APPENDIX B:
Proposed Zoning Text Amendments

Special Harlem River Waterfront District
01.28.09

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter with # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article I
General Provisions

Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

* * *

11-12
Establishment of Districts

* * *

Establishment of the Special Grand Concourse Preservation District

* * *

Establishment of the Special Harlem River Waterfront District

In order to carry out the special purposes of this Resolution as set forth in Article VIII Chapter 7, the #Special Harlem River Waterfront District# is hereby established.

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10
DEFINITIONS

* * *

Special Harlem River Waterfront District

The "Special Harlem River Waterfront District" is a Special Purpose District designated by the letter "HRW" in which special regulations set forth in Article IX Chapter 7 apply. The #Special Harlem Waterfront District# appears on the #zoning maps# superimposed

on other districts and its regulations supplement and supersede those of the districts on which it is superimposed.

* * *

Article II
Residence District Regulations

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-144
In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

Community District	Zoning District
Community District 1, Bronx	R6A, R7-2, R7A, R7X, R8A
Community District 1, Brooklyn	R6 R6A R6B R7A
Community District 2, Brooklyn	R7A
Community District 3, Brooklyn	R7D
Community District 7, Brooklyn	R8A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 2, Queens	R7X

* * *

23-90
INCLUSIONARY HOUSING

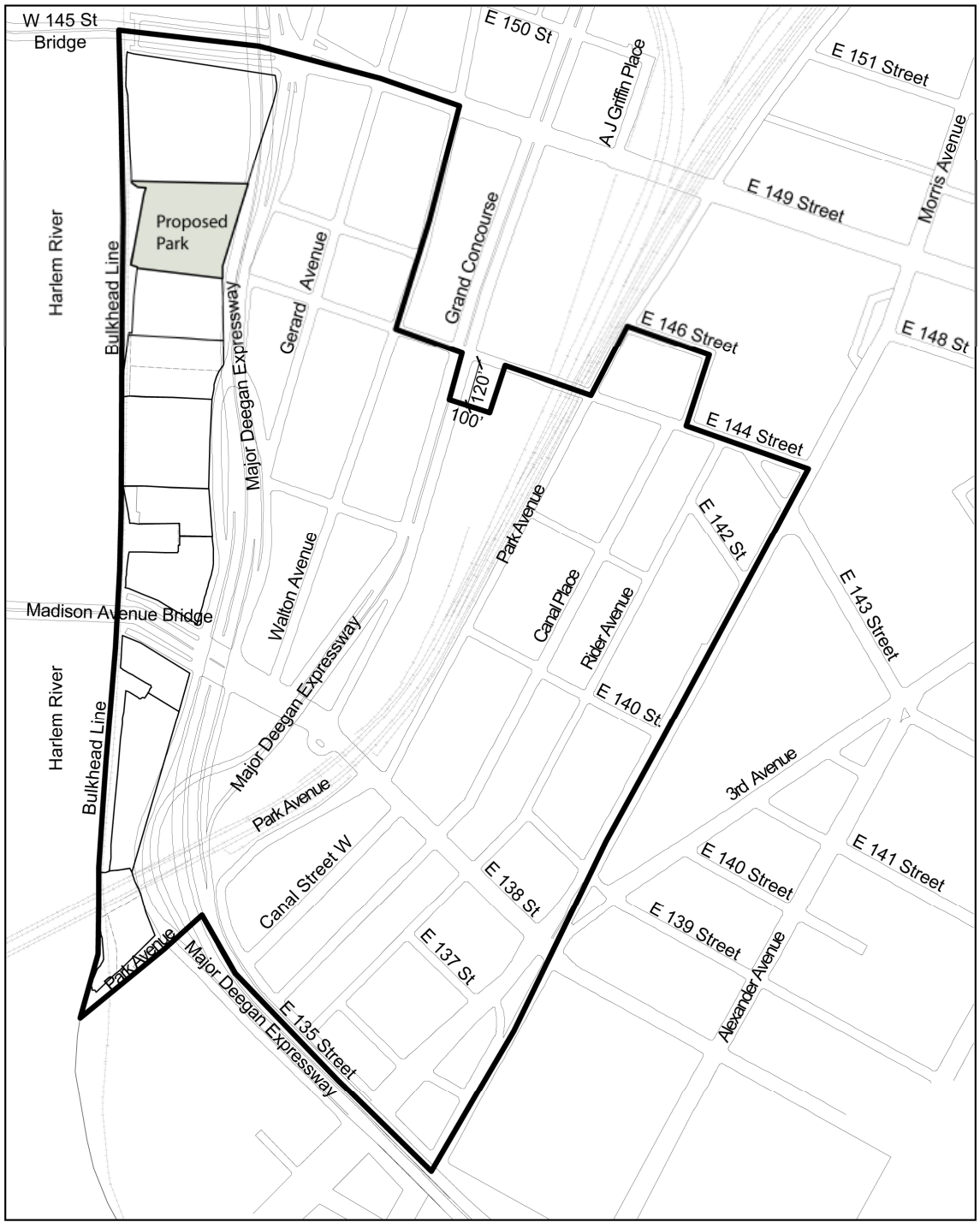
* * *

23-922
Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

* * *

(17) In Community District 1, in the Borough of the Bronx, in the R6A, R7-2, R7A, R7X and R8A Districts within the areas shown on the following Map 17:



Map 17. Portion of Community District 1, Bronx

* * *

Article IV
Manufacturing District Regulations

Chapter 2
Use Regulations

* * *

42-10
USES PERMITTED AS-OF-RIGHT

* * *

42-12
Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16

M1 M2 M3

Use Group 3A shall be limited to Museums that are ancillary to existing Motion Picture Production Studios or Radio or Television Studios, provided they are located within 500 feet of such studios and do not exceed 75,000 square feet of #floor area#.

Use Groups 6A except that foodstores, including supermarkets, grocery stores, or delicatessen stores, shall be limited to 10,000 square feet of #floor area# per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, foodstores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited as to #floor area# per establishment.

