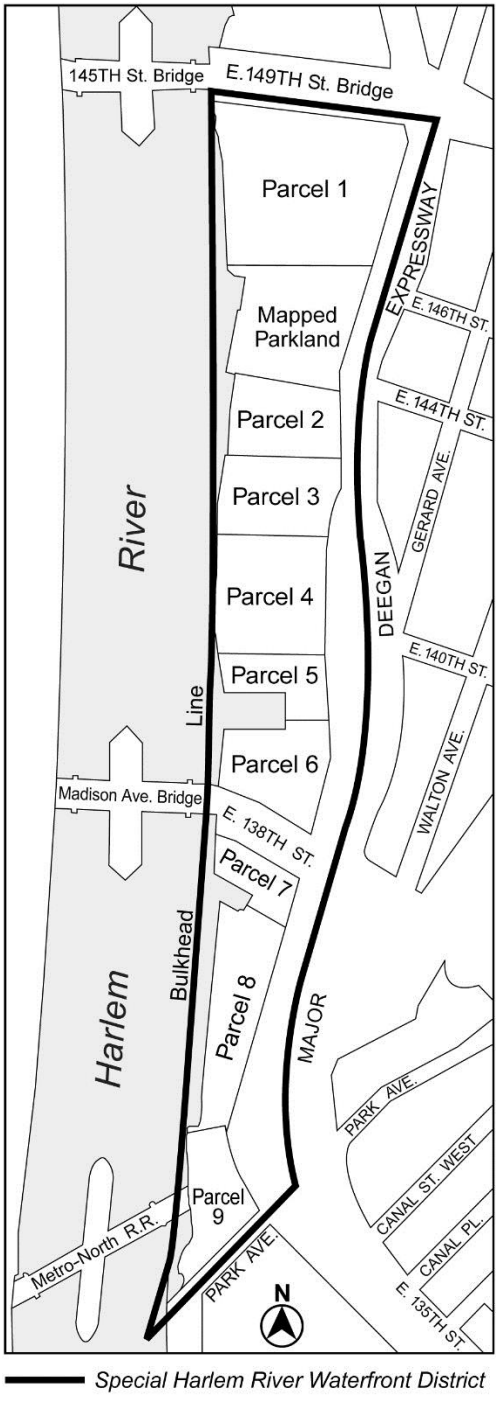
On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development#, #enlargement#, alteration or change of #use#, shall provide a connection for bi-directional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection of fire apparatus access roads across a shared #zoning lot line# must meet the grade of, and maintain the street width of, the existing adjacent private street. In addition to such physical shared #lot line# connection, a #private road# declaration shall be provided pursuant to the provisions of Section 87-~~64~~ 74. A connection need not be opened unless and until such declaration of restrictions, in accordance with Section 87-~~64~~ 74, has been recorded against the adjacent #zoning lot#.

When no connection for vehicular travel terminating at the opposite side of a shared #lot line# exists, a dead-end fire apparatus access road turnaround may be constructed, pursuant to Section 87-~~63~~ 73, which may extend into the designated #shore public walkway#. Such certification is also contingent upon providing a declaration of restrictions, in accordance with Section 87-~~64~~ 74.

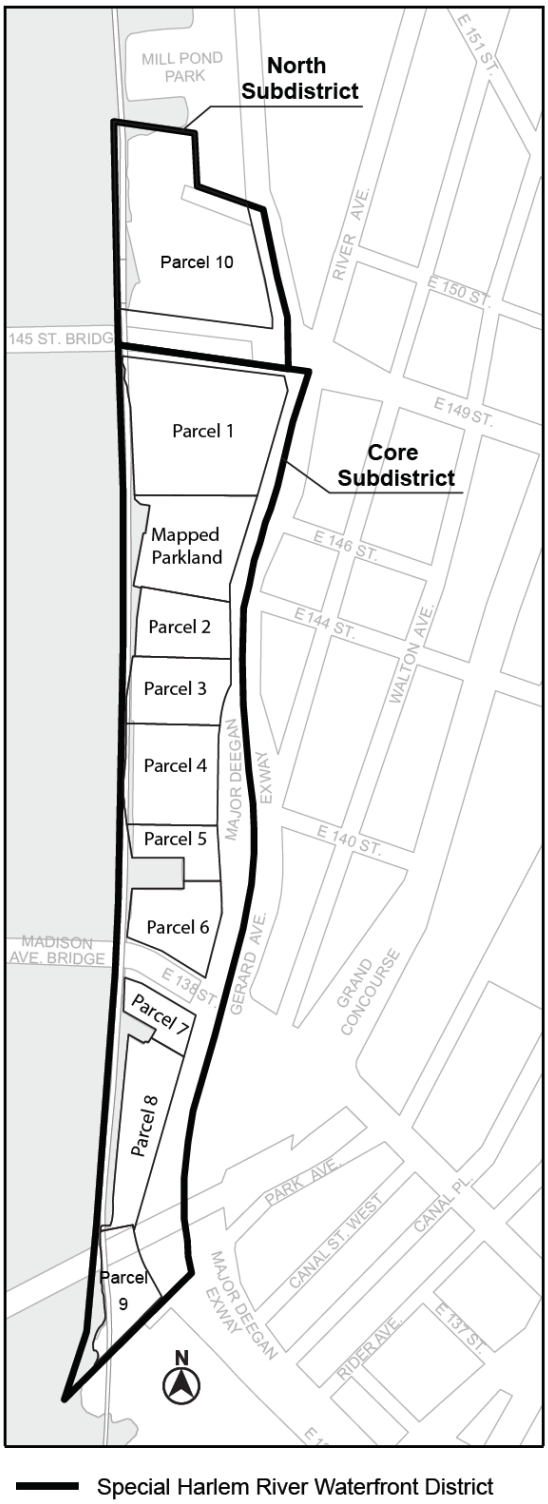
Appendix
Special Harlem River Waterfront District Plan

