Zoning Resolution

THE CITY OF NEW YORK
Eric Adams, Mayor

CITY PLANNING COMMISSION
Daniel R. Garodnick, Chair

# Chapter 1 - Special Downtown Brooklyn District (DB)

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# Chapter 1 - Special Downtown Brooklyn District (DB)

## 101-00 - GENERAL PURPOSES

LAST AMENDED
2/2/2011

The "Special Downtown Brooklyn 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 strengthen the business core of Downtown Brooklyn by improving the working and living environments;

(b) to foster development in Downtown Brooklyn and provide direction and incentives for further growth where appropriate;

(c) to create and provide a transition between the Downtown commercial core and the lower-scale residential communities of Fort Greene, Boerum Hill, Cobble Hill and Brooklyn Heights;

(d) to encourage the design of new buildings that are in character with the area;

(e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the vitality of Downtown Brooklyn;

(f) to improve the quality of development in Downtown Brooklyn by fostering the provision of specified public amenities in appropriate locations;

(g) to improve visual amenity by establishing special sign regulations within the Fulton Mall and Atlantic Avenue Subdistricts; and

(h) to promote the most desirable use of land and building development for Downtown Brooklyn and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

## 101-01 - Definitions

LAST AMENDED
2/2/2011

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-702 (Definitions Specific to the Atlantic Avenue Subdistrict) or in this Section.

Automated parking facility

An “automated parking facility” shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system, and shall not refer to a parking facility with parking lift systems that require an attendant to operate the vehicle that is to be parked.

Development or to develop

For purposes of this Chapter, "development" includes a #development#, an #enlargement# or an #extension#.

To "develop" is to create a #development#.

## 101-02 - General Provisions

LAST AMENDED
10/7/2021

The provisions of this Chapter shall apply within the #Special Downtown Brooklyn 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. However, for

#transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Whenever a #zoning lot# is divided by the boundary of the #Special Downtown Brooklyn District#, the requirements set forth in this Chapter shall apply, and shall apply only to that portion of the #zoning lot# within the #Special Downtown Brooklyn District#.

## 101-021 - Applicability of Inclusionary Housing Program

LAST AMENDED
9/7/2017

In #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING), shall apply, except as superseded, supplemented or modified by the provisions of this Chapter.

## 101-03 - District Plan and Maps

LAST AMENDED
4/30/2008

The regulations of this Chapter are designed to implement the #Special Downtown Brooklyn District# Plan.

The District Plan includes the following seven maps:

| | |
|---|---|
| Map 1 | Special Downtown Brooklyn District and Subdistricts |
| Map 2 | Ground Floor Retail Frontage |
| Map 3 | Ground Floor Transparency Requirements |
| Map 4 | Street Wall Continuity and Mandatory Sidewalk Widenings |
| Map 5 | Curb Cut Restrictions |
| Map 6 | Height Limitation Areas |
| Map 7 | Subway Station Improvement Areas |

The maps are located within Appendix E (Special Downtown Brooklyn District Maps) of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

## 101-04 - Subdistricts

LAST AMENDED
6/28/2004

In order to carry out the provisions of this Chapter, two subdistricts are established within the #Special Downtown Brooklyn District#. In each of these subdistricts, certain special regulations apply that do not apply within the remainder of the #Special Downtown Brooklyn District#. The subdistricts are outlined on Map 1 (Special Downtown Brooklyn District and Subdistricts) in Appendix E of this Chapter. Special regulations set forth in Sections 101-60 through 101-632, inclusive, shall apply to the Fulton Mall Subdistrict. Special regulations set forth in Sections 101-70 through 101-75 and Appendices A, B, C and D, inclusive, shall apply to the Atlantic Avenue Subdistrict. The subdistricts are also subject to all other regulations of the #Special Downtown Brooklyn District# and the underlying districts except as otherwise specified in the subdistrict regulations.

## 101-05 - Applicability of Special Permits by the Board of Standards and Appeals

LAST AMENDED
5/29/1974

Within the #Special Downtown Brooklyn District#, Section 73-68 (Height and Setback and Yard Modifications) shall not be applicable.

## 101-10 - SPECIAL USE REGULATIONS

LAST AMENDED
6/28/2004

## 101-11 - Special Ground Floor Use Regulations

LAST AMENDED
5/12/2021

Map 2 (Ground Floor Retail Frontage), in Appendix E of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 50 feet of the #street line#, shall be limited to #commercial# #uses# listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C, where such #uses# are permitted by the underlying district. Libraries, museums and non-commercial art galleries shall be permitted. In addition, all non-residential #uses# permitted by the underlying district shall be permitted for buildings fronting on Myrtle Avenue between Ashland Place and the continuation of Prince Street. However, this minimum depth requirement may be reduced, to the minimum extent necessary, to accommodate a vertical circulation core, or structural columns associated with upper #stories# of the #building#.

A #building's# #street# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations provided in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses). However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage provided such #street# frontage is not subject to curb cut restrictions as shown on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter.