* * *

Article VI
Special Regulations Applicable to Certain Areas

* * *

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-80
WATERFRONT ACCESS PLANS

* * *

62-82
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 (Harlem River Waterfront Access Plan).

* * *

Note: All text in Article VIII, Chapter 7 is new; it is not underlined.

Article VIII
Special Purpose Districts

Chapter 7
Special Harlem River Waterfront District

87-00
GENERAL PURPOSES

The "Special Harlem River Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) maintain and reestablish physical and visual public access to and along the waterfront;

(b) create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;

(c) promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;

(d) encourage well-designed new development that complements the built character of the neighborhood;

(e) take advantage of the Harlem River waterfront and provide an open space network comprised of parks, public open space and public access areas;

(f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus to encourage more attractive and economic building forms; and

(g) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River Waterfront.

87-01
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 to all #developments#, #enlargements#, alterations and changes of #use# within the #Special Harlem River Waterfront District#, except as otherwise provided in this Chapter. 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.

87-02
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 parcels consisting of tax blocks and lots as established on (effective date of amendment), as follows:

Parcel 1: Block 2349, Lot 112

Parcel 2: Block 2349, Lot 100

Parcel 3: Block 2349, Lots 46 & 47

Parcel 4: Block 2349, Lot 38

Parcel 5: Block 2349, Lot 15

Parcel 6: Block 2349, Lot 3

Parcel 7: Block 2323, Lot 43

Parcel 8: Block 2349, Lot 28

Parcel 9: Block 2323, Lots 13 & 18

The District Plan includes the following maps:

Map 1 #Special Harlem River Waterfront District# and Parcels

Map 2 Waterfront Access Plan: Public Access Elements

87-03
Applicability of Article I, Chapter 1

Within the #Special Harlem River Waterfront District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

(a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or

(b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

87-04
Applicability of Article VI, Chapter 2

Parcels 1, 2, 3 and 4, as shown on Map 1 (Special Harlem River District and Parcels) shall be considered #waterfront zoning lots#, notwithstanding the mapping of any #streets# on such parcels after (effective date of amendment).

