SPECIAL EASTCHESTER – EAST TREMONT CORRIDOR DISTRICT

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 I
GENERAL PROVISIONS

Chapter 1
Title, Establishment of Controls and Interpretation of Regulations

* * *

11-10
ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS

* * *

11-122
Districts established

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

Residence Districts

* * *

R6	General Residence District
R6-1	General Residence District
R6A	General Residence District

* * *

Manufacturing Districts

[THIS LANGUAGE REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR ECONOMIC OPPORTUNITY – M DISTRICTS TEXT AMENDMENT, CURRENTLY IN PUBLIC REVIEW]

M1-1	Light Manufacturing District (High Performance)
M1-1A	Light Manufacturing District (High Performance)

M1-1D Light Manufacturing District (High Performance)

* * *

Special Purpose Districts

* * *

Establishment of the Special East Harlem Corridors District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 8, the #Special East Harlem Corridors District# is hereby established.

Establishment of the Special Eastchester – East Tremont Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIV, Chapter 5, the #Special Eastchester – East Tremont Corridor District# is hereby established.

Establishment of the Special Enhanced Commercial District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 2, the #Special Enhanced Commercial District# is hereby established.

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10
DEFINITIONS

* * *

Special East Harlem Corridors District

The "Special East Harlem Corridors District" is a Special Purpose District designated by the letters "EHC" in which special regulations set forth in Article XIII, Chapter 8, apply.

Special Eastchester – East Tremont Corridor District

The "Special Eastchester – East Tremont Corridor District" is a Special Purpose District designated by the letters "ETC" in which special regulations set forth in Article XIV, Chapter 5, apply.

Special Enhanced Commercial District

The "Special Enhanced Commercial District" is a Special Purpose District designated by the letters "EC" in which special regulations set forth in Article XIII, Chapter 2, apply.

* * *

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

* * *

Chapter 3
Residence Bulk Regulations in Residence Districts

* * *

23-00
APPLICABILITY AND GENERAL PURPOSES

* * *

23-01
Applicability of This Chapter

* * *

23-011
Quality Housing Program

* * *

(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:

* * *

(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 East Harlem Corridors District#;

#Special Eastchester – East Tremont Corridor District#;

#Special Flushing Waterfront District#;

* * *

23-10
OPEN SPACE AND FLOOR AREA REGULATIONS

* * *

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

* * *

23-154
Inclusionary Housing

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on March 22, 2016, shall be as set forth in paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in paragraph (c) of this Section. Special #floor area# and #lot coverage# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# are set forth in paragraph (d) of this Section. ~~The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district~~. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

* * *

(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# and maximum #lot coverage#

The maximum #floor area ratio# for the applicable zoning district in #Inclusionary Housing designated areas# set forth in paragraph (b) of this Section and the maximum #lot coverage# for the applicable zoning district set forth in Section 23-153 shall apply to the applicable zoning district in a #Mandatory Inclusionary Housing area#, except:

(i) in an R6 District, without a letter suffix, the maximum #floor area ratio# shall be 3.6 in the following areas:

(a) Mandatory Inclusionary Housing Program Area 1, as of May 24, 2017, in Community District 9 in the Borough of the Bronx; and

(b) Mandatory Inclusionary Housing Program Area 2, as of September 7, 2017, in Community District 14 in the Borough of Queens.

(ii) in an R6-1 District, the maximum #floor area ratio# shall be 3.6, and the maximum #lot coverage# for #interior lots# or #through lots# shall be 65 percent;

~~(ii)~~(iii) in an R7-1 or R7-2 District, the maximum #floor area ratio# shall be 4.6, 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;

~~(iii)~~(iv) in an R7-3 or R7X District, the maximum #floor area ratio# shall be 6.0; and

~~(iv)~~(v) in an R9-1 District the maximum #floor area ratio# shall be 9.0.

In addition, in R6, R7-1, R7-2, R8 and R9 Districts without a letter suffix, where the basic height and setback requirements are utilized pursuant to paragraph (b) of Section 23-952, the maximum #floor area ratio# shall be determined in accordance with the provisions of Section 23-151 (Basic regulations for R6 through R9 Districts).

For any #development#, #enlargement# or #conversion# from non-#residential# to #residential use# that is subject to the provisions of paragraph (d)(4) of this Section, the maximum #floor area ratio# or maximum #lot coverage# for the applicable district outside of #Inclusionary Housing designated areas# or #Mandatory Inclusionary Housing areas# shall apply.

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 3
Special Planned Community Preservation District

* * *

103-10
GENERAL PROVISIONS

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Planned Community Preservation District#, no #development#, #enlargement#, or substantial alteration of landscaping or topography, shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, except by special permit of the City Planning Commission, pursuant to Sections 103-11 (Special Permit for Bulk and Parking Modifications) and 103-12 (Special Permit for Landscaping and Topography Modifications).

No demolition of #buildings# shall be permitted within the Fresh Meadows, Harlem River Houses and Parkchester areas, unless it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, of the New York City Administrative Code, or its successor, except that such demolition may be permitted pursuant to a development plan for which a special permit has been granted under the provisions of Sections 103-11 and 103-12.

~~In a C8-4 District, however, a demolition permit may be issued for any #building# that is less than 10,000 square feet and was constructed after December 31, 1955, but prior to July 18, 1974.~~

Special regulations for the Sunnyside Gardens area are set forth in Section 103-20, inclusive.

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 Zones), the provisions of Article VI, Chapter 4, shall control.

* * *

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 5
Special Eastchester – East Tremont Corridor District

145-00
GENERAL PURPOSES

The "Special Eastchester – East Tremont Corridor District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

(a) to encourage the development of a mixed-use neighborhood around planned mass transit stations in Parkchester, Van Nest, and Morris Park;

(b) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;

(c) to support a variety of community facility and commercial uses and provide opportunities for the expansion of large academic, scientific and medical facilities in a manner that benefits the surrounding community;

(d) to establish walkable retail corridors in the neighborhood;

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

(f) to coordinate development with planned mass transit stations and facilitate improved pedestrian access to such facilities; and

(g) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

145-01
General Provisions

The provisions of this Chapter shall apply within the #Special Eastchester – East Tremont Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

145-02
District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Eastchester – East Tremont Corridor District# Plan. The district plan includes the following maps in the Appendix to this Chapter:

Map 1. Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas

Map 2. Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements

Map 3. Subdistrict A Site Plan

Map 4. Subdistrict B, Morris Park Avenue Site Plan

145-03
Subdistricts

In order to carry out the provisions of this Chapter, two subdistricts, Subdistrict A and Subdistrict B, are established. In Subdistrict B, Subarea B1 is established. The location and boundaries of these subdistricts and subarea are shown on Map 1 (Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas) in the Appendix to this Chapter.

145-04
Definitions

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN *CITY OF YES FOR ECONOMIC OPPORTUNITY – M DISTRICTS TEXT AMENDMENT*, CURRENTLY IN PUBLIC REVIEW]

For the purposes of this Chapter, matter in italics is defined in Sections 12-10 (DEFINITIONS), 32-301 (Definitions), 66-11 (Definitions) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

Qualifying public realm improvement sites

For the purposes of this Chapter, "qualifying public realm improvement sites" shall refer to #zoning lots# in Subarea B1, as shown in Map 1 (Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas) in the Appendix, that have a #lot area# of 20,000 square feet or more.

145-05
Applicability

145-051
Applicability of the Quality Housing Program

Within the #Special Eastchester – East Tremont Corridor District#, any #building# containing #residences# shall be #developed# or #enlarged# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. The #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

145-052
Applicability of the Inclusionary Housing Program

For the purposes of applying the Inclusionary Housing Program provisions set forth in Sections 23-154 and 23-90 (Inclusionary Housing), #Mandatory Inclusionary Housing areas# within the #Special Eastchester – East Tremont Corridor District# are shown in APPENDIX F of this Resolution.

145-053
Applicability of Article VI, Chapter 4

The provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Zones) shall apply. In the event of a conflict between the provisions of this Chapter and Article VI, Chapter 4, the provisions of Article VI, Chapter 4 shall control.

145-054
Applicability of Article XII, Chapter 3

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

145-10
SPECIAL USE REGULATIONS

The #use# regulations of the underlying districts, or Article XII, Chapter 3 (Special Mixed Use District), shall apply, except as modified by the provisions of this Section, inclusive.