The regulations of this Section are modified as follows:

(a) Fulton Mall Subdistrict

For #buildings# in the Fulton Mall Subdistrict, Use Group 6A shall not include post offices, dry cleaning, laundry, or shoe and hat repair establishments. Use Group 6C shall not include automobile supply establishments, electrolysis studios, frozen food lockers, loan offices or locksmiths. Use Group 8A shall not include billiard parlors, pool halls, bowling alleys or model car hobby centers. Use Group 9 shall be prohibited except for typewriter stores. Use Group 10 shall not include depositories for office records, microfilm or computer tapes. Use Groups 6D, 7A, 7B, 8B, 8D, 11, 12A and 12C shall be prohibited. Furthermore, no bank or off-track betting establishment shall occupy more than 30 feet of frontage at the ground floor of any #building# along the #street line# of Fulton Street. Any establishment that fronts on the #street line# of Fulton Street for a distance greater than 15 feet shall provide an entrance on Fulton Street.

(b) Atlantic Avenue Subdistrict

Automotive service stations are not permitted. No bank, loan office, business or professional office or individual #use# in Use Group 9 shall occupy more than 50 feet of linear frontage on Atlantic Avenue. Moving and storage uses in Use Group 7 are permitted on the ground floor of a #building# only if such #use# is located at least 50 feet from the front wall of the #building# in which the #use# is located. Any #buildings# #developed# after June 28, 2004, or portions of #buildings# #enlarged# on the ground floor level after June 28, 2004, on a #zoning lot# of 3,500 square feet or more shall have a minimum of 50 percent of the ground #floor area# of the #building# devoted to permitted #commercial# #uses# in Use Groups 6, 7 or 9, except that this requirement shall not apply to any #development# occupied entirely by #community facility use#.

In any #building# within the Atlantic Avenue Subdistrict, the provisions of Section 32-421 (Limitation on floors occupied by commercial uses) restricting the location of non-#residential uses# listed in Use Groups 6, 7, 8, 9 or 14 to below the level of the first

#story# ceiling in any #building# occupied on one of its upper #stories# by #residential# or #community facility uses#, shall not apply. In lieu thereof, such non-#residential uses# shall not be located above the level of the second #story# ceiling.

## 101-12 - Transparency Requirements

LAST AMENDED
2/2/2011

Map 3 (Ground Floor Transparency Requirements) in Appendix E of this Chapter specifies locations where the following transparency requirements apply.

For any #buildings# #developed# after June 28, 2004, or portions of #buildings# #enlarged# on the ground floor level after June 28, 2004, each ground floor #street wall# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

## 101-13 - Sign Regulations

LAST AMENDED
6/28/2004

In the #Special Downtown Brooklyn District#, except as modified by the provisions of Section 101-131 (Permitted projection), the regulations of Section 32-60, et seq., pertaining to #signs#, shall apply. Further regulations for the Fulton Mall Subdistrict and the Atlantic Avenue Subdistrict are set forth in Section 101-60, inclusive, and Section 101-70, inclusive.

## 101-131 - Permitted projection

LAST AMENDED
6/28/2004

The provisions of Section 32-652 (Permitted projection in all other Commercial Districts) shall not apply. In lieu thereof, the provisions of this Section shall apply.

No permitted #sign# shall project across a #street line# more than 12 inches, except as otherwise provided in this Section.

Banners for theaters may project across a #street line# for a maximum distance of four feet, provided such banners are separated at least 25 feet apart, and further provided that such banners are located between 12 feet and 40 feet above #curb level#.

For each establishment located on the ground floor, non-#illuminated# double-faced #signs# may project perpendicularly across a #street line# for a maximum distance of 40 inches, provided that no more than two such #signs#, separated at least 25 feet apart, are permitted along each #street# on which such establishment fronts, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches, and shall not be located above the sill level of the second #story# windows.

## 101-20 - SPECIAL BULK REGULATIONS

LAST AMENDED
10/7/2021

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

Within #Mandatory Inclusionary Housing areas#, as shown on the map in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING) shall apply.

In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

## 101-21 - Special Floor Area and Lot Coverage Regulations

LAST AMENDED
10/21/2021

R7-1 C6-1 C6-4.5 C6-6 C6-9

(a) In R7-1 Districts

In R7-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Section 23-151 (Basic regulations for R6 through R9 Districts) shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 4.0. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #affordable independent residences for seniors# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 100 percent.

(b) In C6-1 Districts

In C6-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Section 23-151 shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 3.44. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #affordable independent residences for seniors# the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 100 percent. For #Quality Housing buildings#, the underlying #floor area ratio# and #lot coverage# regulations shall apply.

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(d) In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential# #floor area ratio# shall be 9.0. However, in #Mandatory Inclusionary Housing areas# mapped after October 21, 2021, the maximum #residential floor area ratio# shall be 12.0. No #floor area# bonuses shall be permitted, except in accordance with the provisions of Section 66-51, where applicable.

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0. In addition, #residential# #floor area ratio# may be increased only pursuant to the applicable provisions of Section 23-154 (Inclusionary Housing).