87-10
SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts are modified in Sections 87-11 through 87-26, inclusive.

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

87-11
Location of Commercial Space

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) shall apply to all #mixed buildings# and are hereby modified to permit #residential uses# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located directly over any #residential use#. However, such non-#residential 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 non-#residential uses# exists within the #building#.

87-12
Streetscape Regulations

(a) Ground floor #use#

All #uses# shall have a depth of at least 25 feet from #building walls# facing a #shore public walkway#, #park# or #upland connection#. Lobbies and entrances may not occupy more than 20 feet or 25 percent of the such #building wall# width, whichever is less. 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 open area#.

For #buildings# on Parcels 1 through 6 that face a #shore public walkway#, #park# or #upland connection#, not less than 20 percent of the ground floor level #floor area# of such portions of #buildings#, to a depth of 25 feet shall consist of #uses# from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.

(b) Transparency

Any #building wall# containing ground floor level #commercial# and #community facility uses# that faces a #shore public walkway#, #park# or #upland connection# shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #building wall#, measured to a height of 10 feet above the level of the adjoining public sidewalk or other #publicly accessible open area# or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #building wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

(c) Security Gates

All security gates that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or #publicly accessible open area#, except that this provision shall not apply to entrances or exits to parking garages.

87-20
SPECIAL FLOOR AREA REGULATIONS

The #Special Harlem River Waterfront District# 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.

87-21
Special Residential Floor Area Regulations

The base #floor area ratio# for any #zoning lo# containing #residences# shall be 3.0. Such base #floor area ratio# may be increased to a maximum of 4.0 through the provision of #lower income housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of paragraph (b) of Section 23-942 (In Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

87-22
Special Retail Floor Area Requirement

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

(a) Use Groups 6A and 6C, except for:

Docks for ferries, other than #gambling vessels#, limited to an aggregate operational passenger load, per #zoning lot#, of 150 passengers per half hour, and

Docks for water taxis with vessel capacity limited to 99 passengers, and

Docks or mooring facilities for non-commercial pleasure boats;

The following from Use Group 10:

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Dry goods or fabric stores, with no limitation on #floor area# per establishment

Carpet, rug, linoleum or other floor covering stores, with no limitation on #floor area# per establishment

Clothing or clothing accessory stores, with no limitation on #floor area# per establishment

Department stores

Dry goods or fabric stores, with no limitation on #floor area# per establishment

The following from Use Group 12:

Billiard parlor or pool halls

Bowling alleys or table tennis halls, with no limitation on number of bowling lanes per establishment

Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing

. The following retail establishments:

Antique stores

Art gallery, commercial

Book stores

Candy or ice cream stores

Cigar and tobacco stores

Delicatessen stores

Drug stores

Gift shops

Jewelry or art metal craft shops

Music stores

Photographic equipment stores

Record stores

Stationery stores

Toy stores

(b) All #residential uses# in Use Groups 1 and 2

All #community facility uses# from Use Group 3, 4A, and 4B, except cemeteries

All #commercial uses# from Use Groups 5A, 6B and 8A

However, the City Planning Commission may authorize a modification or waiver of this provision upon finding that such #building# includes:

(1) a superior site plan that enables safe and efficient pedestrian connectivity to and between establishments and #publicly accessible open areas#;

(2) a superior parking and circulation plan that reduces conflicts between pedestrian and vehicular traffic, minimizes open parking lots, and limits conflicts between curb cuts;

(3) a design that enhances and is integrated with #publicly accessible open areas# including provision of a public entrance fronting on a #waterfront public access area#;

(4) a variety of retail establishments; and

(5) #uses# that do not unduly affect the #residential uses# in the nearby area or conflict with future land use and development of adjacent areas.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on #publicly accessible open areas#.

87-23
Special Floor Area Rules for Parcels Containing Newly Mapped Streets

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after (effective date of amendment), the area within such #streets# may continue to be considered part of the #zoning lot# for the purposes of applying all #use# and #bulk# regulations of the Zoning Resolution.

