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Executive Summary

The Unified Bulk Program is a sweeping reform of the city's Zoning Resolution designed to replace confusing, anachronistic and often contradictory regulations with rules that are intelligible, practical and consistent. It seeks to uphold values of urban form, streetscape, neighborhood character and scale, while also assuring that New York City is able to grow and develop the housing, commercial space and community facilities that its economy and populace require.

The goal of the new text is to establish reasonable parameters for new development that give communities, developers and regulators a clear sense of what is and is not allowed in a given district, while allowing appropriate flexibility in the design of individual buildings. The numerous loopholes and interpretive gymnastics yielded by the present zoning will be eliminated. A public review and approval process will allow for sufficient flexibility to address unique conditions and allow for architectural innovation.

Issues with the Current Zoning

The current zoning generally sets appropriate controls on the amount of floor area that can be built, but the rules governing building height and massing reflect several competing visions of the city's development, often applied simultaneously in the same zoning districts. This confusing situation has developed over the years, as the City Planning Commission has repeatedly adopted amendments to limit or provide alternatives to the "tower-in-the-park" prototype underlying the 1961 Zoning Resolution. Tower-in-the-park zoning encourages the construction of tall buildings set back from the street, by allowing greater height and more floor area in return for the provision of open space. The resulting buildings have been subject to widespread criticism as anti-urban and disruptive of the dominant form and scale of most of the city's neighborhoods that were built largely under the original 1916 Zoning Resolution.

Rather than eliminating tower-in-the-park zoning and imposing height limits to address the problem of out-of-scale buildings, the Commission has, over the years, taken a less direct approach, encumbering the 1961 Resolution with limited height districts, contextual districts, tower-on-a-base provisions, infill zoning and special districts, among other innovations. While generated with the best intentions, these zoning reforms have in the aggregate produced an unduly complex, incoherent and unpredictable set of regulations. Only experts understand the Zoning Resolution, and they often disagree on its meaning.

The average citizen or property owner has little hope of determining how a particular parcel of land may be developed.

Not surprisingly, such zoning periodically yields unexpected and undesirable results in the form of buildings that are so big they violate the character of the neighborhoods around them. A number of specific features of the existing zoning contribute to this problem:

- Zoning lot mergers are critical to the successful functioning of the zoning. They enable developers to assemble small lots into the larger merged lots needed to build efficient, economical new buildings. The mergers also provide an incentive to preserve small existing buildings that are not built to the full permitted floor area, by enabling the transfer of the unused floor area from the site of a small existing building to the development site. Additional controls must be placed on zoning lot mergers, however, to avoid the transfer of excessive amounts of floor area to a development site from the already developed portion of a merged zoning lot. Transfers of floor area that go too far have produced buildings out-of-scale with their neighbors.
- Many development sites straddle zoning districts. The rules governing the development of these “split lots” are confusing and too permissive. As a result, split lots have provided an excuse for erasing the distinctions between different zoning districts, transferring inappropriately large amounts of floor area and producing oversized buildings.
- Many public spaces provided for in the Zoning Resolution have been successful, but floor area bonuses for residential plazas and certain other public spaces have too often produced larger buildings without providing meaningful public benefits.
- New commercial buildings contain increasingly sophisticated technology. Much of the space occupied by this equipment is treated as “mechanical space” and is deducted from the zoning floor area of a building under the existing zoning. In some cases, these deductions have amounted to more than a quarter of a building’s floor space and so have enabled a building to become much larger than is contemplated in the zoning. It is certainly desirable for new buildings to use the new technology and appropriate that a reasonable amount of mechanical space be deducted from floor area calculations, but these deductions should not become so large that they subvert the bulk provisions of the zoning.

- Contextual rules in some low-density districts apply to residences, but not to community facilities and commercial buildings. This reflects the fact that these nonresidential buildings require more bulk to fulfill their programmatic requirements. Zoning should recognize these differences in shape and size, but also place reasonable limits on their impact on surrounding communities.

The realization of some of the less appealing possibilities inherent in the 1961 zoning appears with greater frequency now, because market conditions are more favorable than in most of the preceding 40 years and good development sites are in ever shorter supply. With each successive boom in the city's real estate economy, developers use the opportunities that remain in the 1961 zoning to build taller and bigger buildings. Now more than ever, reforms are needed to rebalance the zoning regulation and development economics.

Recommendations

The goal of the Unified Bulk Program is to produce zoning consistent with the following underlying principles:

- The Zoning Resolution should contain the simplest regulations compatible with the city's planning objectives.
- Height and setback controls should be designed to prevent new buildings from disrupting the prevailing character of communities in ways that are not anticipated in the zoning. In the highest-density areas with post-1961 towers, outside the central business districts, towers should be permitted, but should not continue to rise to ever-greater heights.
- Each zoning district, outside designated central business districts, should have a height limit to provide certainty for residents, property owners and developers that future development will not exceed clearly defined limits. The height limits, together with setback controls, must provide effective caps on as-of-right building size that cannot be undermined by zoning lot mergers, deductions of mechanical space from floor area and other means. Development proposals that seek to exceed these limits should be subject to public review.
- The new zoning should not impede development of the housing, commercial buildings and community facilities needed to accommodate the people living and working in the

city. Specifically, the new zoning should accommodate the least costly building types at different densities, consistent with the city's planning objectives, particularly in low-density and medium-density districts where development is highly sensitive to costs.

- Current zoning density and floor area ratio standards are generally appropriate to meet the demand created by the city's population and employment.

Unified Bulk Program

The Unified Bulk Program is a sweeping set of changes to the bulk provisions of the Zoning Resolution. Below is a summary of the key elements of the program.

Height and Setback Envelopes The proposed height limits and setback rules would replace the multiple alternative envelopes in the existing zoning with one or two simple building envelopes for each zoning district. The envelopes are designed to be flexible enough that all the permitted floor area could be used on a typical lot to produce a variety of designs consistent with the typical scale of development in the zoning district. They would constrain the transfer of unused development rights from existing buildings to a development site. They would eliminate the complex system of sky exposure planes, height factors and open space ratios designed to produce tower-in-the-park development, as well as several other bulk provisions adopted as an antidote to tower-in-the-park development. The Unified Bulk Program would not apply in the Special Midtown or Lower Manhattan Districts. Downtown Brooklyn, the Court Square Subdistrict and eventually other portions of Long Island City would have height limits appropriate for downtown business centers. Contextual zoning districts would not be changed.

In medium-density and high-density districts (R6 to R10 and equivalents), the proposed building envelope would permit a contextual building that would hold the streetwall or a somewhat taller building set back from the street. Each district would have a height limit lower than what can be achieved under the existing zoning. These bulk controls would preclude the type of out-of-scale building, allowed under the existing zoning, which conflicts with the character of the surrounding district. For residential buildings, maximum and minimum heights for a contextual building's base and setback requirements above the base (derived from the Optional Quality Housing standards) are designed to provide streetwall continuity and a scale that corresponds generally to the built form typical of the zoning district. In high-density districts (R9, R10 and equivalents), all residential buildings

using the taller envelope would be required to comply with revised tower-on-a-base regulations, requiring that buildings hold the streetwall and setback above a base. Tower-on-a-base rules would, for the first time, apply on narrow streets and would be modified to provide greater design flexibility without jeopardizing the objectives of limiting height, constraining zoning lot mergers and establishing a streetwall.

A similar height and setback system would be established for non-residential development in low-density districts (R1 to R5 and equivalent districts). Commercial, community facility and manufacturing buildings, where permitted, would be subject to district height limits that would preserve the characteristic low scale of these areas at the street line, but provide greater flexibility on large sites where taller buildings could be constructed to preserve open space or to integrate new development with existing low-rise buildings. Residential buildings in the lowest-density districts (R1 and R2) would be subject to a contextual envelope to replace the obsolete 1961 height and setback rules. These provisions are not needed in R3 to R5 districts, where residential buildings are already limited to a contextual envelope.

In the highest-density manufacturing districts (M1-6), no towers or plazas would be permitted, because these districts are dominated by large bulky pre-war loft buildings that hold the street wall and do not have towers . The one exception to this effort to maintain the established built form of these loft districts will be those M1-6 districts close to the Midtown Manhattan core where loft buildings are already mixed with office towers.

Split Lots and Zoning Lot Mergers. The rules governing split lots would be tightened and simplified to ensure greater predictability in what may be developed and to assure that split lots are not used as an excuse for ignoring the distinctions between zoning districts. Restrictions on the transfer of bulk across a district boundary would be relaxed only where comparable districts have the same floor area, height, setback and bulk controls. To remove any ambiguity on the issue of which districts are comparable, the zoning would include a definitive list of the comparable districts. This change will prevent inappropriate shifts of floor area between districts.

The height limits would constrain future zoning lot mergers, limiting excessive transfers of floor area by controlling the size and shape of what can be built. In addition, except in high-density commercial districts (C4 to C6), all residential developments using the tower envelope would have a minimum tower lot coverage of 33%. This requirement will prevent

the massing of development rights from a large merged zoning lot into a tower on a small portion of the lot, by requiring that the tower occupy at least 33% of the entire zoning lot.

Density Controls. A single set of dwelling unit limits based on the amount of permitted floor area in a residential building would replace the more complicated existing density controls, based on zoning room counts in some districts and numbers of dwelling units in other districts.

Bonuses for Public Space. Most public spaces provided for in the Zoning Resolution have produced tangible public benefits, but some have been found over the years to be of limited use. As-of-right bonuses for residential plazas and for other public open spaces that have not produced significant public benefits would be eliminated. Bonuses for residential plazas in high-density commercial districts (C4 to C6) would be allowed by special permit. Bonuses for commercial and community facility plazas, which are of greater value because of the more public nature of these buildings, would be retained.

Authorizations and Special Permits. The Unified Bulk Program would include bulk waivers to assure that the tighter bulk constraints do not impose unexpected and onerous burdens in specific situations and do not unduly inhibit the design of architecturally innovative and distinguished buildings. Minor modifications of all streetwall, coverage, court and distance between building regulations would be available by City Planning Commission authorization, if found to be consistent with neighborhood character. More significant modifications, including height waivers and tower coverage, would be permitted only by City Planning Commission special permit. The special permit would require a finding that the proposed development has a high quality design. A panel of architects and others concerned with design issues would be established to advise the City Planning Commission on the design merits of these special permit applications.

Background

Almost forty years ago, New York City adopted a bold new zoning resolution that was intended, together with urban renewal and highway construction, to remake the city. In the preceding decades, builders of apartment houses and multi-story commercial buildings, had achieved the greatest returns by covering as much of their property as possible and building as tall as was economically feasible. This produced a densely built environment that contrasted sharply with the openness of the proliferating post-war suburbs. The boroughs outside Manhattan developed a distinctive four-to-six story scale in many areas, particularly near transit lines. Where prewar office towers were built, they were frequently slim columns above a base with multiple setbacks that did not yield on the upper floors the large floor plate demanded by office users today.

The Zoning Resolution adopted in 1961 was designed to create a more open city (Figure 1). Over the entire city, permitted density was cut by 80 percent. Many low-density residential districts were protected from apartment development for the first time. New development in all residence districts that permitted multiple dwellings and in middle-density to high-density commercial and manufacturing districts, was to be modeled on pioneering developments of the late 1940's and 1950's, such as Stuyvesant Town and the Seagram Building. These developments consisted of towers surrounded by open space. Architects and planners referred to them as “towers-in-a-park.” They were marvels when built and some are icons today.

The promise of the new Zoning Resolution was short lived. As soon as the first developments shaped by the new zoning began to appear in the mid-1960's, critics, who had applauded the density cuts of the 1961 reforms, realized how different the tall new buildings were from the dominant character of the city's neighborhoods, which had been developed under the pre-1961 zoning with shorter bulkier buildings that established a streetwall. The tower set back from the street, the archetypical building form of the 1961 zoning, was perceived as alien to New York's pedestrian-oriented streets. The light and air it produced did not make up for the damage inflicted on the organic mix of uses in older urban neighborhoods and the vibrancy of the city's streetscape — now recognized as virtues, not drawbacks, of urban living.