145-11
Use Allowances in M1 districts with an A suffix

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN *CITY OF YES FOR ECONOMIC OPPORTUNITY – M DISTRICTS TEXT AMENDMENT*, CURRENTLY IN PUBLIC REVIEW]

In M1 Districts with an A suffix, the applicable #use# regulations shall be modified as follows:

(a) all retail and service #uses# listed in Use Group 6 shall be permitted, and no associated size limitations shall apply;

(b) all recreation, entertainment and assembly space #uses# listed in Use Group 8 shall be permitted; and

(c) all #community facility uses# without sleeping accommodations listed in Use Group 3B shall be permitted.

145-12
Streetscape Regulations

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN *CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT*, CURRENTLY IN PUBLIC REVIEW]

The underlying #ground floor level# streetscape provisions set forth in Section 32-30 (STREETSCAPE REGULATIONS), inclusive, shall apply, except that

(a) #ground floor level# #street# frontages along #streets#, or portions thereof, designated on Map 2 (Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements) in the Appendix to this Chapter shall be considered #Tier C street frontages#; and

(b) remaining applicable frontages shall be considered #Tier B street frontages#.

145-20
SPECIAL BULK REGULATIONS

The #bulk# regulations of the underlying districts shall apply except as modified by the provisions of this Section, inclusive. For the purposes of applying the provisions of this Section, inclusive, the #bulk# regulations for #residential# portions of #buildings# in #Commercial Districts# are modified as follows:

(a) In C4-3 Districts, the applicable residential equivalent shall be an R6-1 District, as modified by the provisions of this Section, inclusive, shall apply; and

(b) In C4-4 Districts within Subdistrict B, of the applicable residential equivalent shall be an R8 District, without a letter suffix, shall apply.

145-21
Floor Area Regulations

The #floor area# regulations of the underlying districts shall apply, except as modified by the provisions of this Section, inclusive.

145-211
Basic floor area regulations

(a) #Residential# #floor area ratio#

In R6A, R6-1 or R7-2 #Residence Districts#, and #Commercial Districts# mapped within or with a residential equivalent of such Districts, the maximum #residential# #floor area ratio# for #zoning lots# in a #Mandatory Inclusionary Housing area# set forth in paragraph (d) of Section 23-154 (Inclusionary Housing) shall be modified as follows:

(1) in R6A or R6-1 Districts, the maximum #floor area ratio# for #residential uses# shall be 3.9; and

(2) in R7-2 Districts, the maximum #floor area ratio# for #residential uses# shall be 5.0.

(b) #Commercial # #floor area ratio#

In C4-3 or C4-4 Districts, the maximum #floor area ratio# for #commercial uses# shall be 4.0.

(c) #Community Facility# #floor area ratio#

In M1 Districts with an A suffix paired with an R7-3 District, the maximum #floor area ratio# for #community facility uses# shall be 6.5.

(d) #Manufacturing Districts#

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN *CITY OF YES FOR ECONOMIC OPPORTUNITY – M DISTRICTS TEXT AMENDMENT*, CURRENTLY IN PUBLIC REVIEW]

In M1-1A Districts, the maximum #floor area ratio# for all permitted #uses# shall be 2.0.

145-212
Floor area provisions for zoning lots containing schools in Subdistrict A

In Subdistrict A, on a #zoning lot# improved with public #schools# pursuant to an agreement with the New York City Educational Construction Fund, up to 100,000 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#.

145-22
Yard Regulations

The #yard# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

145-221
Special yard provisions for C8-2 districts

In C8-2 Districts, no #rear yard# regulations shall apply to any #zoning lot# abutting a railroad or transit right-of-way.

145-222
Special yard provisions for M1 districts with an A suffix

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN *CITY OF YES FOR ECONOMIC OPPORTUNITY – M DISTRICTS TEXT AMENDMENT*, CURRENTLY IN PUBLIC REVIEW]

In M1 Districts with an A suffix, the provisions of Sections 43-20 (YARD REGULATIONS) and 43-30 (SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES) shall apply, except as modified in this Section. Such modifications shall also apply to non-#residential# #buildings# or non-#residential# portions of #mixed use buildings# in M1 Districts with an A suffix paired with a #Residence District#.

(a) Permitted obstructions in required #yards# or #rear yard equivalents#

The provisions of Section 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall apply except that in M1 Districts with an A suffix, the height of obstructions set forth in paragraph (b)(1) shall be modified so that such #building# shall

not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#.

(b) Minimum required #rear yards#

A #rear yard# shall be provided at the minimum depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

REQUIRED DEPTH OF REAR YARD

Height above #base plane#	Required depth
Below 65 feet	10
Above 65	15
Above 125 feet	20

In addition, where a portion of a #side lot line# beyond 100 feet of the #street line# coincides with a #rear lot line# of an adjoining #zoning lot#, such #side lot line# shall be considered a #rear lot line# and a #rear yard# shall be required with a minimum depth in accordance with the provisions of this Section.

(c) Special provisions for shallow #interior lots#

If an #interior lot#, or portion thereof, has a depth of less than 95 feet at any point, and such shallow condition was in existence on December 15, 1961, the depth of a required #rear yard#, or portion thereof, may be reduced by six inches for each foot by which the depth of such #zoning lot# is less than 95 feet. No #rear yard# is required on any such #interior lot#, or portion thereof, with a maximum depth of less than 50 feet.

(d) Special provisions for #through lots#

No #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

(e) Required #yards# along district boundary coincident with #rear lot lines# of two adjoining #zoning lots#

Where the portion of a #rear lot line# of a #zoning lot# coincides with the #rear lot line# of a #zoning lot# within a #Residence District#, an open area not higher than 30 feet above #curb level# and at least 20 feet in depth shall be provided.

(f) Required #yards# along district boundary coincident with #side lot line# of #zoning lot# in a #Manufacturing District#

Where the portion of a #side lot line# of a #zoning lot# coincides with the #rear lot line# of a #zoning lot# within a #Residence District#, an open area not higher than #curb level# and at least eight feet in depth shall be provided.

145-23
Height and Setback Regulations

The underlying height and setback regulations are modified as follows:

(a) In all districts that permit #residences#, the provisions of Section 145-231 (Basic height and street wall regulations) and 145-232 (Modifications in certain areas) shall apply;

(b) In M1 Districts with an A suffix, the provisions of Section 145-233 (Height and setback provisions for M1 Districts with an A suffix) shall apply; and

(c) In M1 Districts with an A suffix paired with a #Residence District#, the applicable height and setback regulations shall be whichever regulations permit the tallest overall heights between the applicable #Residence District# regulations set forth in Section 145-231, or #Manufacturing District# regulations set forth in Section 145-233.

145-231
Basic height and street wall regulations

In all districts, except in C8-2 Districts or in M1 Districts with an A suffix, all #developments# and #enlargements# shall comply with the height and setback provisions of this Section.

(a) #Street wall# location rules

For #zoning lots#, or portions thereof, along #streets#, or portions thereof, designated on Map 2 (Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements) in the Appendix to this Chapter, the #street wall# location provisions applicable to a C2 District mapped within an R7A District, as set forth in Section 35-651 (Street wall location), shall apply. For the purposes of applying such regulations, the minimum base height a #street wall# shall rise to, without setback, shall be set forth in paragraph (b) of this Section.

Along other #streets#, no #street wall# location rules shall apply.

(b) Maximum base and building heights

The table in this Section sets forth the maximum base height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings#, or portions thereof. For the purposes of this Section, in a #Commercial District#, the applicable height and setback provisions are the regulations for the #Residence District#

within which such #Commercial District# is mapped, the equivalent #Residence District#, or the designated #Residence District# where such district is paired with an M1 District with an A suffix.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the district and shall be provided at a height not lower than the minimum base height or higher than the permitted maximum base height. Such setback shall have a depth of at least 10 feet from any #street wall# fronting on a #wide street#, and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. The underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

BASE HEIGHTS, MAXIMUM BUILDING HEIGHTS AND MAXIMUM NUMBER OF STORIES

District	Maximum Base Height (in feet)	Maximum Height of #Buildings or Other Structures# (in feet)	Maximum Number of #Stories#
R6A	65	95	9
R6-1	65	125	12
R7-2	85	155	15
R7-3	95	185	18
R8X	105	175	17
R8	105	215	21

(c) Modifications in certain areas

In Subdistricts A and B, the provisions of Section 145-231 (Basic height and street wall regulations) shall apply, except as modified in this Section.

(1) Modifications in Subdistrict A

In Subdistrict A, for #zoning lots# containing #schools# regulated by Section 145-212 (Floor area provisions for zoning lots containing schools in Subdistrict A), the maximum height specified in paragraph (b) of this Section may be increased as-of-right by 40 feet.