87-24
Maximum Width of Establishments

On Parcels 5 and 6, the width of any ground floor level #commercial# or #community facility# establishments facing a #shore public walkway#, #park# or #upland connection#, shall be limited to 60 feet.

87-25

Location of Building Entrances

On Parcels 1, 2, 3 and 4, the main front entrance of a #building#, as the term "main front entrance" is used in the New York City Fire Code, Section 502.1 (FRONTAGE SPACE), shall be located facing the #shore public walkway#.

On Parcels 1, 3 and 4, such main front entrance of a #building# shall be located no less than 45 feet from an #upland connection# and, on Parcel 2, located no less than 95 feet from a #park#.

87-30
SPECIAL YARD REGULATIONS

Notwithstanding the provisions of Section 62-332 (Rear yards and waterfront yards), #waterfront yards# shall be raised to a level of two feet above the rail platform of the adjacent Oak Point Rail Line, except where deviation is required to meet the grade of an existing adjacent #street#. Underground #uses#, such as parking garages, shall not be allowed in #waterfront yards#.

Parcels 1, 2, 3 and 4 shall be considered #waterfront zoning lots#, notwithstanding any future action in which a #street# is mapped on such #zoning lots#.

87-40
SPECIAL HEIGHT AND SETBACK REGULATIONS

The underlying height and setback regulations shall not apply. In lieu thereof, the special height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

For the purposes of applying the #bulk# regulations of this Section 87-40, inclusive, a #shore public walkway#, #park#, #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#..

87-41
Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:

(a) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or

(b) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

87-42
Street Wall Location and Building Base

(a) #Street wall# location

The #street wall# of the #development# or #enlargement# shall be located within five feet of the #street line# and extend along the entire frontage of the #zoning lot#, except that:

(1) ground floor level recesses up to three feet deep shall be permitted for access to building entrances; and

(2) to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#; and

(3) for #buildings# that are required to locate the main front entrance facing a #shore public walkway#, pursuant to Section 87-26 (Location of Building Entrances), no portion of the #street wall# containing such entrance shall be closer to the #shore public walkway# than the main front entrance; and

(4) no portion of a #building# facing a #shore public walkway#, except on Parcel 1, shall exceed a width of 300 feet.

(b) Minimum and Maximum Base Heights

The #street wall# of a #development# or #enlargement# shall rise without setback to a minimum base height of six #stories# or 60 feet, or the height of the #building#, whichever is less, and a maximum base height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on Parcels 5 and 6, for #street walls# facing a #shore public walkway#, the minimum base height shall be 20 feet and the maximum base height shall be four #stories# or 40 feet, whichever is less, before a setback is required. Any portion of a #building or other structure# that does not exceed such maximum base heights shall hereinafter be referred to as a “building base”.

All portions of #buildings# that exceed the maximum base heights set forth in this paragraph, (b), shall be set back from the #street wall# of the #building# at least

ten feet along a #shore public walkway#, #park# and Exterior Street, and at least 15 feet along an #upland connection#.

For #developments# or #enlargements# that exceed a height of eight #stories# or 85 feet, except on Parcels 5, 6, 7 and 9, not more than 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of six #stories# or 60 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing a #shore public walkway# shall rise without setback to at least a height of eight #stories# or 80 feet, whichever is less.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed, provided no recesses are located within 15 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except where corner articulation is provided as set forth in paragraph (a)(1) of this Section.

(c) Transition heights

All #street walls#, except on Parcels 5 and 6, may rise to a maximum transition height of 115 feet, provided that, except on Parcel 7, not more than 60 percent of the #aggregate width of street walls# facing a #shore public walkway# exceeds a height of 85 feet. On Parcels 5 and 6, a #street wall# may rise to a maximum transition height of 85 feet, without limitation.

All portions of #buildings# that exceed the transition heights set forth in this paragraph, (c), shall comply with the tower provisions of 87-43 and 87-44.