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

[Existing map]

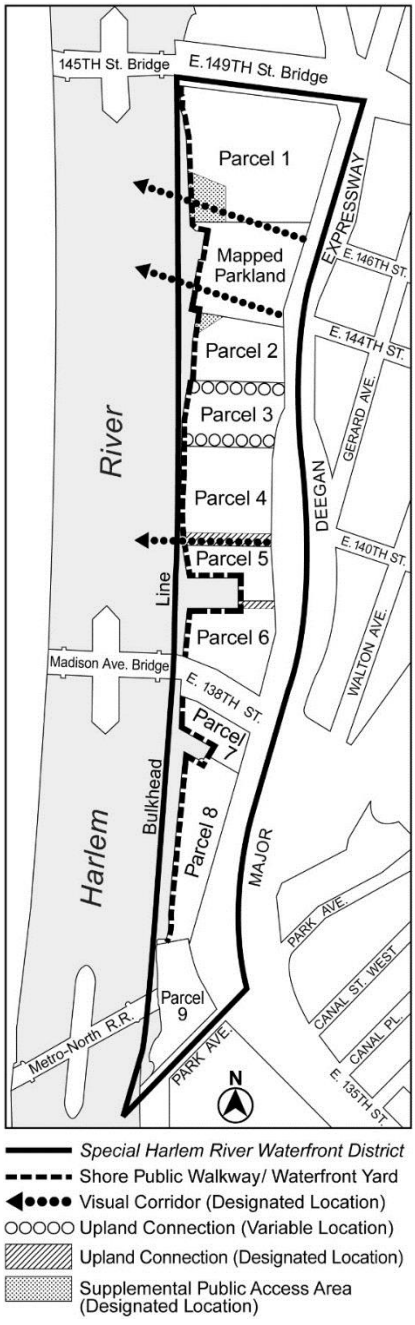


[Proposed map]

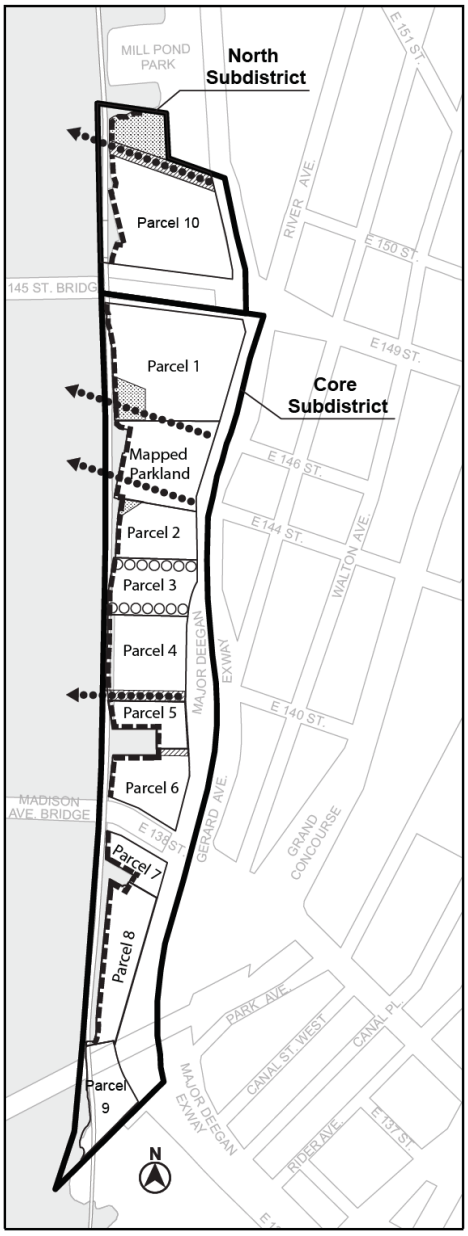


Map 2. Waterfront Access Plan: Public Access Elements

[Existing map]