(2) Modifications in Subdistrict B

In Subarea B1, portions of #buildings or other structures# located adjacent to an open space, as designated on Map 4 (Subdistrict B, Morris Park Avenue Site Plan) in the Appendix to this Chapter, may rise without setback, provided that such open space has a minimum depth of 30 feet from the point of intersection of two #street lines#. For the purposes of applying the #street wall# location rules of paragraph (a) of this Section, the interior boundary of such publicly accessible area shall be considered a #street line#.

(d) Dormers

For all #buildings#, dormers shall be a permitted obstruction in a required setback, and may be provided in accordance with the provisions of paragraph (c) of Section 23-623. However, as an alternative to such provisions, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the street wall of the highest story entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

145-232
Height and setback provisions for M1 Districts with an A suffix

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN *CITY OF YES FOR ECONOMIC OPPORTUNITY – M DISTRICTS TEXT AMENDMENT*, CURRENTLY IN PUBLIC REVIEW]

In M1-1A Districts, the provisions of Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks) and 43-45 (Tower Regulations) shall not apply. In lieu thereof, the height of a #building or other structure# shall not exceed the maximum base heights or maximum #building# height set forth in paragraph (a) of this Section. A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified in paragraph (a) and shall be provided in accordance with paragraph (b).

(a) The maximum base height shall be 45 feet and maximum #building# height shall be 65 feet. In addition, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum #building# heights established in such table by 25 percent.

(b) Any portion of a #building# above the maximum base height shall provide a setback with a depth of at least 10 feet from any #street wall# fronting on a #wide street# and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, such setback requirement may be modified as follows:

(1) the depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately;

(2) the depth of such required setbacks may include the depth of recesses in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, does not exceed 30 percent of the #aggregate width of #street wall# at any level;

(3) these setback provisions are optional for any #building that either is located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#; and

(4) dormers may penetrate a required setback area, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases.

145-30
SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

The #accessory# off-street parking and loading regulations of the underlying districts are modified by the provisions of this Section, inclusive.

145-31
Accessory Off-street Parking Spaces for Residences

In the #Special Eastchester – East Tremont Corridor District#, no #accessory# off-street parking shall be required for #residences#.

145-32
Accessory Off-street Parking Spaces for Non-residential Uses

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN *CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT*, CURRENTLY IN PUBLIC REVIEW]

The following modifications for #manufacturing#, #commercial# or #community facility# #uses# shall apply:

(a) In all #Commercial Districts#, the #accessory# off-street parking requirements applicable to a C4-4 District shall apply; and

(b) In M1 Districts with an A suffix, the #accessory# off-street parking requirements applicable to an M1-4 District shall apply.

145-33
Public Use of Accessory Parking

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

145-34
Loading Regulations

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN *CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENT*, CURRENTLY IN PUBLIC REVIEW]

The following modifications for #manufacturing#, #commercial# or #community facility# #uses# shall apply:

(a) For the purposes of applying the provisions of Section 36-60 (OFF-STREET LOADING REGULATIONS), the #accessory# off-street loading berth requirements of C4-4 Districts shall apply in all #Commercial Districts#.

(b) For the purposes of applying the provisions of Section 44-50 (OFF-STREET LOADING REGULATIONS), the #accessory# off-street loading berth requirements of M1-5 Districts shall apply in M1 Districts with an A suffix or in M1 Districts with an A suffix paired with a #Residence District#.

145-40
SPECIAL APPROVALS

In Subdistrict A, a #floor area# bonus for public realm improvements shall be granted pursuant to the provisions of Section 145-41 (Special Approvals in Subdistrict A).

In portions of Subdistrict B, special approvals for a transfer of #floor area# or #floor area# bonus for public realm improvements may be granted pursuant to the provisions of Section 145-42 (Special Approvals in Subdistrict B).

145-41
Special Approvals in Subdistrict A

In Subdistrict A, the Chairperson of the City Planning Commission shall allow, by certification, a #floor area# bonus where public realm improvements, pursuant to Section 145-411 (Certification for public realm improvements in Subdistrict A), are provided on a single #zoning lot# or on two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or #street# intersection, and:

(a) has or will have an area of at least 1.5 acres; and

(b) has or will be #developed# or #enlarged# as a unit under single fee ownership or alternate ownership arrangements as set forth in the definition of #zoning lot#.

In conjunction with such #floor area# bonus, the Commission may authorize the modification of bulk regulations, other than #floor area ratio#, pursuant to Section 145-412 (Authorization for additional modifications in Subdistrict A).

145-411
Certification for public realm improvements in Subdistrict A

In Subdistrict A, the Chairperson of the City Planning Commission shall allow a 20 percent increase in the maximum permitted #floor area ratio# on #zoning lots# pursuant to the provisions of Section 145-41 (Special Approvals in Subdistrict A), upon certification to the Commissioner of the Department of Buildings that public realm improvements comprising an Entry Open Space, Western Open Space, Pierce Avenue Extension and supplementary open spaces as designated on Map 3 (Subdistrict A Site Plan) in the Appendix to this Chapter, are provided, Such #floor area ratio# increase and public realm improvements shall be subject to the rules and limitations of paragraph (a), the general requirements of paragraphs (b) and (c), application requirements of paragraph (d), and additional requirements of paragraph (e) of this Section.

(a) Rules and limitations

The following rules and limitations on bonus #floor area# and other #bulk# modifications shall apply:

(1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#; and

(2) For #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 shall not apply to the bonus #floor area# granted under the provisions of this Section.

(b) General requirements for publicly accessible open spaces

Publicly accessible open spaces shall include the Entry Open Space, Western Open Space and supplementary open spaces, as designated on Map 3 in the Appendix to this Chapter.

(1) Location and minimum dimensions

Publicly accessible open spaces shall be provided in the location designated on Map 3 in the Appendix. Such publicly accessible open spaces shall comprise

(i) An Entry Open Space with a minimum area of at least 8,500 square feet and the minimum dimensions set forth on Map 3;

(ii) A Western Open Space with a minimum area of at least 10,000 square feet and the minimum dimensions set forth on Map 3; and

(iii) Three supplementary open spaces with a minimum area of at least 4,800 square feet each, with minimum dimensions set forth on Map 3.

(2) Design requirements

All publicly accessible open spaces shall comply with the following design provisions:

(i) Seating shall be provided in accordance with the requirements of Section 37-741 (Seating);

(ii) Planting and trees shall be provided in accordance with the provisions of Section 37-742 (Planting and trees);

(iii) An average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all walkable areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, shall be required;

(iv) Litter receptacles shall be provided in accordance with the standards of Section 37-744 (Liter receptacles);

(iv) Bicycle parking shall be provided in accordance with the standards of Section 37-745 (Bicycle parking);

(v) Drinking fountains shall be provided pursuant to the standards set forth in Section 37-746 (Drinking fountains);

(vi) Additional amenities shall be provided and designed pursuant to the standards set forth in Section 37-748 (Additional amenities)

(vii) Permitted obstructions within such area shall be subject to the provisions of Section 37-726 (Permitted obstructions), and any kiosk or open air cafe provided shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes);

(viii) The provisions of Section 37-722 (Level of plaza) and 37-728 (Standards of accessibility for persons with disabilities) shall apply to such area, and any steps provided shall be subject to the provisions of Section 37-725 (Steps); and

(ix) Entry plaques and information plaques shall be provided in accordance with the provisions of paragraphs (a) and (b) of Section 37-751 (Public space signage systems).

(3) Hours of public access

Such publicly accessible open spaces shall be accessible to the public each day from 6:00 A.M. to 10:00 P.M..

(c) General requirements for Pierce Avenue Extension

The Pierce Avenue Extension shall be publicly accessible and constructed in accordance with the Department of Transportation Design Streets Manual and approved by the New York City Department of Transportation.

(d) Application requirements

An application under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include the following materials:

(1) a site plan indicating the area and dimensions of the publicly accessible open space, or portions thereof, and the location of all proposed #developments# subject to the application;

(2) a landscape plan, prepared by a registered landscape architect, for the publicly accessible open spaces; and

(3) for #zoning lots# undergoing phased #development#, a phasing plan shall be submitted to implement the public realm improvements. Such phasing plan shall set forth the amount and location of public realm improvements that will be provided at the time each phase is #developed#. The amount of improvements in any phase shall be proportionate to the #lot area# being #developed# in such phase, except where physical or programmatic constraints make it infeasible to provide such amount of improvements.