Over the next four decades, hundreds of zoning amendments were enacted largely in an effort to remedy the 1961 zoning and, in particular, the tower-in-the-park concept. These

Figure 1



The 1961 zoning envisioned a city rebuilt with towers set in expansive open spaces. (Illustration from City Planning Commission, Rezoning New York City, 1959).

amendments took many different forms, including special purpose districts, limited height districts, infill zoning, contextual districts, noncontextual districts with letter suffixes, quality housing rules, tower-on-a-base requirements, waterfront zoning — all were intended to thwart the fundamental thrust of the 1961 zoning, to preserve the established character of New York's neighborhoods and to ensure that new buildings activated, rather than deadened, activity in the public streets. These multiple efforts have never been comprehensive enough to remove the tower-in-the-park concept as a guiding force in the Zoning Resolution and have not produced a comprehensive framework for guiding the city's future growth and development. Many of the reforms have been inconsistent or not properly integrated with each other. Instead the Zoning Resolution has become unduly complicated, inconsistent, ambiguous, out-of-date and difficult to enforce. The gaps and loopholes left by piecemeal reforms to the bulk regulations have permitted unexpected, inappropriate and out-of-scale developments to occur. The realization of some of the less appealing possibilities inherent in the 1961 zoning appears with greater frequency now, because market conditions are more favorable than in most of the preceding 40 years and good development sites are in ever shorter supply. With each successive boom in the city's real estate economy, developers use the opportunities that remain in the 1961 zoning to build taller and bigger buildings. A more detailed explanation of the existing rules is found in Appendix A.

Most of the impact of post-1961 development has been felt in Manhattan, in a number of large subsidized housing projects and at the low-density edges of the city. A Department of City Planning survey of data on building heights in different zoning districts (Appendix B) confirms that the 1961 zoning had limited effect in the rest of the city. The built fabric in most of the city reflects the building types that emerged from the 1916 zoning. The scale of this pre-1961 development rarely exceeded six stories. Attempts by builders to break this pattern and take advantage of the greater heights to be achieved under the 1961 zoning have provoked controversy and community pressure to restrict development.

The interaction between height and floor area under the 1961 zoning provoked early attempts to respond to these issues by reducing permitted floor area, even though the public controversy was really focused on built form. In the 1980's, contextual zoning demonstrated that existing densities could be maintained within a building envelope that reflected the prevailing height and massing of buildings.

Figure 2



These photographs illustrate the potential, inherent in the 1961 zoning, for buildings greatly out-of-scale with their neighbors.

Most developments fit within the context of the city's communities. But the minority that fall outside this context create significant problems virtually wherever and whenever they are built (Figure 2). While such developments may be desired by both developers and future occupants, communities are bearing substantial and increasing costs from having them in their midst. These costs include the blockage of sky, light and air to existing residents and businesses; the localized impacts of living next to excessively large buildings; and the affront to the qualities that give value to diverse neighborhoods and make them economically attractive places to develop new buildings -- their streetscape and street life.

The Unified Bulk Program would implement a coherent vision of a New York City that builds on the best of the city's urban character. At the same time, it is intended to simplify and rationalize the controls on the height and massing of new buildings throughout the city. Central to this system is a clearly stated height limit for each zoning district, outside of the central business districts.

PROBLEMS WITH THE EXISTING ZONING

Four decades of fixes have left a Zoning Resolution with deep flaws. The fundamental problems with the existing bulk provisions of the zoning are described below.

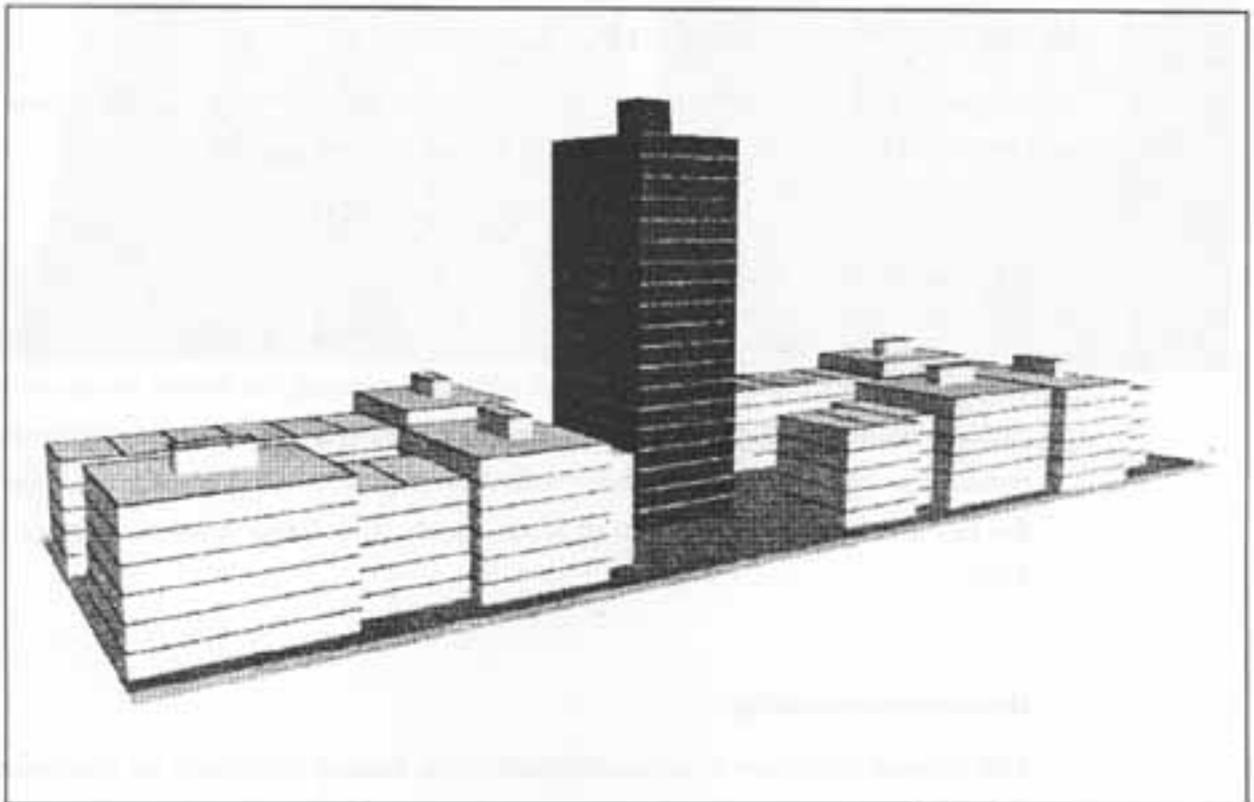
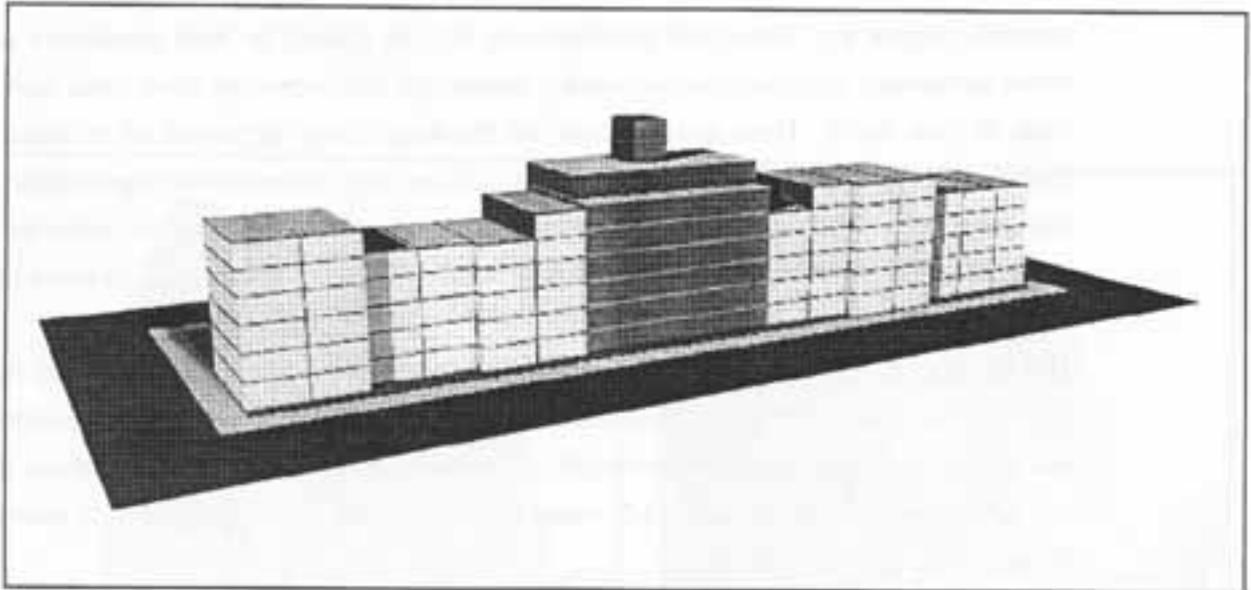
Lack of a Clear Vision

The Zoning Resolution fails to provide a coherent vision for the city's development. It has become a hodgepodge of regulations reflecting, not one, but several visions of the city's development, often applied simultaneously in the same zoning districts. Moreover, one of these visions — the discredited “tower-in-the-park” prototype — persists despite the fact that its credibility began to erode almost immediately after its adoption in 1961.

Incomprehensibility

The different regulatory systems embedded in the Zoning Resolution are intertwined in the text in ways that create both vast complexity and enormous uncertainty as to the meaning of the words. Repeated tinkering with the Zoning Resolution's text has led to errors, omissions, vagueness, and a host of situations that may be regulated in more than one way or not at all. In fact, only a handful of experts profess to understand the Zoning Resolution, and even they often disagree on its meaning. The average citizen

Figure 3



Currently, in a medium-density R7 residential district, it is difficult to predict how large a neighboring building will be. An apartment building ranging from 7 to 19 stories or more may be developed.

or property owner often has little hope of determining how a particular parcel of land may be developed.

Unpredictability

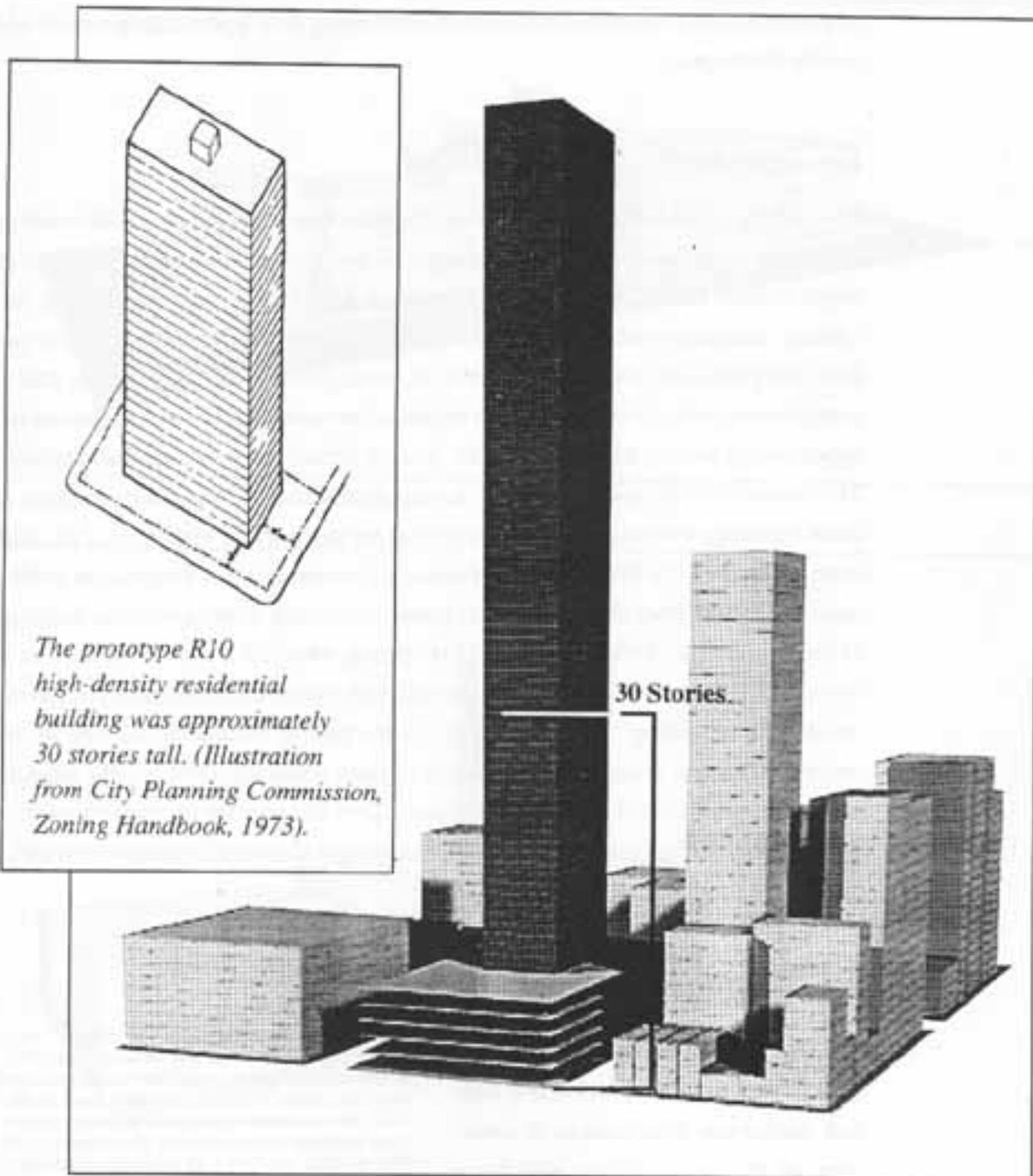
The Zoning Resolution is unpredictable in the sense that it periodically yields buildings that are so out-of-scale with their surroundings that they produce negative effects on neighborhood character in the form of reduced light and air on nearby streets and creating unattractive urban landscapes (Figure 3). This unpredictability results in part from the previously described problems of no single clear vision and of an unduly complex text, both of which produce a regulatory environment rife with loopholes and opportunities to take advantage of rules that are difficult to understand and enforce. The unpredictability also results from having zoning that was originally designed to allow buildings with heights and setbacks that are inconsistent with most of the built form of the city. In 1961, the City Planning Commission was prepared to make a radical departure from the past with the tower-in-the-park model and office buildings in the International Style. Unlike the 1916 zoning, which set a pattern for decades of new development, the 1961 zoning never received widespread acceptance and did not result in the rebuilding of the city, except in some parts of Manhattan. As a result, the new buildings that reach the tower heights possible under the 1961 zoning often are jarring and incompatible with their neighbors. They illustrate for many the unpredictability of the zoning, because they are inconsistent with the urban landscape with which most New Yorkers are comfortable.