[Proposed map]



* * *

APPENDIX F

INCLUSIONARY HOUSING DESIGNATED AREAS AND MANDATORY INCLUSIONARY HOUSING AREAS

* * *

The Bronx

* * *

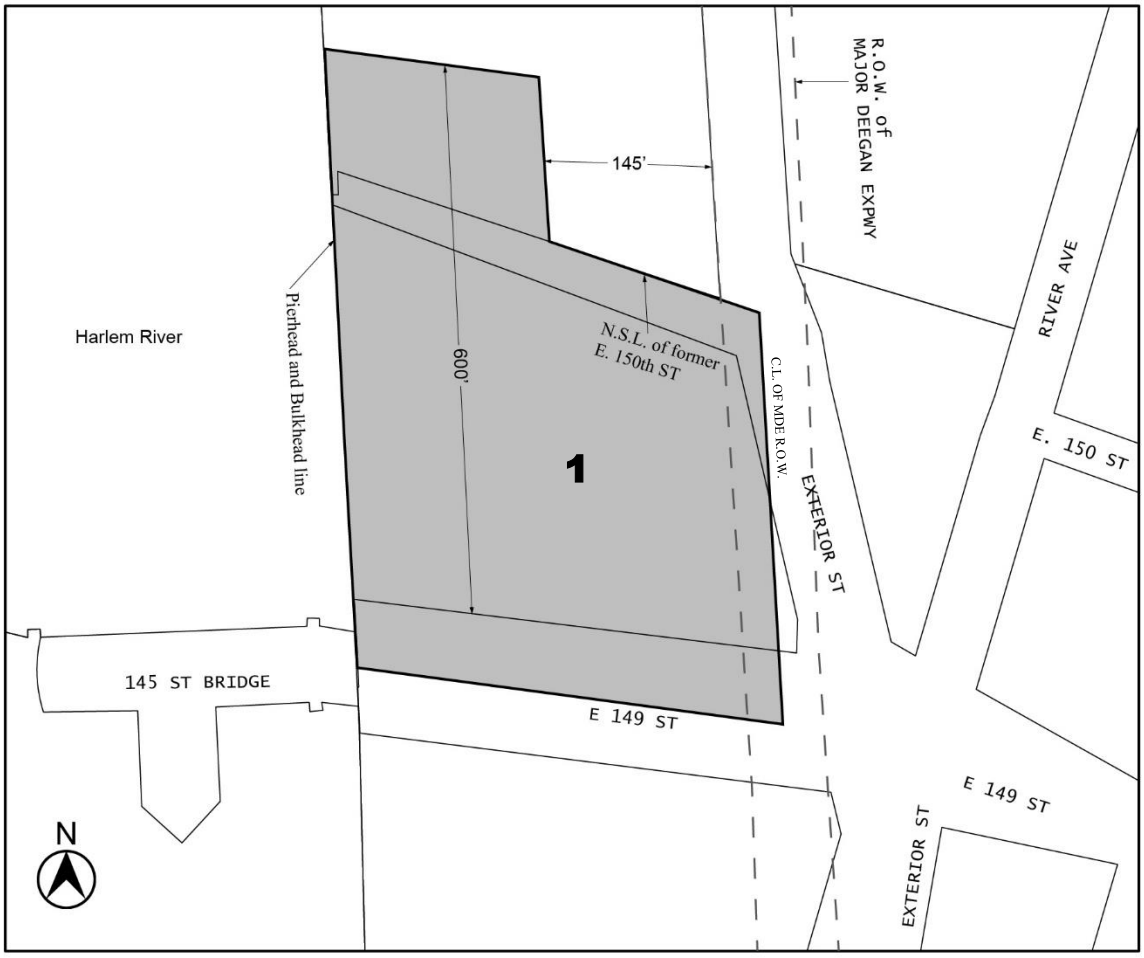
The Bronx Community District 4

In portions of the #Special Grand Concourse Preservation District# and in the R7A, R7D, R8, R8A and R9D Districts within the areas shown on the following Map 1 and 2:

* * *

Map 2 - [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing area see Section 23-154(d)(3)

Area 1 [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 4, The Bronx

* * *

The above resolution (N 170312 ZRX), duly adopted by the City Planning Commission on August 23, 2017 (Calendar No. 7), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, Esq., *Vice Chair*
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, *Commissioners*