(e) Additional requirements

The owner(s) shall be responsible for the maintenance of the Pierce Avenue Extension and other required publicly accessible open spaces, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

At the time of certification, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvements and setting forth the obligations of the owner, its successors and assigns, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the improvements required for the phase associated with such bonus #floor area# have been substantially completed, as determined by the Chairperson, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

145-412
Authorization for additional modifications in Subdistrict A

In conjunction with an application pursuant to Section 145-411 (Certification for public realm improvements in Subdistrict A), the City Planning Commission may, by authorization, allow the

total #floor area#, #lot coverage#, #dwelling units# or #rooming units# permitted by the applicable district regulations for all #zoning lots# within Subdistrict A to be distributed without regard for #zoning# lot lines. Additionally, the Commission may modify other #bulk# regulations, other than #floor area ratio#.

All such modifications shall be subject to the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section.

(a) Conditions and limitations

Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations.

(b) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(c) Findings

The Commission shall find that:

(1) such distribution of #floor area#, #lot coverage#, #dwelling units#, or #rooming units# will result in a better site plan, and will not:

(i) unduly increase the #bulk# of #buildings# to the detriment of the occupants of #buildings# in the #block# or nearby #blocks#; or

(ii) adversely affect any other #zoning lots# outside of the Subdistrict, by restricting access to light and air; and

(2) modifications to other #bulk# regulations will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area, and will result in an improved distribution of #bulk# that is harmonious with the surrounding area.

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

145-42
Special Approvals in Subdistrict B

For certain portions of Subarea B1, a transfer of #floor area# from a granting site to a receiving site shall be allowed by certification of the Chairperson of the City Planning Commission, pursuant to Section 145-421 (Certification for transfer of floor area).

For #qualifying public realm improvement sites# in Subarea B1, the City Planning Commission may grant, by authorization, a #floor area# bonus for transit and station area improvements pursuant to Section 145-422 (Authorization for qualifying public realm improvement sites). In conjunction with such #floor area# bonus, the Commission may authorize #bulk# modifications, other than modifications to the #floor area ratio#, pursuant to Section 145-423 (Authorization for additional modifications on qualifying public realm improvement sites).

145-421
Certification for transfer of floor area

The Chairperson of the City Planning Commission shall allow, by certification, a transfer of #floor area# from the Improvement Area located in Subarea B1, as shown on Map 4 (Subdistrict B, Morris Park Avenue Site Plan) in the Appendix to this Chapter, to a #zoning lot# fronting on Morris Park Avenue or other #zoning lots# on the #block# contiguous to the Improvement Area. Such certification for a transfer of #floor area# shall be subject to the conditions of paragraph (a), and application requirements of paragraph (b) of this Section.

For the purposes of this Section, the "granting site" shall mean the Improvement Area that transfers #floor area# pursuant to this Section, and a "receiving site" shall mean a #zoning lot# that receives additional #floor area# pursuant to this Section.

(a) Conditions

(1) the maximum amount of #floor area# that may be transferred from the granting site shall equal the area designated on Map 4 multiplied by the maximum #floor area ratios# pursuant to the zoning district within Subdistrict B. Each transfer, once completed, shall irrevocably reduce the amount of #floor area# that may be transferred;

(2) the maximum #building# height for a receiving site shall be increased by 25 percent; and

(3) all certificates of occupancy have been surrendered for such granting site, and all structures on such granting site have been demolished.

(b) Application requirements

An application filed with the Chairperson for certification pursuant to this Section shall be made jointly by the owners of the granting site and the receiving site. Such application shall include site plans and zoning calculations for the granting site and receiving site showing the additional #floor area# associated with the transfer.

Additionally, at the time of certification, the owners of the granting site and the receiving site shall submit to the Chairperson a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer. Notice of the restrictions upon further #development# or #enlargement# of the granting site and the receiving site shall be filed by the owners of the respective lots in the Office of the Register of the City of New York (County of New York). Proof of recordation shall be submitted to the Chairperson. Both the transfer instrument and the notices of restrictions shall specify the total amount of #floor area# transferred and shall specify, by #block# and lot numbers, the granting site and the receiving site that are a party to such transfer.

The Chairperson shall certify to the Department of Buildings that a #development# or #enlargement# is in compliance with the provisions of this Section only after the transfer instrument and notice of restrictions required by this paragraph have been executed and recorded with proof of recordation provided to the Chairperson. Such certification shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area ratio# for such #development#.

No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing #floor area# associated with the transfer on the receiving site until the granting site has been conveyed to the City for improvement, as a #street#, as provided on the City Map.

A separate application shall be filed for each transfer of #floor area# to any receiving site pursuant to this Section.

145-422
Authorization for qualifying public realm improvement sites

For #qualifying public realm improvement sites# in Subarea B1, the City Planning Commission may authorize an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent, where transit and public realm improvements are provided to enhance access, circulation and complementary open spaces between a future #mass transit station# and its surrounding area. All applications pursuant to this Section shall be subject to the rules and limitations set forth in paragraph (a), conditions set forth in paragraph (b), application requirements set forth in paragraph (c), findings set forth in paragraph (d), and additional requirements set forth in paragraph (e) of this Section.

(a) Rules and limitations

The following rules and limitations on bonus #floor area# and other bulk modifications shall apply:

(1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#; and

(2) For #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 shall not apply to the bonus #floor area# granted under the provisions of this Section.

(b) Conditions

All applications shall include on-site or off-site improvements that will enhance access to and circulation between such #mass transit station# and its surrounding areas. Such improvements may consist of:

(1) accessibility or capacity-enhancing improvements to the #mass transit station#, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to #the #mass transit station#; or

(2) publicly accessible open spaces, of ample size, for public use and enjoyment, at or around the #mass transit station#. Such improvements may include pedestrian plazas and other types of active or passive open spaces and shall be characteristic of best practices in plaza design, as set forth by the Department of Transportation.

(c) Application requirements

All applications shall include a site plan indicating the area and dimensions of the proposed improvements to the #mass transit station# or proposed publicly accessible open spaces. In addition, for applications involving accessibility or capacity-enhancing improvements to the #mass transit station#, the following shall be provided:

(1) Prior to submitting an application, the applicant shall submit a schematic or concept plan for the proposed improvement to the Metropolitan Transportation Authority and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the Metropolitan Transportation Authority to evaluate and determine the constructability of such proposed improvement.

(2) At the time of application referral, the Commission shall be provided with the following application materials:

(i) a letter from the Metropolitan Transportation Authority containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

In order to grant such #floor area# bonus, the Commission shall find that:

(1) the public benefit derived from such improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to the authorization;

(2) for accessibility or capacity-enhancing improvements for the #mass transit station#, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and

(3) for publicly accessible open spaces, the proposed improvements will, to the extent practicable:

(i) consist of a prominent space of generous proportions and quality design that is inviting to the public, resulting in high-quality public space;

(ii) provide comfortable places for resting, suitable amenities for occupants and opportunities for planting; and

(iii) be designed in a manner that is cohesive and harmonious with the pedestrian circulation network.

(e) Additional requirements

For all applications, additional requirements set forth in this paragraph shall apply

(1) For applications involving accessibility or capacity-enhancing improvements to the #mass transit station# the following requirements shall be met prior to the granting of such #floor area# bonus:

(i) To the extent required by the Metropolitan Transportation Authority, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the Metropolitan Transportation Authority deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and

(ii) The City Planning Commission shall be provided with a final letter of approval from the Metropolitan Transportation Authority stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvements and setting forth the obligations of the owner, its successors and assigns, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, where applicable, and such improvements are usable by the public. Such portion of the building utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson.

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

145-423
Authorization for additional modifications for qualifying public realm improvement sites

In conjunction with an application pursuant to Section 145-422 (Authorization for qualifying public realm improvement sites), the City Planning Commission may, by authorization, modify bulk regulations other than #floor area ratio# provided that the Commission determines that the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) Conditions and limitations

Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations.