Price Premium for Height

Among the city's residential areas, only areas subject to urban renewal and high-end market-rate construction in certain parts of Manhattan below 96th Street experienced a radical change in built character under the 1961 zoning. As market-rate buildings became taller, the upper stories commanded a premium for expansive views. When the skyline thickened, these views could be achieved only at greater and greater heights. Although these ever-taller buildings were more expensive

When the current zoning went into effect in 1961, permitted tower coverage was increased from 25% to 40% because it was considered uneconomical to build tall slender buildings. The 40% tower in R9, R10 and equivalent districts was expected to produce buildings of approximately 30 stories for a 12 FAR building (12 FAR ÷ .40 coverage=30 stories). Today, it is more economical to build a narrower and taller residential building which may cost more to build per square foot but will yield significantly greater returns. In these high-density districts this unanticipated shift to 40-, 50-story development – or more – under the 1961 zoning has provoked public criticism (Figure 4).

Figure 4



The prototype R10 high-density residential building was approximately 30 stories tall. (Illustration from City Planning Commission, Zoning Handbook, 1973).

The 1961 zoning, in fact, permits far taller buildings than anticipated in the highest-density R10-equivalent residential districts such as C5-2.

to build, the premium for views paid by Manhattan's wealthiest households increased at an even faster rate.

With height at a premium and low-coverage towers financially feasible, zoning lot mergers became increasingly ambitious. A development site would be merged with adjoining lots containing buildings built to less than the permitted maximum floor area, so that a new building could become even bigger by using unbuilt floor area from the merged lots. Zoning lot mergers are critical to the successful functioning of the city. They enable developers to assemble small lots into the larger merged lots needed to build efficient, economical new buildings. The mergers also provide an incentive to preserve small existing buildings that are not built to the full permitted floor area, by enabling the transfer of the unused floor area from the site of a small existing building to the development site. Additional controls must be placed on zoning lot mergers, however, to avoid the transfer of excessive amounts of floor area to a development site from the already developed portion of a merged zoning lot. Transfers of floor area that go too far have produced buildings totally out-of-scale with their neighbors (Figure 5).

The ambiguity of regulations controlling properties divided by zoning district boundaries (“split lots”) further enhanced the possibilities of zoning lot mergers. The many variations among zoning districts and the many alternative rules permissible within certain zoning districts made it difficult to discern when it was appropriate to shift building bulk across a zoning boundary, because two districts had substantially the same requirements, and when it was prohibited because the districts were fundamentally different in how they regulated bulk, floor area or other matters. A liberal interpretation of “split lot” rules has been the basis for some unusually expansive “zoning lots” with very tall buildings.

A third feature of the zoning that has contributed to the growing heights is the increasing use of mechanical space deductions. As buildings have become more technologically sophisticated, more and more space for mechanical systems has been deducted from the computation of the “floor area” subject to floor area ratio controls, in some case amounting to more than 25 percent of a building’s floor space. It is certainly desirable for new buildings to use the new technology and appropriate that a reasonable amount of mechanical space be deducted from floor area calculations, but these deductions should not become so large that they subvert the bulk provisions of the zoning. In the absence of height limits, zoning lot mergers, the manipulation of “split

Figure 5



In an R7 medium-density district, where building of 14 to 16 stories were expected, this development was able to use a zoning lot merger to achieve a height of 21 stories.

lot” rules, and the deductibility of mechanical space have produced buildings wholly out of character with their neighbors.

Midblock Towers

On wide streets in high-density residential districts and commercial overlays, the zoning regulations require that tower developments have a base that enhances the streetscape and lowers the height of buildings. The absence of these controls on midblock sites permits towers to break up what is often a consistent streetscape of lower, buildings sited closer to the street, established under or before the 1916 zoning. The problem is compounded by “rear yard equivalent” rules that encourage midblock towers on lots that connect two parallel narrow street frontages to be placed in the center of the block and mandate open areas along the street frontages. These towers block light and air to the rear windows of neighboring properties and generally leave leftover space facing the street, which is often used for storing refuse.

Deficiencies of 1961 Height and Setback rules

The 1961 zoning created building envelopes considerably taller and otherwise out of character with most neighborhoods. Yet the envelopes have not encouraged the creative designs expected by their drafters in 1961. Most new buildings, particularly office and community facility buildings, are developed pursuant to the Alternate Sky Exposure Plane or tower regulations (see page 50), which allows buildings to set back from the street at grade and then rise to their full height without any additional setback. By reducing a building’s lot coverage, these regulations require buildings to be significantly taller than necessary to absorb all of their on-site floor area. Moreover, the setback at the streetline often breaks established streetwall context.

Even buildings, such as retail developments, that elect to use the “Regular” Sky Exposure Plane regulations (see p. 50) to maximize the size of their lower floor plates generally choose to limit the number of setbacks located above the building’s base. Thus, practically no buildings are constructed in the “wedding cake” form, which was originally what the sky exposure plane regulations were intended to produce. The loss of the “wedding cake” is perhaps inevitable, because multiple setbacks are expensive to

build and, in any event, there are few locations where this built form would be consistent with neighborhood character.

In summary, the zoning should not encourage buildings to break the streetwall to achieve greater height, nor should it be based on an obsolete building form.

Over the years, these basic issues have been addressed in a variety of ways, but the offending zoning provisions have never been eliminated and the solutions, in the form of new zoning districts and other additions to the text, have not dealt comprehensively with the problems.

Contextual zoning has integrated new development with the city's existing built fabric, limiting height and the potential for zoning lot mergers, but contextual zoning does not apply everywhere nor to all types of buildings. In many districts, contextual rules apply only to residences. This reflects the fact that nonresidential buildings require more bulk to fulfill their programmatic requirements. In others, contextual buildings are only an option. Moreover, existing contextual rules are generally quite restrictive and do not work in neighborhoods that lack a narrowly defined context. Contextual provisions do not reflect the character of the full range of the city's built environments.

In many high-density residential areas of Manhattan, "tower-on-a-base" rules recognize that towers are now an important part of the context, but limit both height and zoning lot mergers. These rules are more complex than necessary, and their complexity impedes the quality of new development. Under tower-on-a-base, 55% of a building's floor area must be located below the level of 150 feet. This rule is an indirect method of limiting a building's height. In theory, this floor area could be located between the base of the building and the 150-foot level. Rather than build costly setbacks, however, architects have chosen generally to maximize the volume at the base of the building — allowing for the tower to rise after a single setback. This has produced buildings with minimum floor to ceiling heights, limited base articulation, and the limited use of recesses results in darker apartments with awkward layouts in the base where much of the floor area is packed (Figure 6). A simpler set of tower-on-a-base rules could achieve the desired result in terms of building form, without imposing undesirable limits on the design and interior layouts of the building base.

Figure 6



The "tower-on-a-base" regulations have been effective in limiting building height but discourage articulation of the building base.

Problem Public Spaces

Over the past two years, the Department of City Planning has reviewed and inventoried every privately owned public space in the city that is provided for pursuant to the Zoning Resolution. That work, which will be published in the spring of 2000, has confirmed what some critics have maintained for some time — that certain types of public spaces that generated floor area bonuses do not produce meaningful public benefits.

The “tower-on-a-base” amendment of 1994 eliminated the floor area bonus for on-site public open space for most residential buildings in high-density residential districts (R9 and R10 and commercial overlays). Eligibility for the bonus was maintained for residential buildings in the high-density commercial districts (C4, C5 and C6), where it was believed that the plazas would be a valued amenity for people working in these areas. Even in these districts, residential plazas have continued to present issues of design and usefulness.

A lack of any design standards in the 1961 zoning led to unadorned and underused plazas. Even with design standards for residential plazas (adopted in 1977), the residential plaza bonus has failed to routinely produce attractive open spaces that benefit the public. In many cases, plazas are poorly designed and located in a way that discourages public use. Randomly placed plazas too often erode the streetwall character of residential neighborhoods and add to the heights of towers without providing meaningful public benefits.

Bonuses for certain other types of open spaces, such as arcades, through-block arcades and sidewalk widenings, are available to all types of buildings despite the fact that they do not provide usable public open space, even in commercial or community facility buildings where a well-designed public space would be heavily used. The arcade bonus, which has been little used, results in buildings that are not consistent with the streetwall character of the city. Arcades also have the unfortunate effect of pushing retail space away from the streetline. Through-block arcades can provide a useable amenity as part of planned pedestrian network, as in the Special Midtown District, are of little use when provided randomly based on the location of development sites. Sidewalk widenings, where needed, have been incorporated into special district regulations. At other locations, the widenings are unnecessary and inconsistent with the streetwall character

of the city. Zoning should not offer incentives for public open spaces that do not truly provide a public amenity.

Design as an Afterthought

In spite of the city's rich architectural heritage, current development practice pays little attention to architectural detail or innovation. Design is driven by cost considerations, such as efficient floor plate size or minimizing setbacks, and potential revenue, which is a function of interior layout, finish, views and other factors. By its very nature, the zoning's regulatory structure, designed to prevent inappropriate development, sometimes lacks the flexibility to accommodate design creativity. It should be possible to devise review processes that will encourage architects to design striking and innovative buildings by allowing, in appropriate situations, departures from the bulk rules of general application.

Recommendations

New York City's neighborhoods range from single-family suburban-style homes to brownstones to steel and glass skyscrapers. New Yorkers care deeply about preserving the physical character of the neighborhoods where they live and work. At the same time, New Yorkers value the dynamism and creativity of the city and there is an expectation — not to mention an economic necessity — that the city will accommodate new uses and new buildings that reflect the cutting edge of the urban economy and the best contemporary architecture. The challenge of zoning reform is to strike the right balance between these competing visions with zoning that protects the essential character of our neighborhoods while accommodating the vibrancy and inventiveness that makes New York unique. In the effort to meet this challenge, the Unified Bulk Program follows five underlying principles.

Value of Context

New development should respect the prevailing character of neighborhoods. In most of the city, neighborhoods are characterized by generally consistent heights and a defined physical relationship between buildings and the street. For the most part, these qualities are the product of the 1916 zoning.

Relatively little of the city fits the tower-in-the park model of the 1961 zoning. In those districts that have been transformed by modern towers, tower development should not be precluded, but it should not be encouraged to reach new heights.