87-43
Towers

All #stories# of a #development# or #enlargement# located partially or wholly above the applicable transition height set forth in paragraph (b) of Section 97-42 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.

(a) Maximum tower height

For #zoning lots# with 100,000 square feet of #lot area# or less, the maximum height of a #building# shall be 300 feet. The maximum height of #buildings# on #zoning lots# with more than 100,000 square feet of #lot area# shall be 400 feet; however, for #zoning lots# with two towers, such maximum #building# height of 400 feet shall apply to not more than one tower, a maximum #building# height of

260 feet shall apply to the second tower, and there shall be a height differential of at least 40 feet between both towers.

(b) Location rules for #zoning lots# abutting #parks#

Where a tower is provided on a #zoning lot# that abuts a #park#, such tower shall be located within 85 feet of such #park#, and if two towers are provided on such #zoning lot#, the second tower shall be located within 45 feet of East 149th Street or an #upland connection#.

(c) Maximum tower size

The outermost walls of each #story# located entirely above the applicable transition height shall be inscribed within a rectangle. The maximum length of any side of such rectangle shall be 135 feet. Each #story# of a tower located entirely above the applicable transition height shall not exceed a gross area of 8,800 square feet.

(d) Tower top articulation

All #buildings# that exceed a height of 200 feet shall provide articulation in accordance with at least one of following provisions:

(1) Setbacks on each tower face

(i) For #buildings# less than 260 feet in height, the highest three #stories#, or as many #stories# as are located entirely above a height of 200 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.

(ii) For #buildings# 260 feet or more in height, the highest four #stories#, or as many #stories# as are located entirely above a height of 260 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#.

Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this subparagraph (1), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced

#lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(2) Three setbacks facing Harlem River

The upper #stories# of a tower shall provide setbacks with a minimum depth of 15 feet measured from the west facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 230 feet, whichever is less. The lowest level at which such setbacks may be provided is 230 feet, and the highest #story# shall be located entirely within the eastern half of the tower.

87-50
Design Requirements for Fire Apparatus Access Roads

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.

(a) 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) Curbs shall be provided along each side of the entire length of such road.

(c) A minimum five-foot wide planting strip shall be provided adjacent to and along the entire length of the required curb. Within the required planting strip, one tree of at least three inches in caliper shall be planted for every 25 feet of length of such planting strip. Driveways are permitted to traverse such planting strips, and utilities are permitted to be located within such planting strips.

(d) A minimum 8 foot paved sidewalk shall be provided adjacent to and along the entire length of the required planting strip.

(d) All such roads shall be constructed with lighting, signage and crosswalks to minimum Department of Transportation standards for public #streets#.

87-60
Parking Regulations

The following provisions shall apply to all parking facilities:

(a) 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 therefore is made to the landlord.

(b) The off-site spaces 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#.

(c) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:

(1) entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts; or

(2) located at every level above-grade, behind commercial, community facility or #residential floor area# with a minimum depth of 25 feet as measured any #building wall# facing a #shore public walkway#, so that no portion of such parking facility is visible from the #shore public walkway#. All such parking facilities shall be exempt from the definition of #floor area#. In addition, on Parcel 1, the ground floor of a portion of a #building# facing Exterior Street shall be occupied to a depth of 25 feet with #commercial#, #community facility# or #residential floor area# so that no portion of such parking facility is visible from Exterior Street. On Parcel 6, the ground floor of a portion of a #building# within 60 feet of the intersection of Exterior Street and 138th Street shall be occupied to a depth of 25 feet with #commercial#, #community facility# or #residential floor area# so that no portion of such parking facility is visible from such portion of Exterior Street or 138th Street.

(d) The provisions of this paragraph (d) shall apply to any portion of a parking facility that abuts an exterior #building wall#.

(1) any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;

(2) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and

(3) a total of at least 50 percent of such exterior building wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.

(e) Any roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which 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.

87-61
Curb Cut Restrictions

On Parcels 1, 2, 3 and 4, as indicated 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 a #park#.