(b) Application requirements

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

(c) Findings

The Commission shall find that:

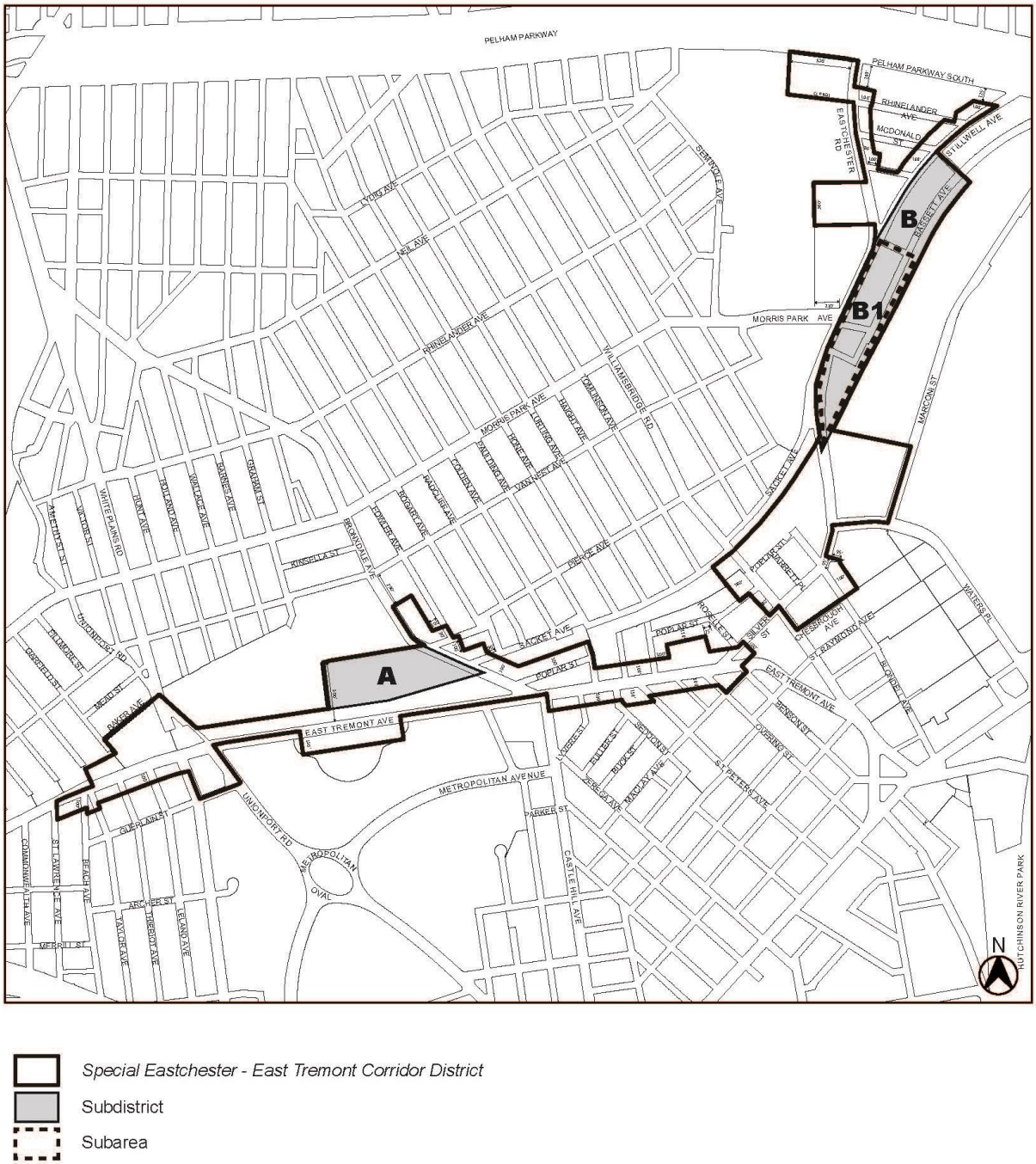
(1) such proposed modifications are necessary to accommodate the additional #floor area# granted pursuant to Section 145-422; and

(2) any modifications to #bulk# regulations will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area, and will result in an improved distribution of #bulk# that is harmonious with the surrounding area.

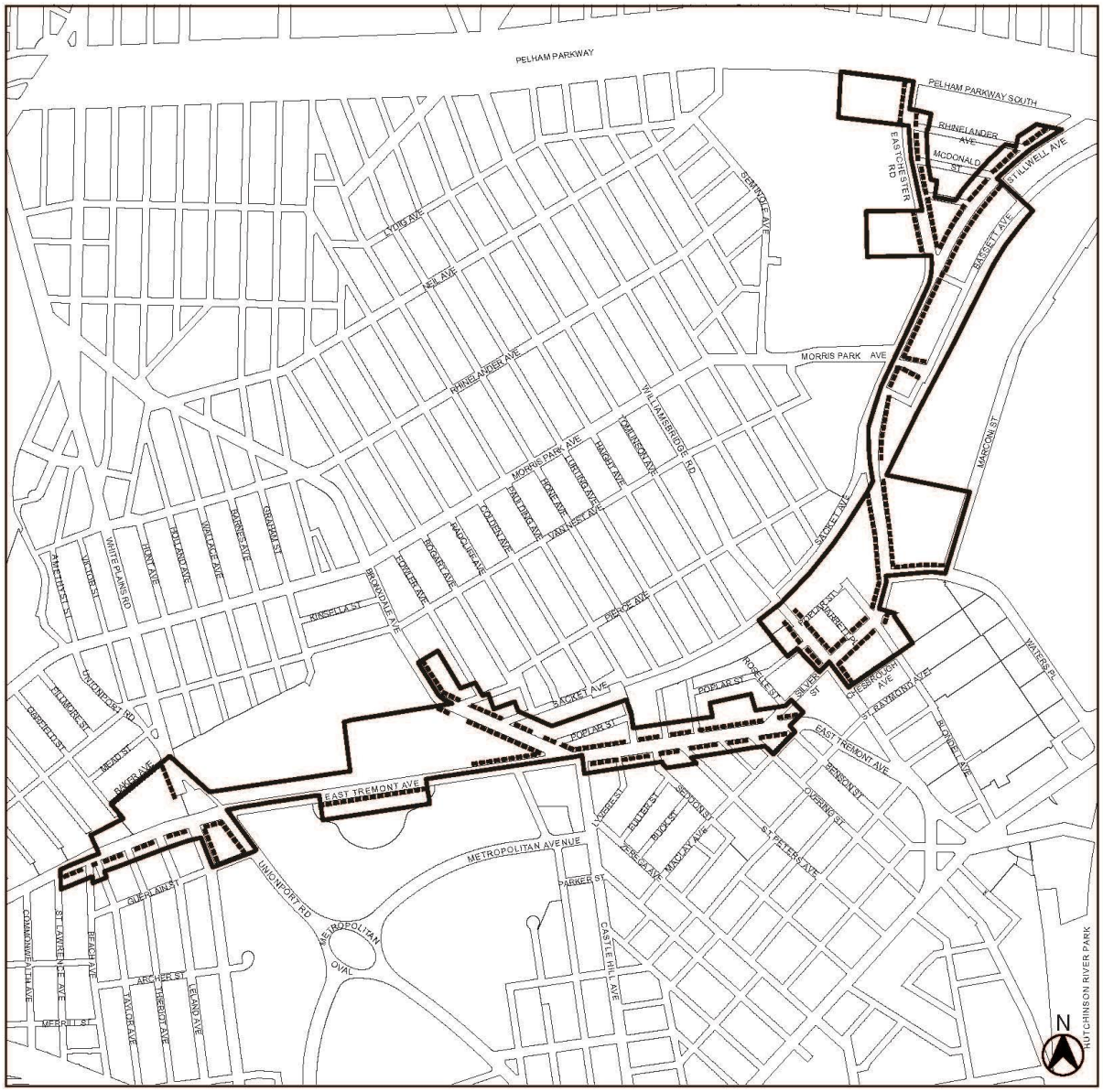
The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

APPENDIX
Special Eastchester – East Tremont Corridor District Plan

Map 1. Special Eastchester – East Tremont Corridor District, Subdistricts and Subareas