This focus on the value of context is a rejection of the vision of a city rebuilt with towers surrounded by open areas, which drove the 1961 Zoning Resolution. Practical buildings, with innovative and attractive architecture, can be built under zoning that incorporates the most enduring design values of earlier periods in the city's development.

Height Limits

Each zoning district, outside designated central business districts, should have a height limit to provide certainty for residents, property owners and developers that future development

will not exceed clearly defined limits. The height limits, together with setback controls, should allow for design flexibility while establishing effective parameters for an as-of-right building's envelope that cannot be undermined by zoning lot mergers, deductions of mechanical space from floor area and other techniques that have been used to increase the height and size of buildings without violating floor area limits. Development proposals that seek to exceed these limits should be subject to the Uniform Land Use Review Procedure.

Practical Height and Setback Regulations

New zoning regulations should accommodate the least costly building types at different densities consistent with the city's land use objectives. The proposed rules would continue to allow the lowest cost buildings now developed in low- density and middle-density districts. Only in high-density residential districts, where land is costly and rents and sale prices are the highest in the city, would the zoning require a setback above a building's base.

Current Floor Area Ratio and Density Standards are Appropriate

The current zoning generally establishes appropriate floor area ratio density standards to meet the needs of the city's population and employment. The 1961 zoning largely eliminated the excess capacity embodied in the 1916 zoning. Individual zoning map amendments are the proper remedy for those communities where the zoning is out of balance with the carrying capacity of the infrastructure or community character.

Simplest Rules Consistent with Land Use Objectives

While the zoning must address a series of policy objectives in a complex city, the zoning must be simple enough that developers and members of the public can understand it and government officials enforce it.

The elements of the Unified Bulk Program are described on the following pages.

THE PROPOSAL

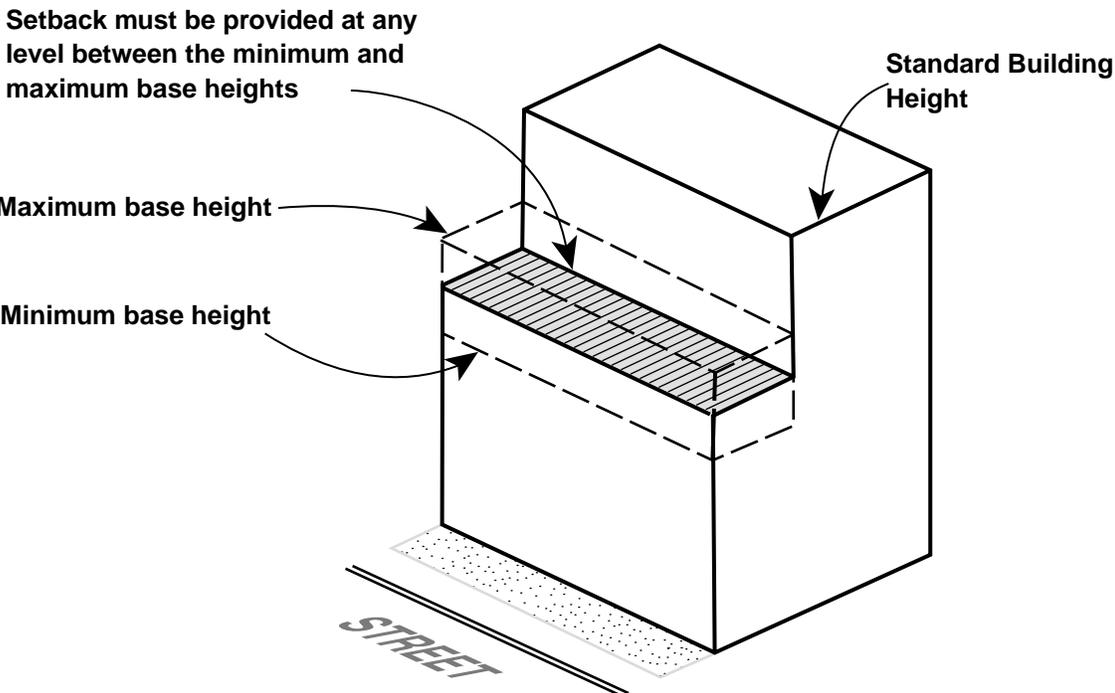
Height and Setback Envelopes

The proposed height limits and setback rules would replace the multiple alternative envelopes in the existing zoning with one or two simple building envelopes for each zoning district. They would eliminate, among other provisions, tower-in-a-park zoning, sky exposure planes and height factor zoning. The proposed envelopes are designed to be flexible enough that all the permitted floor area could be used on a typical lot to produce a variety of designs that are consistent with the typical scale of development in the zoning district. They are generally more restrictive in terms of height and bulk than the existing zoning, but allow more flexibility than a contextual zoning district. They are designed to allow all the permitted floor area to be used on a typical lot, but to limit the use of techniques that have produced out-of scale buildings, such as transfers of bulk across zoning district boundaries, zoning lot mergers, and deductions of mechanical space from zoning floor area. In the highest density districts (R9, R10 and equivalents), for example, the district height limits are designed to accommodate a roughly 10% allowance for mechanical space and 25% for off-site floor area from a zoning lot merger.

Height and setback requirements in contextual zoning districts would not be changed under the Unified Bulk Program. In special districts, minimal changes needed to incorporate the new concepts and terminology of the Unified Bulk Program will be made where necessary (see Appendix D). The proposed height limits would not be applicable in the Special Midtown and Special Lower Manhattan Districts. In the waterfront, Unified Bulk would apply only to industrial uses currently exempt from the waterfront regulations

In non-contextual medium-density and high-density districts (R6 to R10 and equivalents), two basic building types would be allowed (Figure 7). These would permit design flexibility consistent with the character of the city's neighborhoods. The envelopes would allow the full permitted floor area to be built in either (1) a shorter contextual building or (2) a taller building with a setback. The goal is to bring buildings back into scale in each district, but not to constrict them to a purely contextual shape. This approach also reflects the fact that in many districts development occurs in a context of taller buildings that do not hold the streetwall. Developers of nonresidential buildings would be able to make a choice about which of the two building types best fits with the program, economics and other elements of a project. Residential buildings would be limited to the contextual shape except in defined circumstances where a taller building would be appropriate. The maximum height of the more contextual building is governed by a "standard" height limit, which varies on

Figure 7



**STANDARD ENVELOPE
FOR RESIDENTIAL BUILDINGS**

wide and narrow streets. The maximum height of the taller building is set by a “district” height limit. The district height limits are generally lower than the tallest building heights that can be achieved under the existing zoning.

Each zoning district would have minimum and maximum heights for a residential building's base. To maintain the character of the streetscape, residential buildings using the contextual shape would not be permitted to set back below the district's minimum base height and would be required to set back above the maximum base height. The minimum required setback would be 10 feet on a wide street and 15 feet on a narrow street. The base heights and standard height limits for most districts are based on the existing Optional Quality Housing height limits.

Figure 8 shows the standard envelope for an R7 district. Figure 9 shows examples of developments that could be built under the standard envelope.

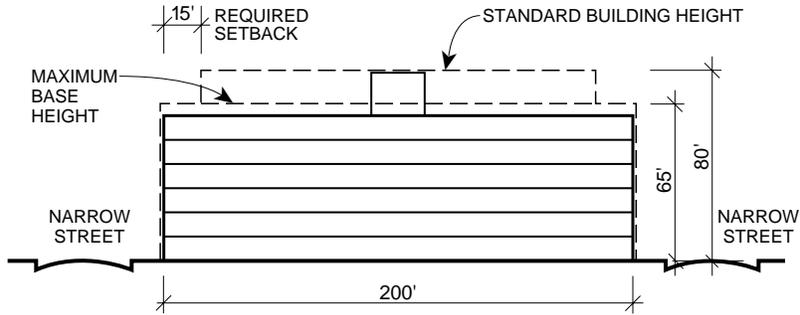
In noncontextual R6 through R8 and equivalent districts, residential buildings could exceed the standard height limit and rise to the district height limit only in limited locations where a block clearly does not have an established scale consistent with the standard height limit. These locations are: (1) full block development sites, (2) large-scale residential or general large-scale developments occupying a minimum of 1.5 acres, (3) sites adjacent to tall buildings (with one side lot line contiguous for at least 70 feet to a development that exceeds the zoning district's standard height limit by at least ten feet, and (4) sites adjacent to an elevated structure, such as a subway or bridge. In these situations, the building would be required to maintain a minimum 33% lot coverage at all levels below the top story in order to limit zoning lot mergers. (Figure 10 shows the alternate envelope for an R7 district).

Commercial and community facility buildings, when developed at the street line, would be required to set back at the maximum base height. However, commercial and community facility buildings that set back at street level would not be required to set back farther at the maximum base height and could reach the district height limit (Figure 11).

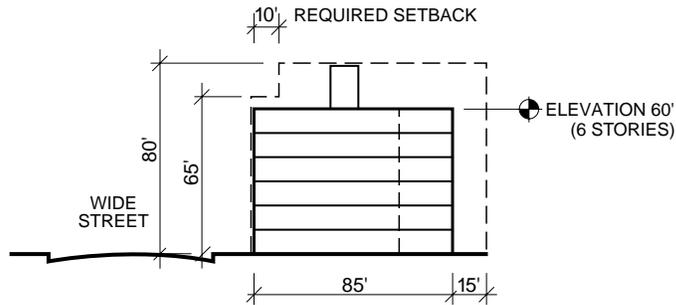
Exhibit 1 shows the minimum and maximum building base heights and the standard and district height limits for residential buildings in each district as well as district height limits. Exhibit 2 shows the applicability of height and setback envelopes by district. Drawings in Appendix E illustrate the building envelopes that would be permitted in selected zoning districts and compare them to what is permitted under existing zoning.

Figure 8

**R7 Residential Building :
Proposed Standard Height and Setback Regulations**



FRONT ELEVATION



SIDE ELEVATION

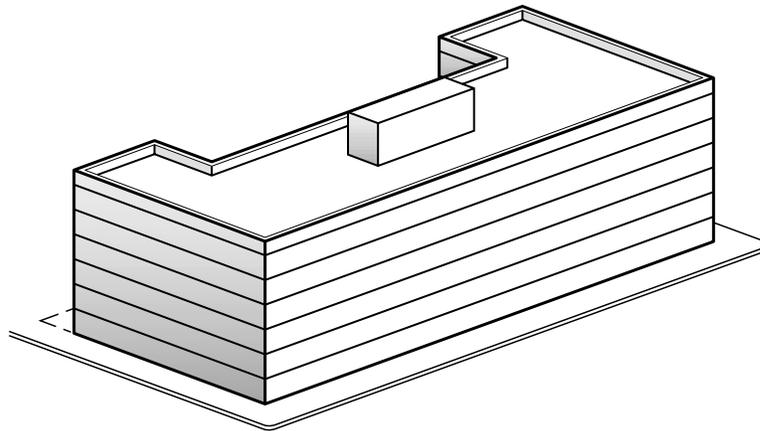


Figure 9

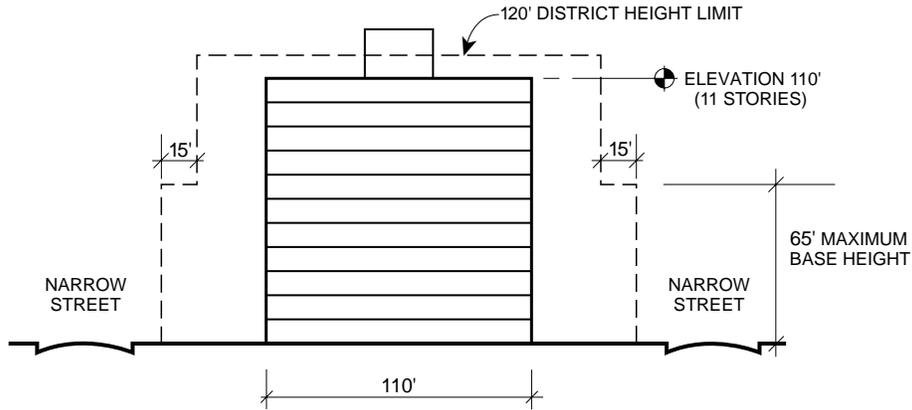


Examples of buildings that could be developed under the standard envelope regulations.