87-70
HARLEM RIVER WATERFRONT ACCESS PLAN

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
Public Access Provisions by Parcel

The provisions of Sections 62-41 (Requirements for Waterfront Public Access) and 62-42 (Requirements for Visual Corridors), shall apply as follows:

(a) #Shore public walkways#

(1) The #shore public walkway# shall be constructed at an elevation of two feet above the highest level of the Oak Point Rail Link.

(2) 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 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, as designated on Map 2 in the Appendix to this Chapter.

The provisions of Sections 62-41 (Requirements for Waterfront Public Access) are modified as follows:

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

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

(c) Supplemental public access areas

#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 87-72 (Certification to Waive Supplemental Public Access Area Requirement).

(d) Visual Corridors

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

87-72
Certification to Waive Supplemental Public Access Area Requirement

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 upon finding that:

(a) the site plan includes a vehicular connection through the #zoning lot# pursuant to the design guidelines set forth in Section 87-50 (Design Requirements for Fire Apparatus Access Roads); and

(b) a declaration of restrictions has been provided pursuant to Section 87-74 (Declaration of Restrictions); and

(c) the design meets all applicable connection requirements set forth in Section 87-76 (Connection with adjacent zoning lots); and

(d) such a connection either:

(1) on Parcel 1, provides a vehicular connection between East 149th Street and Exterior Street; or

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

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

On 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 87-74; and

(b) a fire apparatus access road abutting the shared #zoning lot line# between the #development# seeking certification under this section and Parcels 2, 3 or 4 does not exist; and

(c) the following connection requirements are met:

(1) On Parcel 1, the fire apparatus access road shall serve as a connection along all #buildings# on such Parcel along the #shore public walkway# and #park#. Such road shall provide for a vehicular connection between East 149th Street and Exterior Street; or

(2) On Parcels 2, 3 and 4, the fire apparatus access road shall serve as a segment of a bidirectional loop road along the #shore public walkway# on such Parcels, providing a connection to Exterior Street at the northeast corner of Parcel 2 and a connection to Exterior Street at the southeast corner of Parcel 4.

Such turnaround shall have a diameter of 70 feet and be located at the end of the fire apparatus access road, abutting the adjacent #lot line#. At no point may the turnaround extend into the #shore public walkway# for a distance greater than 23 feet. Sidewalks shall not be required adjacent to the turnaround. The portion of the turnaround that lies within a #shore public walkway# shall remain clear of obstacles, shall be composed of permeable materials, and shall meet all applicable requirements set forth in the New York City Fire Code Section 503.1.1 (Fire apparatus access roads). In addition, the roadbed material of a fire apparatus access road leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The remaining portions of the turnaround shall be paved with distinct materials to facilitate pedestrian usage. In addition, the level of the area within the turnaround shall be raised to be flush of the level of adjoining sidewalks.

87-74

Declaration of Restrictions

For any fire apparatus access road proposed for certification pursuant to Sections 87-72 or 87-73, 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 Section 87-72 and 87-73, where applicable.

For certifications proposed pursuant to Section 87-73, at the time a declaration of restrictions has been provided by the adjacent #development#, 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; and

(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; and

(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 #developments#; and

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

87-75
Applicability of waterfront regulations

In the event that #streets# are mapped on Parcels 1, 2, 3 and 4 after (effective date of amendment), 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

The following provisions apply to #developments# pursuing certification pursuant to either Section 87-72 (Certification to Waive Supplemental Public Access Area

Requirement) or Section 87-73 (Certification to Allow Fire Apparatus Access Road Turnaround in Shore Public Walkways).