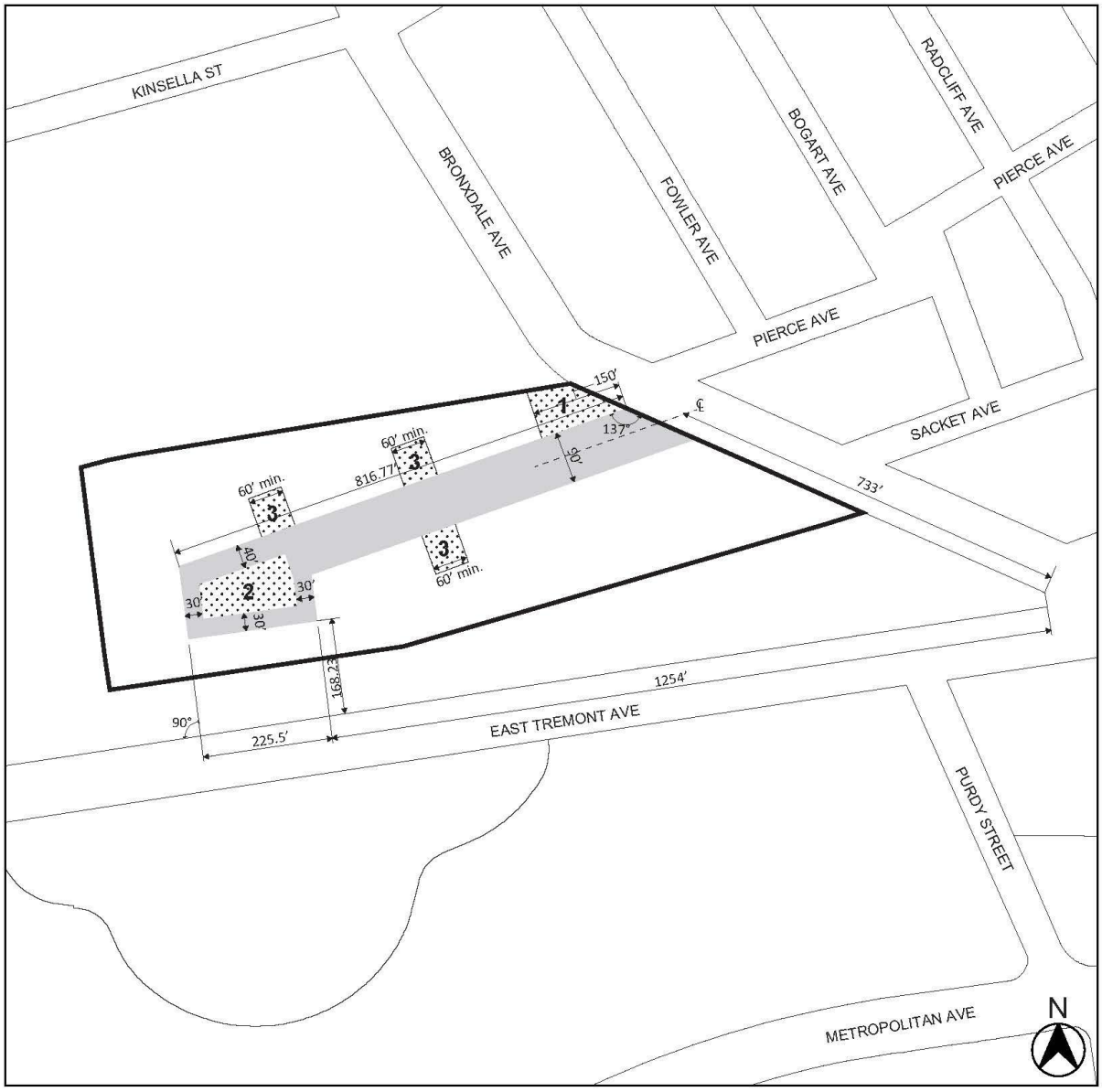
Map 2. Designated Street Frontages for Ground Floor Level and Street Wall Continuity Requirements



Special Eastchester - East Tremont Corridor District

Tier C Street Frontage

Map 3. Subdistrict A Site Plan



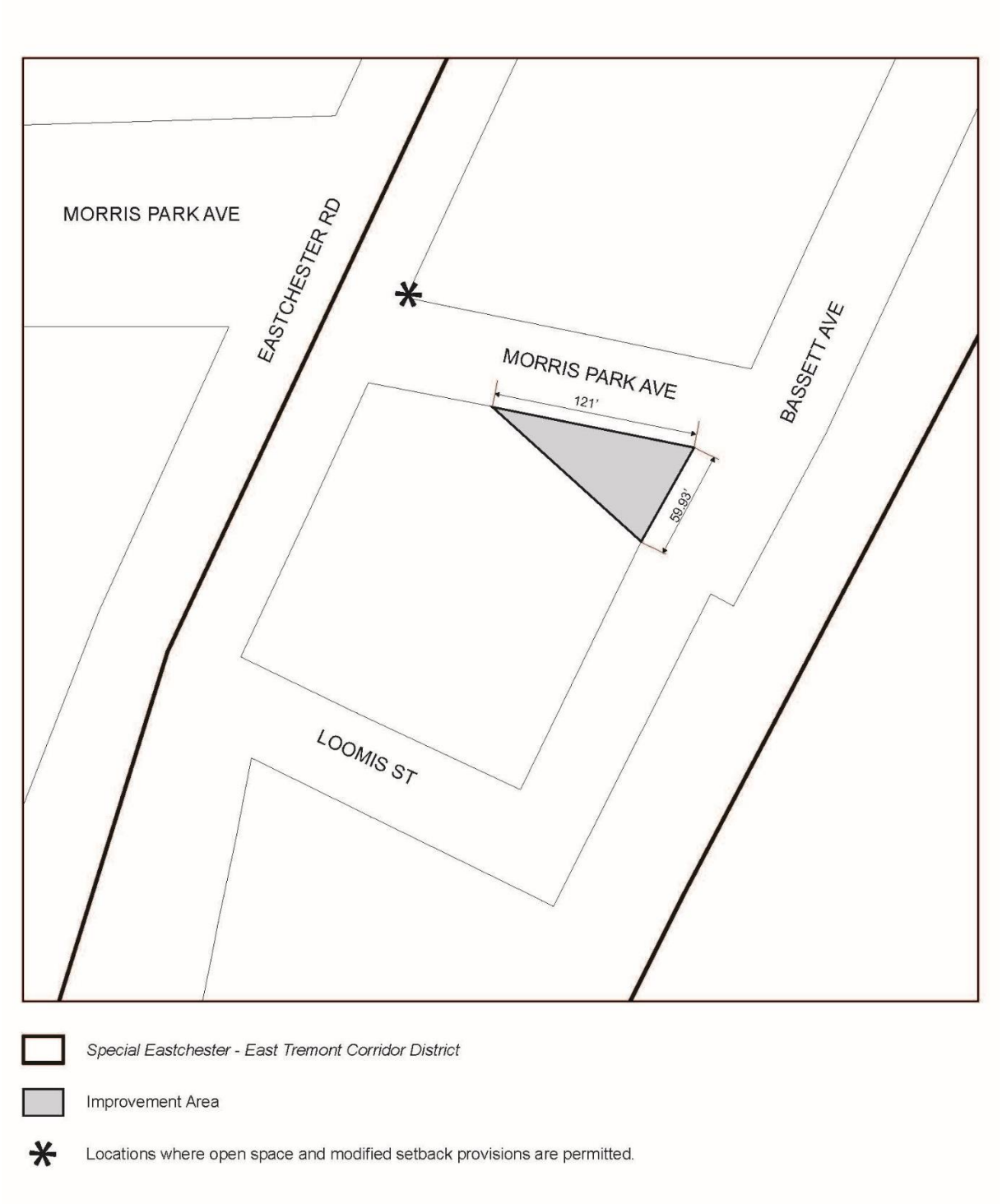
Subdistrict

Pierce Avenue Extension

Publicly Accessible Open Space

1 Entry Open Space
2 Western Open Space
3 Supplementary Open Space

Map 4. Subdistrict B, Morris Park Avenue Site Plan



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APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

* * *

Bronx Community District 9, 10, 11

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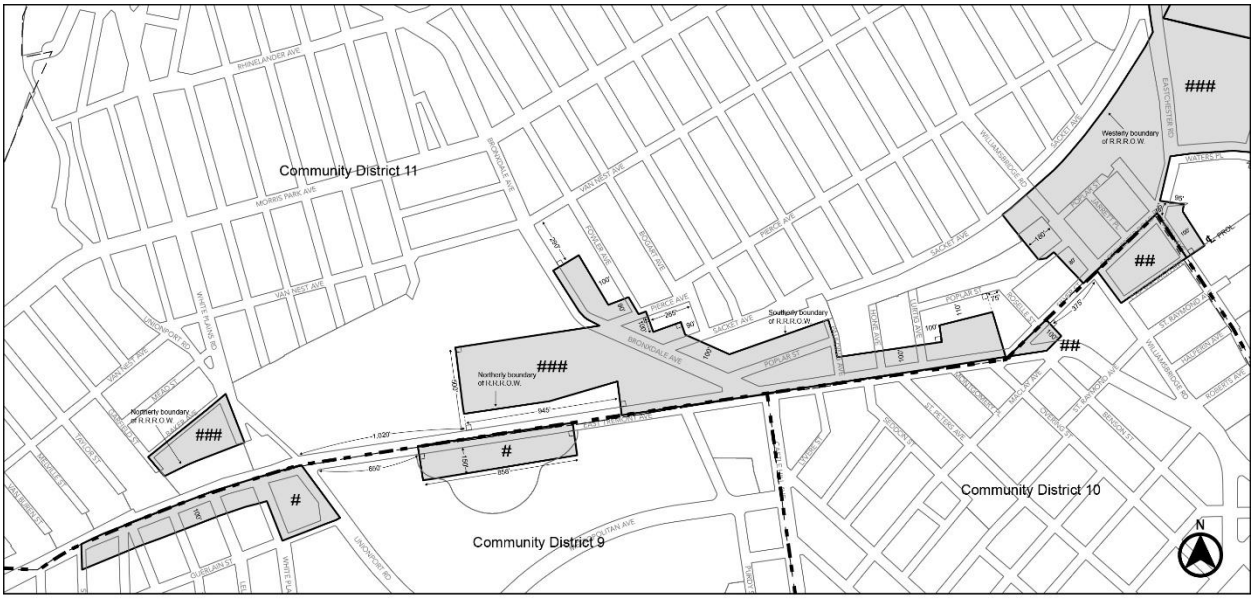
Map 1 – [date of adoption]