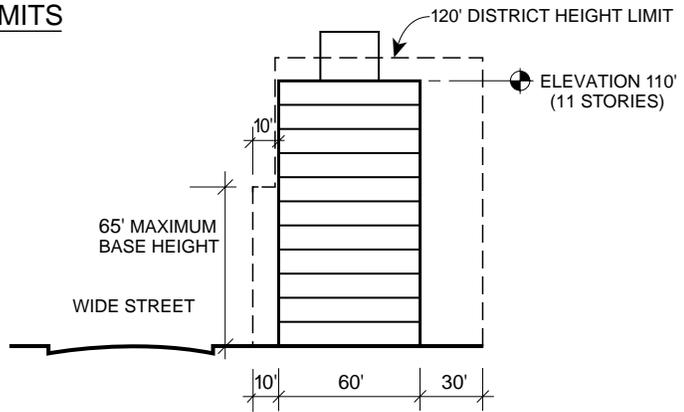


Figure 10

**R7 Residential Building:
Proposed Alternate Height and Setback Regulations**



FRONT ELEVATION / HEIGHT LIMITS



SIDE ELEVATION / HEIGHT LIMITS

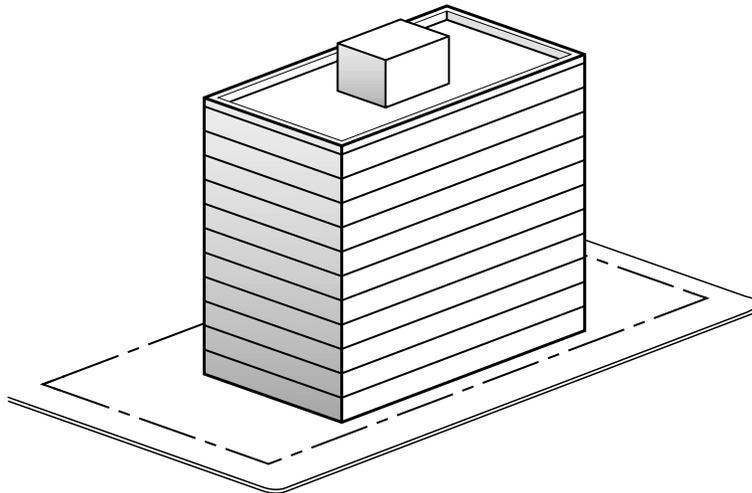
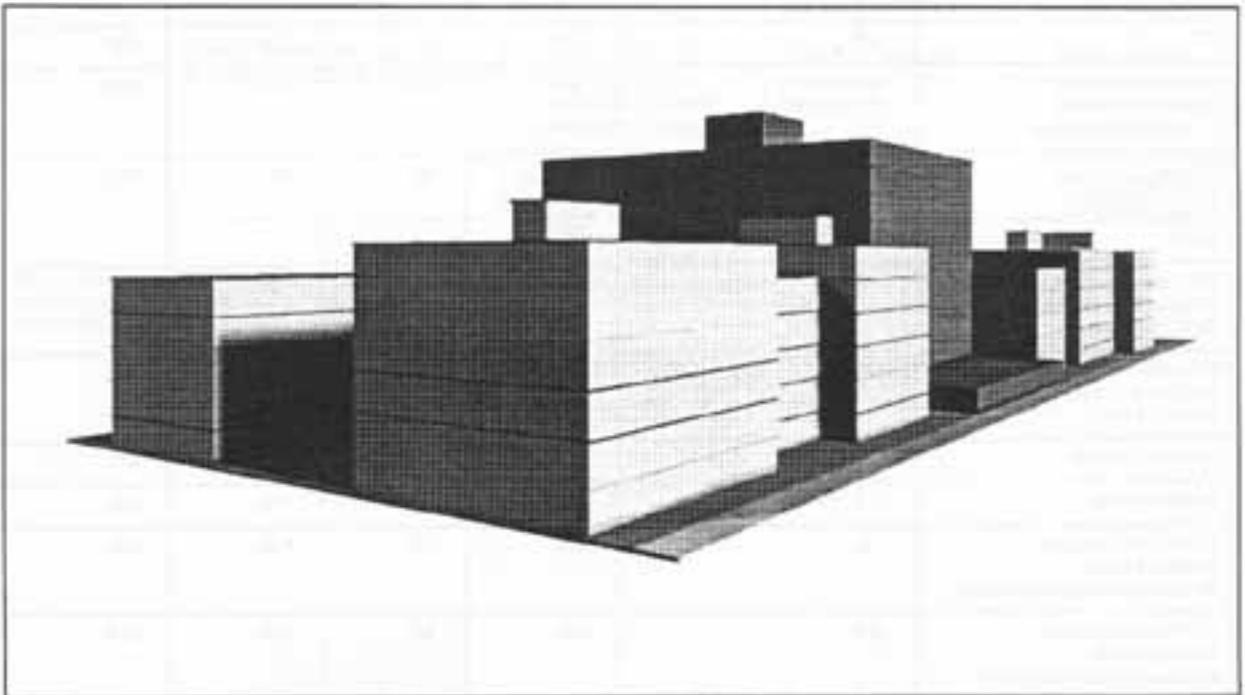
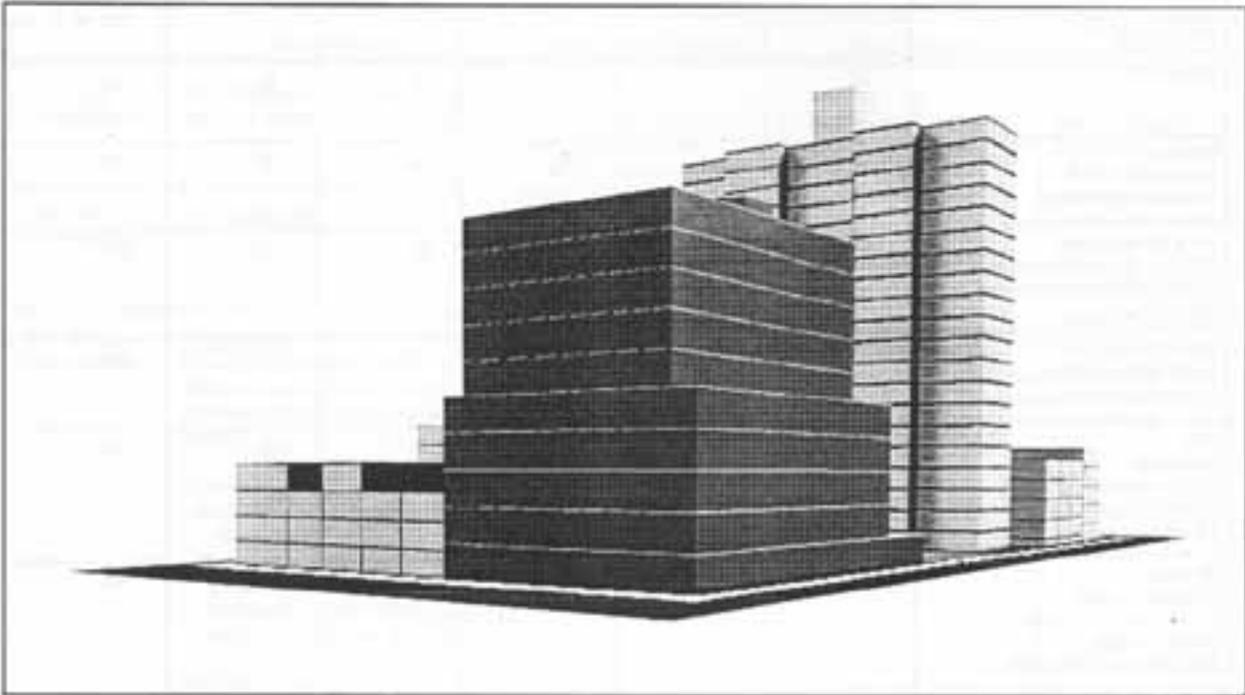


Figure 11



Community facility buildings in an R7-2 district also would be subject to the ~~140~~ foot district height limit.

EXHIBIT 1

PROPOSED HEIGHT AND SETBACK ENVELOPES

District	Minimum Base Height for Residential Buildings	Maximum Base Height		Standard Height Limit	District Height Limit
		w/o tower	w/ tower		
CF bldgs. in R1 - R5 C1/C2 in R1 - R5 C3/C4-1/C8-1/M1-1	na	30	na	na	50/ 90 beyond 100' of st. line
R6 narrow	30	45	na	55	90
R6 wide C1/C2 in R6 C4-2/C4-3/C8-2/M1-2	40	60	na	70	90
R7-1, R7-2 narrow C1/C2 in R7-1, R7-2 narrow C1-6/C2-6/C4-4/C4-5 narrow M2-1/M2-3/M3	40	60	na	75	120
R7-1, R7-2 wide C1/C2 in R7-1, R7-2 wide C1-6/C2-6/C4-4/C4-5 wide	40	65	na	80	120
R7-3 R8 narrow C1/C2 in R8 narrow C1-7/C4-2F/C6-1/C6-2/ C8-3/C8-4 narrow	60	80	na	105	140
R8 wide C1/C2 in R8 wide C1-7/C4-2F/C6-1/C6-2/ C8-3/C8-4 wide M1-3/M1-4/M1-5/M2-2/M2-4	60	85	na	120	140
M1-6 narrow	na	125	na	na	185
M1-6 wide	na	150	na	na	210
C7	na	65	na	na	280
R9-1 R9 narrow C1/C2 in R9 narrow C1-8/C2-7/C6-3 narrow	60	95	85	135	360
R9 wide C1/C2 in R9 wide C1-8/C2-7/C6-3 wide C6-1A	60	102	85	145	360
R10 narrow C1/C2 in R10 narrow C1-9/C2-8 narrow	60	125	85	185	360
R10 wide C1/C2 in R10 wide C1-9/C2-8 wide	125	150	85	210	360
C4-6/C5-1 narrow	60	125	85	185	420
C4-6/C5-1 wide	125	150	85	210	420
C4-7/C5-2/C5-4/C6-4/ C6-5/C6-8 narrow M1-6 narrow -Midtown periphery	60	125	85	185	495
C4-7/C5-2/C5-4/C6-4/ C6-5/C6-8 wide M1-6 wide-Midtown periphery	125	150	85	210	495
C5-3/C5-5/C6-6/C6-7/C6-9 narrow	60	125	85	185	720
C5-3/C5-5/C6-6/C6-7/C6-9 wide	125	150	85	210	720

EXHIBIT 2

DESCRIPTION OF HEIGHT & SETBACK ENVELOPES BY BUILDING TYPE

DISTRICT	BUILDING TYPE			
	Residential	Community Facility	Commercial	Mixed
R1 - R2 & Equivalents	R4A envelope; For lots of 9,500 sq. ft. or greater, 35' height limit	District Height Limit with setback required at maximum base height within 10' of wide and 15' of narrow streetline Residential portion of building must comply with residential regulations	District Height Limit with setback required at maximum base height within 10' of wide and 15' of narrow of streetline	District Height Limit with setback required at maximum base height within 10' of wide and 15' of narrow of streetline Residential portion of building must comply with residential regulations
R3 - R5 & Equivalents	Not Applicable			
R6 - R8 & Equivalents	<u>Certain Lots*</u> Standard Envelope (with setback required from streetwall between min. & max. base height) or District Height Limit with: • 33% min. lot coverage at every story • no setback from streetwall required (but setback required if within 10' of wide and 15' of narrow streetline) <u>All Other Lots</u> Standard Envelope			
R9 - R10 & Equivalents	Standard Envelope or District Height Limit pursuant to Tower-on-a-Base regulations	Standard Envelope or District Height Limit pursuant to Tower Regulations or Tower-on-a-Base regulations if predominantly residential	Standard Envelope or District Height Limit pursuant to Tower Regulations	Standard Envelope or District Height Limit pursuant to Tower Regulations or Tower-on-a-Base regulations if predominantly residential

- *Certain Lots includes: large scale residential developments, general large scale developments, full block zoning lots, zoning lots that have a side lot line that is contiguous for at least 70' with a zoning lot that contains a building on it which exceeds the Standard Height Limit by at least 10', and zoning lots adjacent to an elevated highway or railway.*

Height Limits in High-Density Commercial Districts

In the high-density commercial districts (most C4, C5 and C6 districts), the district height limits are 420, 495 or 720 feet reflecting the amount of commercial floor area permitted. (Figure 12). These height limits were selected with the intention of allowing design flexibility within an envelope that accommodates a full build-out of the permitted floor area of a development site with a commercial tower occupying 40% of the zoning lot and floor-to-floor heights of 12 feet, together with a limited allocation for mechanical space (10% of building floor area) and for floor area from a zoning lot merger (25%). The height limits are designed to cap both deductions from zoning floor area for mechanical space and transfers of floor area by zoning lot merger, which often have exceeded these percentages. Commercial and community facility buildings could set back from the street and then rise to the district height limit.