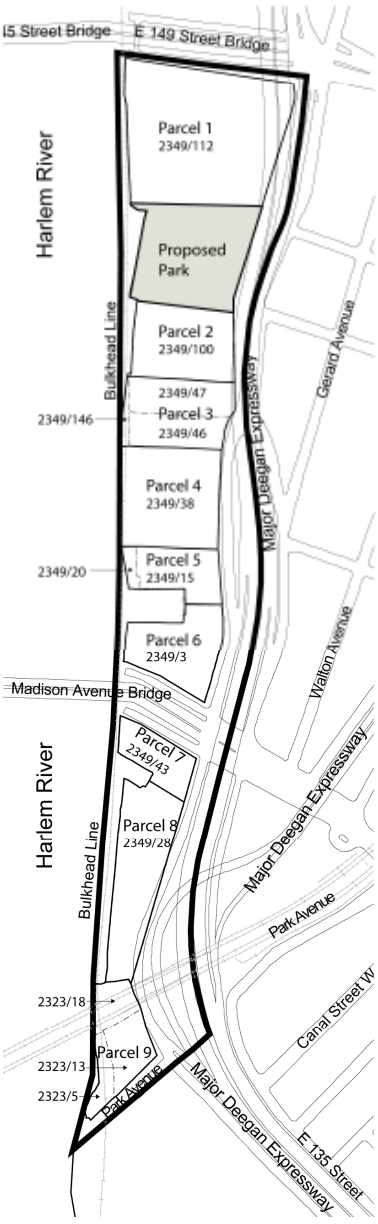
On each of Parcels 2, 3 and 4, and only among Parcels 2, 3 and 4, a #development# shall provide a connection for bidirectional vehicular travel at an adjacent #zoning lot line# if such adjacent #zoning lot# has previously constructed a connection that terminates at the shared #lot line#. Any connection 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 87-74 of this Chapter. A connection need not be opened unless and until such declaration of restrictions, in accordance with 87-74, has been recorded against the adjacent #zoning lot#.

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

APPENDIX

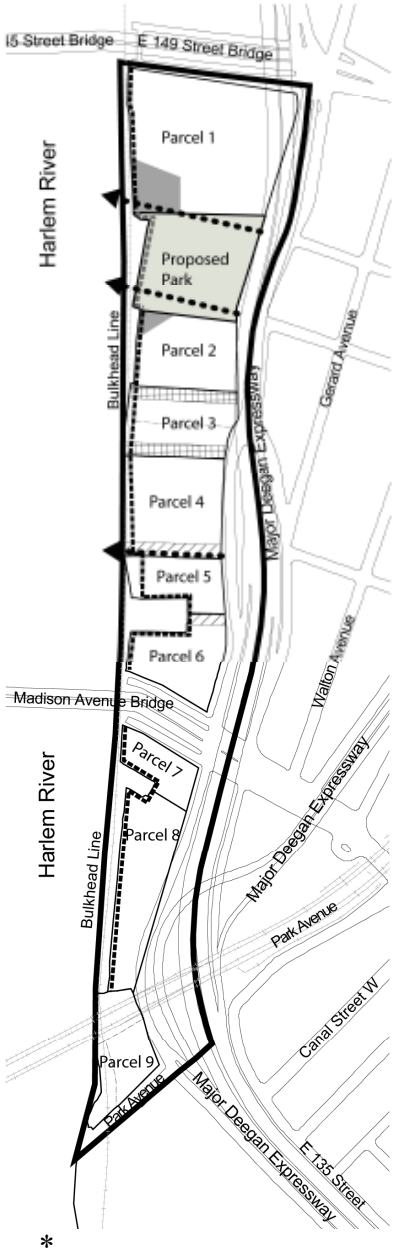
Map 1: Special Harlem River Waterfront District and Parcels

Special Harlem River District
Parcel line
Tax lot line
2349/112 Tax block/Lot number



Map 2: Waterfront Access Plan : Public Access Elements

Special Harlem River District
Shore Public Walkway / Waterfront Yard
Shore Public Walkway in Park
Visual Corridor (Designated Location)
Upland Connection (Designted Location)
Upland Connection (Variable Location)
Supplemental Public Access Area (Designated Location)



* * *

Note: Only underlined text is new in the following Section.

123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED

The #Special Mixed Use District# is mapped in the following areas:

* * *

#Special Mixed Use District# - 13: (effective date)
Lower Concourse, Bronx

The #Special Mixed Use District# - 13 is established in the Lower Concourse in The Bronx as indicated on the #zoning maps#.