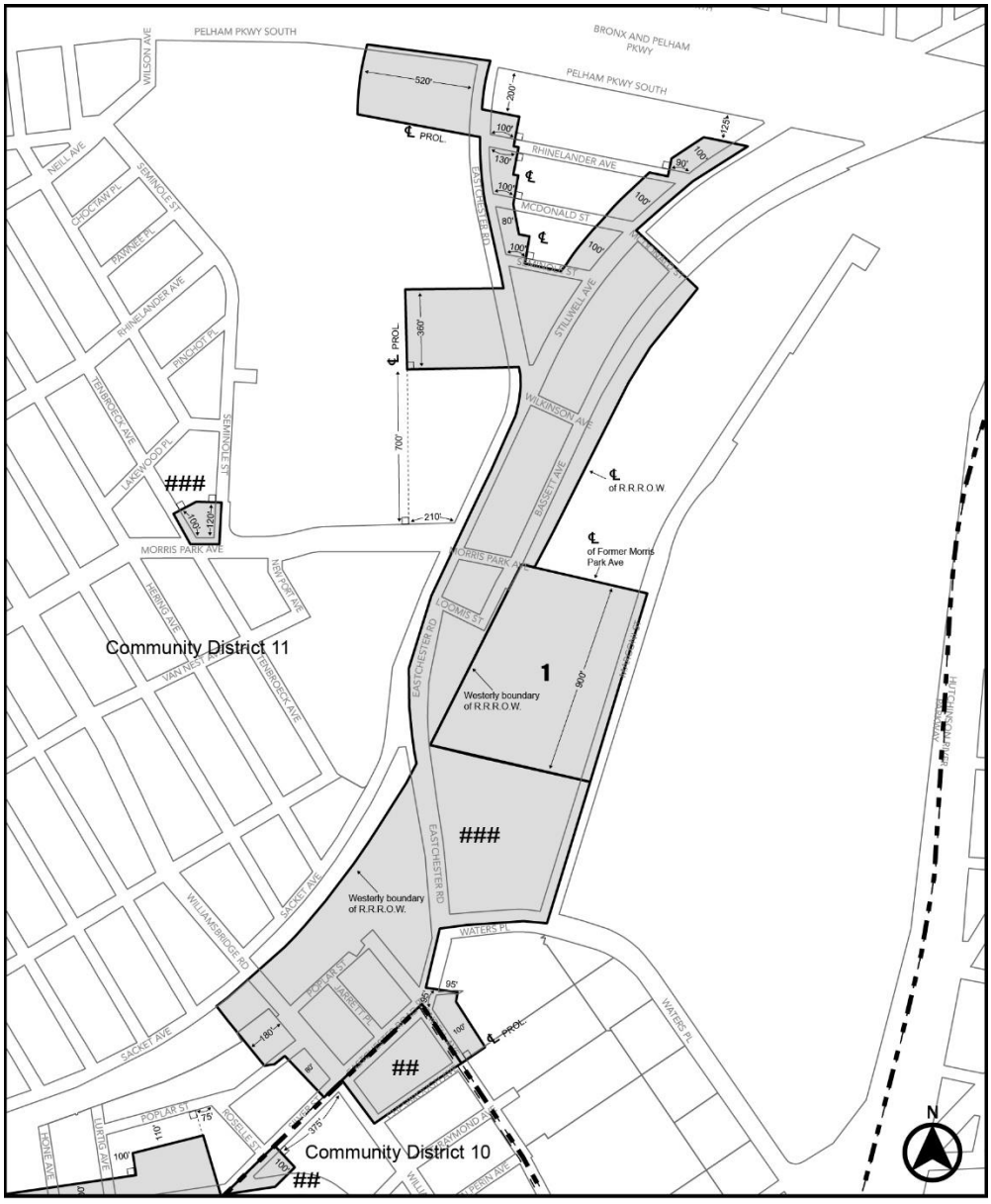
[PROPOSED MAP]



Portion of Community Districts 9, 10 and 11, The Bronx

Map 2 – [date of adoption]

[PROPOSED MAP]



- - - Community District Boundaries

Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **1** – 12/19/17 MIH Program Option 2
Area **##** – [date of adoption] MIH Program Options 1 and 2
Area **###** – [date of adoption] MIH Program Options 1 and 2

Portion of Community Districts 10 and 11, The Bronx

* * *

APPENDIX I
Transit Zone

The boundaries of the Transit Zone are shown on the maps in this APPENDIX. The Transit Zone includes:

all of Manhattan Community Districts 9, 10, 11 and 12;

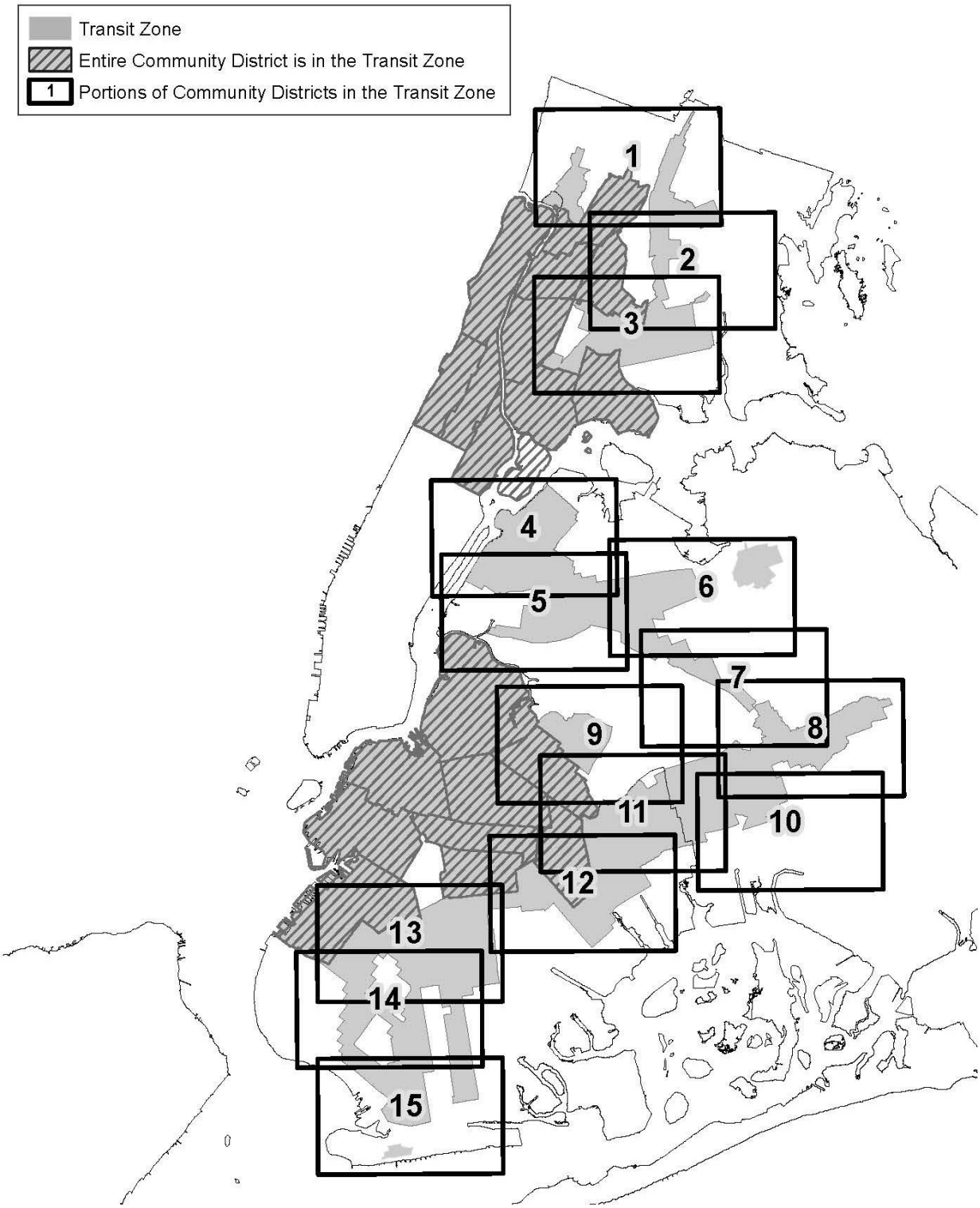
all of Bronx Community Districts 1, 2, 4, 5, 6, and 7; and

all of Brooklyn Community Districts 1, 2, 3, 4, 6, 7, 8, 9 and 16.