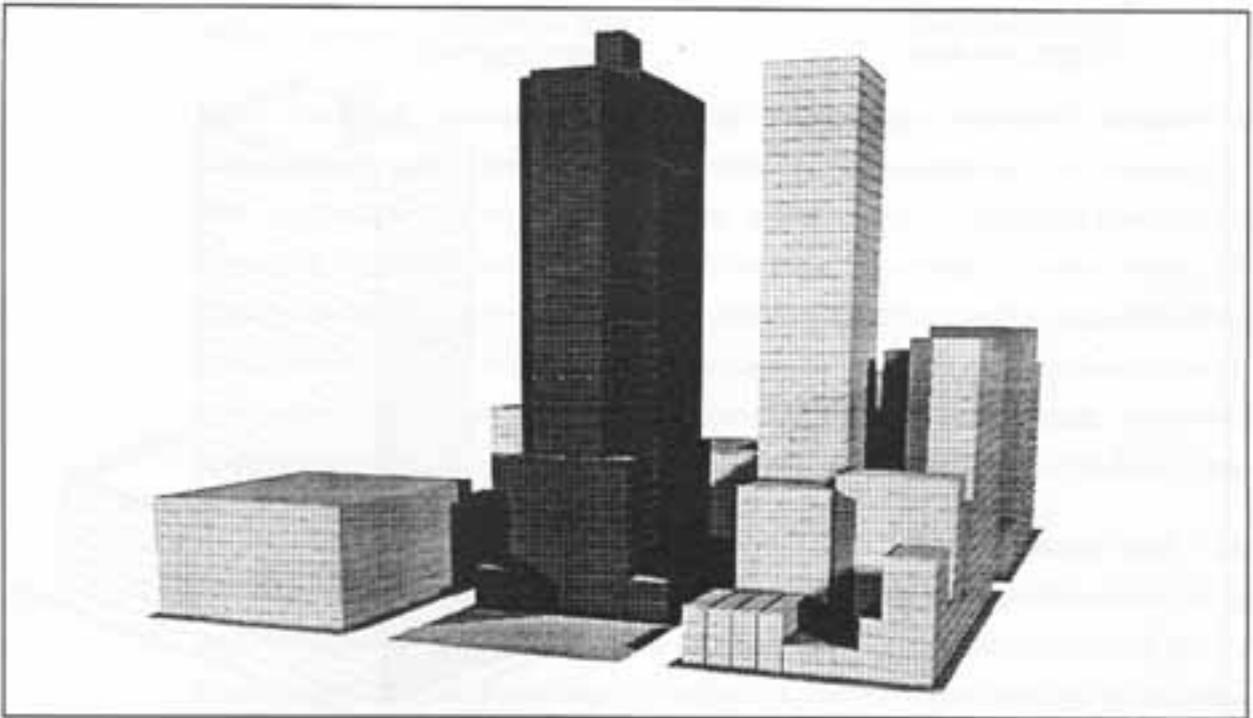
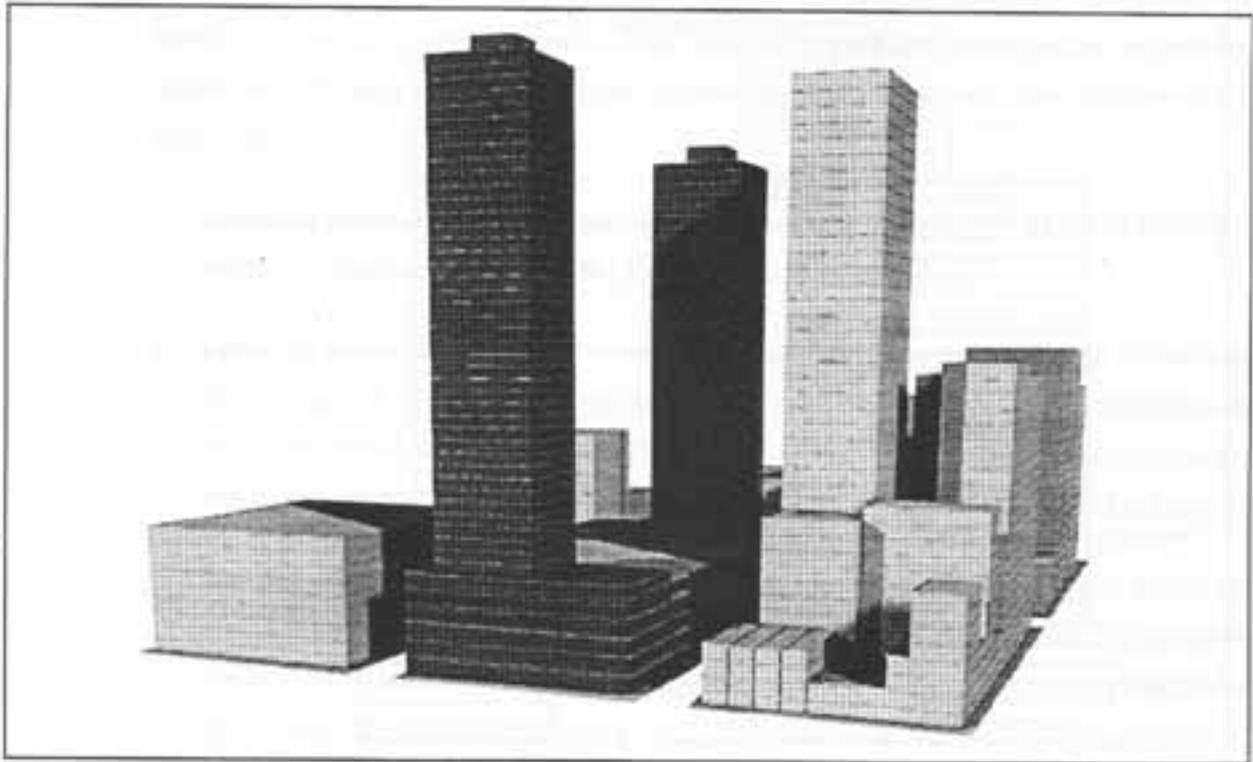
Residential buildings would be subject to the same height limits in these commercial districts, but, unlike the commercial and community facility buildings, would be subject to the modified tower-on-a-base regulations described below.

Bulk Requirements in High-Density Residential Districts

The slimmer residential towers in high-density noncontextual residential districts (R9, R10 and C1 or C2 equivalents) have a more intimate relationship to the street and do not have the programmatic requirements of commercial and community facility buildings, which generate taller buildings. Accordingly, residential buildings in these districts would be subject not only to a shorter 360 foot height limit but to tighter building envelope requirements designed to produce a streetwall that respects the prevailing scale of development and allows adequate light. The height limit, but not the tighter building envelope, would apply to community facility buildings in these districts.

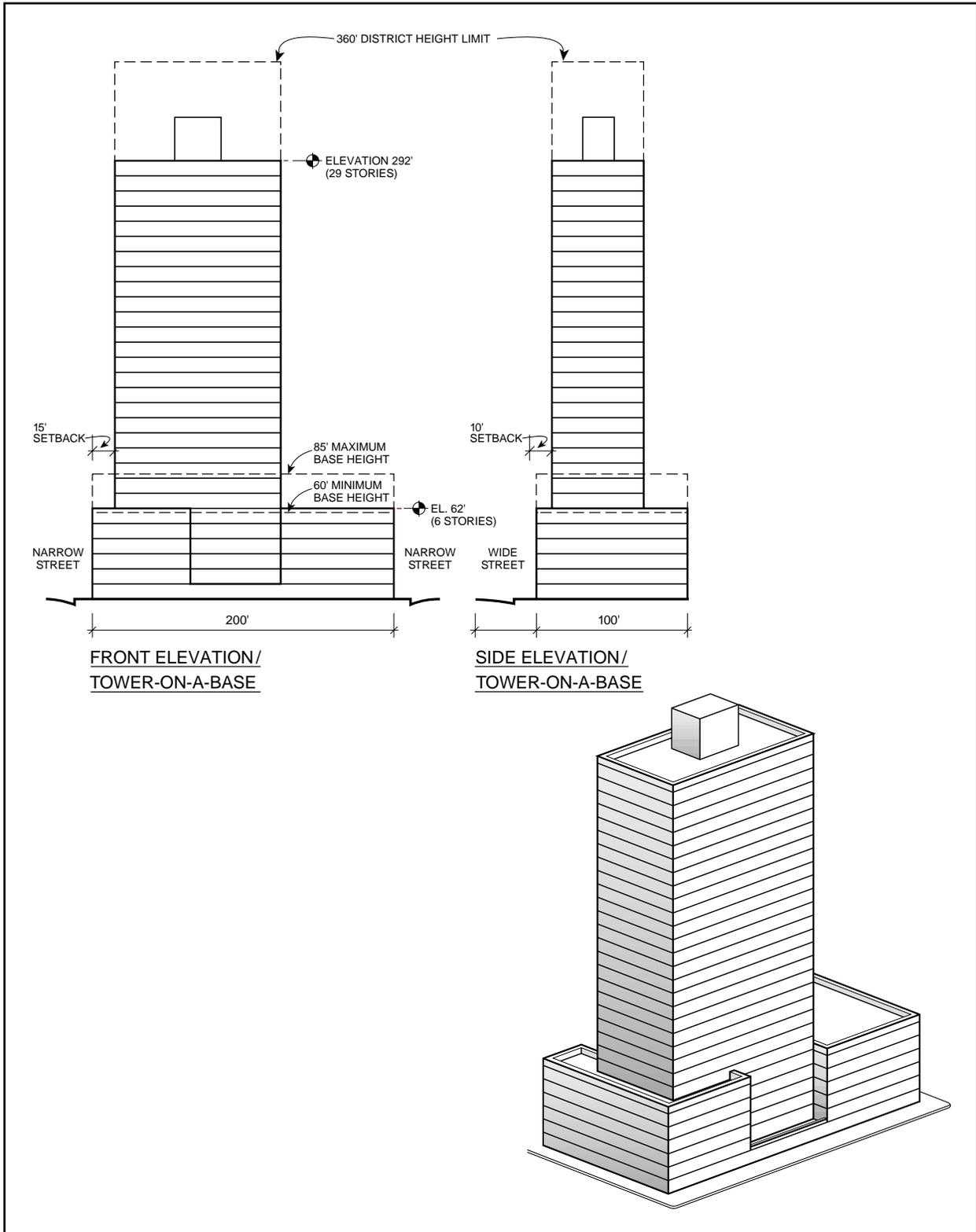
Any tower with more than 25 percent of its floor area devoted to residential use would be subject to revised tower-on-a-base regulations (Figure 13). A residential building's base would be required to hold the streetwall and would have a maximum height of 85 feet. Tower-on-a-base rules would for the first time apply on narrow streets and would be modified to provide greater design flexibility without jeopardizing the objectives of limiting

Figure 12



In comparison to the range of heights as great as 85 stories shown in Figure 4, under the proposal in a high-density C5-2 district, 10 to 12 FAR residential (top) and non-residential buildings would both be subject to a 495 foot height limit

Figure 13



The revised tower-on-a-base regulations would explicitly limit height and permit greater design flexibility in the base.

height, constraining zoning lot mergers and establishing a streetwall. The changes would be as follows:

- **Establish streetwall requirements for narrow streets.** A streetwall 45 to 85 feet high would be required for 70% of the lot line on narrow streets.
- **Limit the placement of mid-lot towers.** Currently, towers are permitted in the middle of a through lot in all districts that permit residential towers. In order to constrain such midblock towers, the rear yard equivalent requirements would be modified for through lots to require that mid-lot towers be located at least 30 feet from all side lot lines.
- **Simplify streetwall requirements.** The existing streetwall recess and required match-up provisions would be eliminated, because they are too complicated and place unnecessary constraints on building design. Architects have complained that the existing rules limit their ability to articulate a facade. As is the case now, a new building would be permitted to increase its streetwall height to 100 feet in order to match-up with an adjacent streetwall.
- **Waive streetwall requirements at locations with minimal streetwall character or adjacent to elevated structures such as subways or bridge abutments.** The Tower-on-a-Base regulations were developed to ensure that the bases of residential towers were consistent with neighboring buildings. There are some settings, however, where the existing streetscape does not justify the streetwall requirement, such as areas extensively developed pursuant to the 1961 bulk regulations where there is no defined streetwall and areas where elevated subways, bridges and other structures make streetwalls inappropriate. In addition, streetwall requirements would not apply to full-block sites.
- **Apply minimum tower coverage to all districts with a 360-foot height limit.** The minimum tower coverage requirement (33% of the zoning lot) would be expanded to apply to all developments in R9, R10 and C1 and C2 equivalent districts that have a height limit of 360 feet. This change will reduce the amount of floor area that can be added to a building by means of a zoning lot merger. This requirement would not apply to C4, C5 and C6 districts with R9 or R10 equivalents, where commercial buildings that are not subject to the tower coverage requirement can rise above 360 feet.
- **Eliminate “packing-the-bulk”.** The “packing-the-bulk” rule requires that 55% of the floor area on a zoning lot be located below a height of 150 feet. The rule was intended

to limit transfers of floor area by zoning lot mergers and by doing so to limit the height of the building. A review of existing tower-on-a-base buildings, however, shows that the minimum 33% tower-coverage requirement adequately addresses these concerns. The proposed district height limit, of course, provides the definitive answer to concerns about building height.

Lower-Density Residential Building Bulk

Residential buildings in the lowest-density districts (R1 and R2) would be subject to a contextual envelope to replace the obsolete 1961 height and setback rules. The maximum lot coverage would be 35%. The maximum perimeter wall height would be 21 feet, with a sloping roof rising to 35 feet (an R4A envelope), except on large lots where the perimeter wall could rise to 35 feet.

Such provisions are not needed in R3 to R5 districts, where residential buildings are already limited to a contextual envelope based on the small-scale building patterns of residences, and new residential development has been successfully integrated into existing communities.

Community Facility, Commercial and Manufacturing Development in Lower-Density Districts

In noncontextual lower-density districts (R1-R5, equivalent commercial overlays, C3, C4-1, C8-1 and M1-1 districts), bulk rules suitable for residential buildings do not work for community facility, commercial or manufacturing buildings, which require larger interior spaces. These buildings, where permitted, would be subject to new height and setback regulations that would provide more certainty as to scale than the existing sky exposure plane regulations. Again, two basic building types would be allowed. A contextual building could rise to a standard height limit of 50 feet, with a maximum base height of 30 feet. Above the maximum base height, setbacks of 10 feet on a wide street and 15 feet on a narrow street would be required. A taller building would be permitted only in limited situations — to provide greater flexibility on community facility campuses and to accommodate structures needed for some industrial processes. In these settings, buildings could rise to the district height limit of 90 feet but would be limited to structures erected more than 100 feet from a street (Figure 14).

Medium and High-Density Manufacturing Districts

Many of the city's high-density manufacturing districts (M1-6), developed with old loft buildings, have a significantly different character from areas developed later with taller buildings. These districts are dominated by large bulky pre-war loft buildings that hold the street wall and do not have towers. M1-6 districts generally would have a 210-foot height limit consistent with this high-density context, but no towers or plaza bonuses would be permitted. Exceptions would be made for districts in Manhattan where there are already towers, and loft buildings are interspersed with office development. Towers up to 495 feet (with a 40% coverage requirement) would be permitted in the M1-6 districts in Midtown Manhattan, such as the Garment District, Garment Center East and the area west of Penn Station.

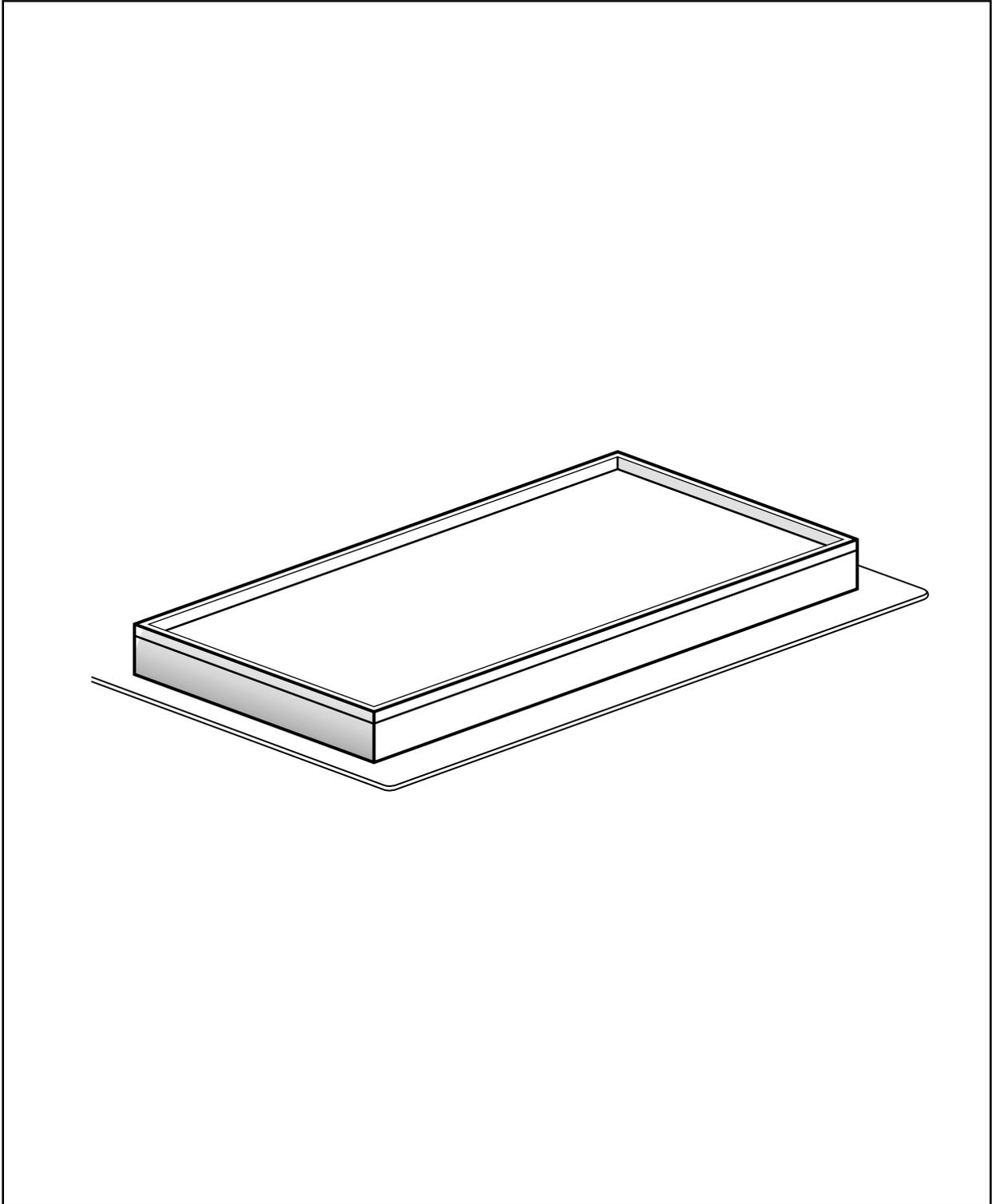
In medium-density manufacturing districts that allow an FAR of between 2 and 5 FAR for commercial or manufacturing buildings (M1-2 through M1-5, M2 and M3), each district would have a maximum base height and district height limit commensurate with the heights of existing commercial buildings in the district and the programmatic needs of industrial structures.

Regulations for Existing Tower-in-the-Park Developments

Existing “tower-in-the-park” residential developments were allowed to include taller buildings in exchange for additional open space. The best of these developments have well-planned open spaces and careful placement of buildings to maximize light and air to the dwelling units. The disruption of these planned developments by ill-conceived new construction could be a great loss not only to the current residents, but to future generations that will occupy this housing. On the other hand, many of the “tower-in-the-park” developments do not merit this level of concern. Their open space is used mainly for parking, or is often paved and unprogrammed.

To preserve the better open spaces, restrictions would be placed on enlargements of these development. As-of-right enlargements of existing developments that exceed the standard height limit would not be permitted unless the lot area retained as open space is 70% in R6 districts, 65% in R7 districts and 60% in R8 districts. The City Planning Commission could authorize a reduction of the open space upon a finding that the remaining open space

Figure 14



Lower density community facility, commercial and manufacturing buildings would be limited to 30 feet in height at the streetline, and 50 feet within 100 feet of a street.

is adequate for the enlarged development and that the enlargement enhances the development's relationship to the surrounding community.

Authorizations and Special Permits

No system of bulk requirements is perfect. Inevitably, the proposed tightening of building envelopes will produce some situations where the rules do not produce the desired result in a specific location. For this reason, the Unified Bulk Program would replace existing approvals for bulk waivers with a broader two-tiered approach to waivers in noncontextual districts. Minor modifications of all streetwall, coverage, court and distance between building regulations would be available by City Planning Commission authorization, if found to be consistent with neighborhood character. A City Planning Commission special permit would be available for more significant modifications, including height limits and tower coverage. To encourage innovation and quality architecture, this special permit would include a finding that the design of the development is of high quality and has an improved relationship to the surrounding properties. An additional finding would allow bulk modifications in high-density districts to maximize sunlight when adjacent to parks. A panel of architects and others concerned with design issues would be established to advise the City Planning Commission on the design merits of these special permit applications.

In addition, a City Planning Commission special permit would be available to provide additional flexibility for integrating new buildings into community facility campuses. This special permit would replace an existing Board of Standards and Appeals special permit, that is limited to campuses that existed in 1961 and would expand its flexibility and availability.

Split Lots

The rules governing split lots would be tightened and simplified to ensure greater predictability in what may be developed and to assure that split lots are not used as an excuse for ignoring the distinctions between zoning districts.

Floor Area. No floor area could be transferred across a district boundary on a split lot, except as follows:

- Split lots where the comparable zoning districts on both sides of the boundary have the same floor area, height and setback controls would be treated like any other zoning lot— as they are under the existing zoning. In a break with current practice, districts with similar floor area regulations for some uses but different height and setback regulations or different floor area regulations for other uses would no longer be considered comparable. To remove any ambiguity on the issue of which districts are comparable, however, the zoning would include a definitive list of the comparable districts (See Exhibit 3). This change will prevent inappropriate shifts of floor area between districts that are not truly comparable.
- Split lots which were single zoning lots at the time the zoning district boundary splitting the lot was drawn, would retain the current rule and be treated as if the entire lot were in the zoning district covering the larger portion of the lot if the smaller portion of the split lot is less than 25 feet wide. Where the smaller portion of the lot is more than 25 feet wide, floor area on a split lot could be shifted from the higher density district to the lower density only in an amount up to the weighted average FAR for the entire zoning lot, unless the districts are comparable districts.
- In contextual developments outside Manhattan Community Boards 1 through 8, existing rules that permit floor area to be shifted from the portion of a split lot in the lower-density district to the portion in the higher-density district, subject to a 20% cap on any increase in the higher density district would be retained.

Density. Dwelling units or rooming units (where permitted) could be located in any permitted residential floor area.

Lot Coverage. Lot coverage could be averaged for any lot, regardless of the date of creation, and the requirement could be met anywhere on the lot

Parking and Loading. Parking and loading requirements could be averaged for any lot, regardless of the date of the lot's creation, and the parking could be located anywhere on the lot in accordance with underlying location and curb cut regulations.