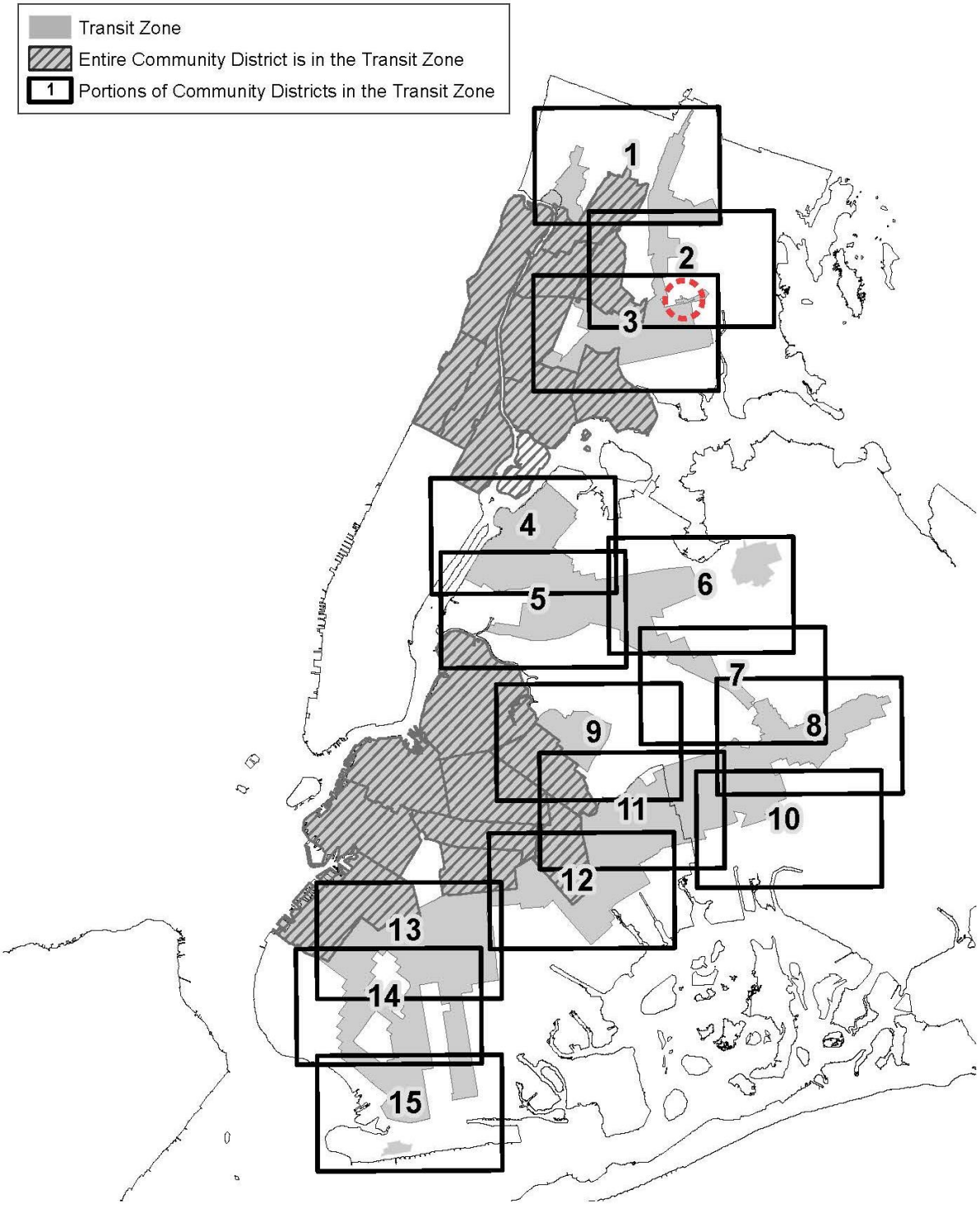
Portions of other Community Districts in the Transit Zone are shown on Transit Zone Maps 1 through 15 in this APPENDIX.

* * *

[EXISTING MAP]



[PROPOSED MAP]



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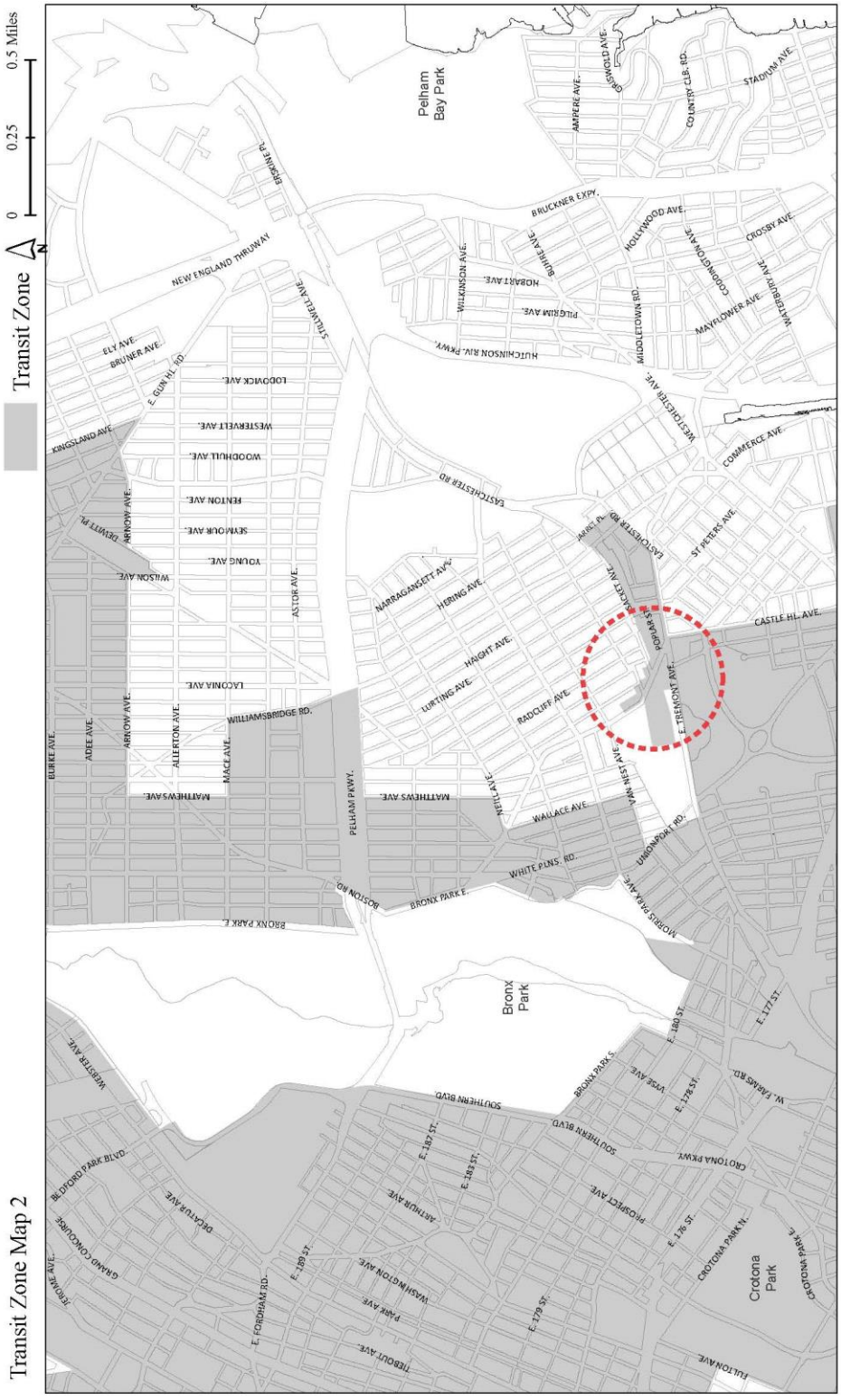
Transit Zone Map 2

[EXISTING MAP]



[PROPOSED MAP]



Transit Zone Map 3

[EXISTING MAP]



[PROPOSED MAP]



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