EXHIBIT 3
COMPARABLE DISTRICTS

COMPARABLE DISTRICTS FOR RESIDENTIAL FLOOR AREA	COMPARABLE DISTRICTS FOR COMMERCIAL AND COMMUNITY FACILITY FLOOR AREA*
A district listed in any row shall be considered comparable to any other district listed in the same row. A Residence District shall be considered comparable to a C1 or C2 District mapped within the same Residence District.	A district listed in any row shall be considered comparable to any other district listed in the same row. A Residence District shall be considered comparable to a C1 or C2 District mapped within the same Residence District.
C5-3, C5-5, C6-6, C6-7, C6-9	C5-3, C5-5, C6-6, C6-7, C6-9
C4-7, C5-2, C5-4, C6-4, C6-5, C6-8	C4-7, C5-2, C5-4, C6-4, C6-5, C6-8, M1-6
R10, C1-9, C2-8	C4-7A, C5-2A, C6-4A
C4-6, C5-1	C4-6, C5-1
R10A, C1-9A, C2-8A, C4-7A, C5-2A, C6-4A, C4-6A, C5-1A	C4-6A, C5-1A
R9X, C1-8X, C2-7X	R10, C1-9, C2-8
R9, C1-8, C2-7	R10A, C1-9A, C2-8A
R9A, C1-8A, C2-7A	R9X, C1-8X, C2-7X
R8, C1-7, C4-2F, C6-1, C6-2	R9, C1-8, C2-7
R8A, C1-7A, C6-2A	R9A, C1-8A, C2-7A
R7X, C4-5X	R8, C1-7, C6-1, C6-2
R7, C1-6, C2-6, C4-4, C4-5, C6-1	R8A, C1-7A, C6-2A
R7A, C1-6A, C2-6A, C4-5A,	R7X, C4-5X
R6, C4-2, C4-3	R7-2, C1-6, C2-6, C4-4, C4-5
R6A, C4-2A, C4-3A	R7A, R8B, C1-6A, C2-6A, C4-4A, C4-5A
R5, C4-1	R6, C4-2, C4-3
R3-2, C3	R6A, C4-2A, C4-3A
	R5, C4-1
	C8-1, M1-1
	C8-4, M1-3, M1-5, M2-2, M2-4
	C8-2, C8-3, M1-2, M1-4, M2-1, M2-3, M2-4, M3
	R3-2, C3

- Commercial floor area may not be transferred from a C4 or C6 district into a C1 or C2 district except when permitted under the weighted average provisions.

Simplification of Bulk and Density Regulations

Several changes would serve the important purpose of providing a more unified, simpler set of residential bulk and density regulations:

- The Unified Bulk Program would replace the current range of interconnected floor area ratios and open space ratios of the 1961 zoning with a single floor area ratio and coverage requirement for each district (Exhibit 4). FAR, currently measured to the second decimal place (hundredths), would be measured to a single decimal place (tenths). This would result in a marginal increase from the height factor maximums in some districts and a marginal decrease in others.

On narrow streets in R6 districts, the maximum floor area ratio would decrease from 2.43 to 2.2, which is the maximum FAR now permitted under the optional contextual regulations. (Community facility FAR would be correspondingly lowered from 4.8 to 4.4).

The current increase in FAR available for contextual development on wide streets outside the Manhattan core under the optional Quality Housing regulations (to 3.0 in R6 districts, 4.0 in R7 districts and 7.2 in R8 districts), would remain for developments that do not exceed the standard height.

- The use of zoning room counts as a control on density in R6 - R10 districts would be replaced with dwelling unit (or rooming unit) counts. The number of dwelling units permitted would depend on the amount of permitted residential floor area. Dwelling unit counts are already used in R1 - R5

DENSITY CALCULATIONS:

Density would be determined by dividing the floor area permitted on a site by a numerical density factor for the relevant district. For example, an R8 district would permit a floor area ratio of 6.0. On a 10,000 square foot lot 60,000 square feet of floor area would be permitted. The density factor for an R8 district would be 740. The total permitted floor area would be divided by the density factor to determine the number of permitted dwelling units ($60,000 \div 740 = 81$ dwelling units).

districts, contextual R6 through R10 districts, in the Special Mixed Use Districts and in the waterfront regulations. These density controls would also apply to the residential conversion of existing non-residential buildings in Section 15-00, which would marginally increase the permitted density in conversions of buildings with more floor area than permitted in the underlying zoning district.

- The Quality Housing Program, which allows modest increases in floor area in return for complying with a contextual building form and providing space for recreation,

EXHIBIT 4

**PROPOSED FLOOR AREA RATIOS AND LOT COVERAGE
MEDIUM AND HIGH-DENSITY DISTRICTS**

(No change to commercial floor area ratios or lot coverages)

Zoning District (Includes C Overlays in R District)	Where Rules Apply	Floor Area Ratio for a Residential Building	Maximum Lot Coverage		Floor Area Ratio for a Community Facility Building
			Corner Lot	Interior or Through Lot	
R6	Narrow street, beyond 100 feet of an intersection of a wide street	2.2	80	60	4.4
C4-2, C4-3					
C6-1A					
R6	Wide street, inside Manhattan Core and outside Manhattan Core, exceeding standard height	2.5	80	60	4.8
C4-2, C4-3					
C6-1A					
R6	Wide street, outside Manhattan Core, complies with standard height	3	80	65	4.8
C4-2, C4-3					
C6-1A					
R7-1	Wide street, inside Manhattan Core and outside Manhattan core, exceeding standard height; narrow street, beyond 100 feet of an intersection of a wide street	3.5	80	65	4.8
R7-2, C1-6, C2-6					
C4-4, C4-5					
C6-1					
R7-1	Wide street, outside Manhattan Core, complies with standard height	4	80	65	4.8
R7-2, C1-6, C2-6					
C4-4, C4-5					
C6-1					
R7-3	All locations	5	80	70	5
R8, C1-7	Narrow street, beyond 100 feet of an intersection of a wide street; wide street, within Manhattan core and outside Manhattan core, exceeding standard height	6	80	70	6.5
C6-2					
R8, C1-7	Wide street, outside Manhattan core, complies with standard height	7.2	80	70	6.5
C6-2					
R9, C1-8, C2-7	All locations	7.5	80	70	10 ²
C6-3					
R9-1	All locations	9	80	70	9
R10, C1-9, C2-8	All locations	10 ³	100	70	10 ²
C4-6					
C5-1					
C4-7, C5-2, C5-4, C6-4, C6-5, C6-8					

C5-3, C5-5, C6-6, C6-7, C6-9					15
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recycling and other interior and streetscape amenities, would be integrated into the Unified Bulk Program. The amenities would be required for all residential buildings using the standard envelope and containing more than nine dwelling units. The Study Areas where the Quality Housing does not apply on lots occupied by small homes would be governed by special regulations. These would limit residential buildings on the remaining applicable Study Area lots to no more than four stories and set the FAR at 1.85 for four story buildings and 1.62 for buildings of three or fewer stories. This would keep the current effective FAR for the buildings typically developed in these areas in place until rezoning studies are finished.

Elimination of As-of-Right Bonuses for Public Spaces

Most public spaces that have received floor area bonuses provided for in the Zoning Resolution have produced tangible public benefits, but some have been found over the years to be of limited use. When randomly located, they have been inconsistent with the goal of enhancing the streetwall character of residential neighborhoods, which is central to the vitality of the city's streets and therefore a core theme of the Unified Bulk Program. As-of-right bonuses for the following that have not produced significant public benefits would be eliminated for the reasons provided:

- Residential plazas are frequently inconsistent with the streetwall character of residential neighborhoods and tend to become privatized. Residential plazas would be permitted in high density commercial districts by special permit.
- Arcades are seldom built and undermine the streetwall.
- Through-block arcades as a rule, contribute little except when they are part of a planned pedestrian network.
- Sidewalk widenings are generally required in special district regulations at the locations where they are needed. Random sidewalk widenings located without regard to pedestrian volumes are unnecessary and degrade streetwall character.
- Elevated and sunken plazas are inconsistent with the goal of assuring that public plazas are readily accessible.

- The plaza bonus is inconsistent with the proposed contextual bulk envelope in M1-6 districts, characterized by pre-war loft buildings. It will be eliminated except in those Manhattan districts where new commercial towers are permitted.
- The plaza bonus has rarely, if ever, been used in connection with commercial and community facility buildings in C6-1 (other than C6-1A) and C6-2 districts. These are the only generic middle-density districts that offer a plaza bonus and the density and pedestrian traffic in these districts do not justify the provision of the bonus.

Commercial and Community Facility Plazas

Commercial and community facility plazas, given the public nature of the buildings that adjoin them, generally provide a valuable public amenity. The bonus for these amenities would be retained. Both types of plazas would be required to meet the updated and more exacting Urban Plaza standards. This change will leave the Zoning Resolution with one coordinated set of plaza design guidelines.

Approvals for Reductions in Bonused Public Spaces

Currently, a special permit is required to reduce the size of a public space that generated a floor area bonus, unless there is a corresponding reduction in the floor area of the building or the substitution of equivalent complying space. Transfers of floor area through zoning lot mergers or conversion of zoning floor area to mechanical space, which does not count as zoning floor area, have been used, however, to reduce a building's reliance on a bonused public space to justify its zoning floor area and hence to enable a reduction in the size of the bonused space. This is particularly troubling when the City Planning Commission has no opportunity to review the effects of such a modification on the public space. For this reason, any reduction of a public space that generated a floor area bonus should require a special permit.

Many developments containing bonused public space contain more open area than would be required to generate the bonus floor area actually built. Assuming that other regulations are complied with, this excess space can be developed. A certification should be required,

however, to ensure that the bonused public space still complies with the zoning requirements after it has been modified.

Brooklyn and Queens Central Business Districts

- In a related action a new Special Downtown Brooklyn District would be created and mapped to recognize the role of the city's third largest business district. In certain areas zoned C6-1, the special district would permit taller buildings using the C6-4 envelope to facilitate appropriate commercial expansion consistent with an urban downtown. The Special Fulton Mall and Special Atlantic Avenue districts would be merged into the larger special district. It would also recognize the special contextual character of the historic brownstone neighborhoods that abut the downtown (Brooklyn Heights, Boerum Hill, Cobble Hill and Fort Greene) including a reduced 210 foot height for a buffer area zoned C6-1 adjacent to an R6B district. These changes would ensure that development is possible at the densities that can be supported by the extensive infrastructure of the business district, and that the adjoining residential neighborhoods are appropriately zoned.
- The C5-3 district height limit of 720 feet would apply in the Court Square Subdistrict of the Special Hunters Point Mixed-Use District allowing for office building development. A larger area of Long Island City is under study for high-density development. The Department of City Planning will be filing an application for rezoning early in 2000 in the area surrounding the Court Square Subdistrict.

Associated Changes

To implement the objectives of the Unified Bulk Program, the proposal would reorganize and consolidate a number of regulations and would be coordinated with targeted zoning map changes.

- The current Resolution's several dormer rules and separate balcony rules for the contextual and non-contextual districts, which do not differ significantly, would be merged.
- The existing C5-2A district would be eliminated. It is mapped only along Manhattan's Lexington Avenue between 54th and 57th streets. In a related action, this portion of Lexington Avenue would be rezoned as a C5-2.5 district within the Special Midtown district with the same FAR and a similar bulk envelope.
- A generic C5-2A district with the R10A bulk envelope would be established. This district would be the same as the existing C6-4A district but limited to only C5 uses. This designation is proposed to be mapped in contextually developed portions of the Park Avenue South area of Manhattan as part of a related zoning map amendment.
- The current optional Quality Housing parking requirements would apply to new developments and enlargements that do not exceed the standard height, maintaining the existing requirement. Existing 1961 parking requirements would be retained for developments that exceed these new envelopes (and have more on-site land available for parking). Existing buildings would be required to retain all previously required parking.
- The existing R10 Infill regulations, a precursor to contextual zoning that governed high-density development in Manhattan's Community Board 7, would be eliminated. Since their adoption most of the R10 districts in Community Board 7 where infill had applied have been rezoned R10A. The proposed new R10 height and setback regulations would be appropriate for the handful of potential development sites in the remaining R10 districts.
- The R7-3 and R9-1 districts, which currently are only available for mapping on waterfront blocks or in Special Mixed Use districts, would be eliminated from those regulations and established as generic districts.
- Two of the four Limited Height Districts, LH-2 and LH-3, have never been mapped. They would be eliminated since contextual districts are available to control height.
- The height of all developments in residential and commercial districts would be measured from the base plane of the building as opposed to curb level, which may vary from the level of the ground where a building is actually located. This would provide

greater certainty as to the effect of the new height limits in areas where residences are permitted.

- The minimum distance between towers for twin or multiple tower buildings would be set at 45 feet, where the facing towers are no more than 60 feet deep, to make this building type practical.
- The rules regulating elevator and stair bulkheads would be clarified to ensure sufficient room for bulkheads on small lots. The bulkhead would be limited to either (1) an area facing the street that is no more than eight times the width of the streewall or (2) twenty percent of the lot coverage of the building and a height of 40 feet.
- To protect adjacent residential rear yards, rear yard equivalents would be required in C6-2A and C6-3A districts above the lesser of two stories or 30 feet.