However, in the C6-9 District bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential# #floor area ratio# shall be 9.0. On a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area# #ratio# shall be 12.0. Up to 46,050 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#. In addition, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

No #floor area# bonuses shall be permitted except as authorized granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

## 101-22 - Special Height and Setback Regulations

LAST AMENDED
2/2/2011

The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Section 101-221 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#.

In R7-1, C5-4, C6-1, C6-4 and C6-9 Districts, except C6-1A Districts, the underlying height and setback regulations shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the provisions of Section 101-222 (Standard height and setback regulations) or, as an option where applicable, Section 101-223 (Tower regulations). #Buildings or other structures# within the Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas shall comply with the provisions of Section 101-30 (SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS). However, the underlying height and setback regulations shall apply to any #Quality Housing building#, except that Quality Housing height and setback regulations shall not be applicable within any R7-1 District mapped within a C2-4 District.

## 101-221 - Permitted Obstructions

LAST AMENDED
4/30/2012

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Downtown Brooklyn District#, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

## 101-222 - Standard height and setback regulations

LAST AMENDED
11/16/2016

C2-4/R7-1 C6-1 C6-4.5 C6-6 C6-9

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum #building# height set forth in the table in this Section. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS IN C2-4/R7-1, C6-1, C6-4.5, C6-6 AND C6-9 DISTRICTS

| | Maximum Base Height | | Maximum #building# Height | |
|---|---|---|---|---|
| District | Beyond 100 feet of a #wide street# | Within 100 feet of a #wide street# | Beyond 100 feet of a #wide street# | Within 100 feet of a #wide street# |
| C2-4/R7-1 | 85 | 85 | 160 | 160 |

| | | | | |
|---|---|---|---|---|
| C6-1 | 125 | 150 | 185 | 210 |
| C6-4.5 C6-6 C6-9 | 125 | 150 | 250 | 250 |

C5-4 C6-4

In the districts indicated, the maximum height of a #building or other structure# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for an R10 District. For #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for an R10 District. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

## 101-223 - Tower regulations

LAST AMENDED
11/16/2016

C5-4 C6-1 C6-4 C6-6 C6-9

In the districts indicated, except C6-1A Districts, the provisions of this Section shall apply as an alternative to the provisions of Section 101-222 (Standard height and setback regulations).

(a) Setback requirements for #residential# towers

For #buildings# that contain #residential# #floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet. Such portions of #buildings# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#.

(b) Setback requirements for #commercial# or #community facility# towers

For #buildings# that contain #commercial# or #community facility# #floor area# above a height of 85 feet, a setback is required for all portions of such #buildings# that exceed a height of 85 feet.

For #zoning lots# that do not exceed a #lot area# of 15,000 square feet, such portions of #buildings# shall be set back at least 10 feet from a #wide# #street line# and at least 15 feet from a #narrow# #street line#. For #zoning lots# that exceed an area of 15,000 square feet, such portions shall be set back at least 20 feet from any #street line#.

However, setbacks shall not be required for any portion of a #building# fronting upon the south side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, or upon that portion of the Flatbush Avenue Extension between Willoughby Street and DeKalb Avenue within 250 feet of Willoughby Street, or for any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension, provided that this exemption shall not be applicable to portions of #buildings# above 85 feet that contain #residential# #floor area#.

(c) #Lot coverage# requirements for towers

All #buildings#, or portions thereof, shall have a maximum #lot coverage# of 65 percent of the #lot area# of the #zoning lot# above a height of 150 feet, up to a height of 300 feet. Above a height of 300 feet, all #buildings#, or portions thereof, shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#. However, any portion of a #building# containing #residential# #floor area# above a height of 150 feet shall have a maximum #lot coverage# of 40 percent of the #lot area# of the #zoning lot# or, for

#zoning lots# less than 20,000 square feet, the percentage set forth in the table in this Section:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

| Area of #Zoning Lot# (in sq. ft.) | Maximum Percentage of #Lot Coverage# |
|---|---|
| 10,500 or less | 50 |
| 10,501 to 11,500 | 49 |
| 11,501 to 12,500 | 48 |
| 12,501 to 13,500 | 47 |
| 13,501 to 14,500 | 46 |
| 14,501 to 15,500 | 45 |
| 15,501 to 16,500 | 44 |
| 16,501 to 17,500 | 43 |
| 17,501 to 18,500 | 42 |
| 18,501 to 19,999 | 41 |

(d) Maximum #building# height

In C6-1 Districts, the maximum height of a #building or other structure# shall be 495 feet. No height limit shall apply within a C5-4, C6-4, C6-6 or C6-9 District.

## 101-30 - SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS

LAST AMENDED
2/2/2011

The provisions of this Section shall apply within the Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas, as shown on Map 6 in Appendix E of this Chapter.

(a) Flatbush Avenue Extension Height Limitation Area

Within the Flatbush Avenue Extension Height Limitation Area, no #building or other structure# shall exceed a height of 400 feet.

(b) Schermerhorn Street Height Limitation Area

Within the Schermerhorn Street Height Limitation Area, the provisions of this paragraph, (b), shall apply:

(1) #Public plaza# prohibition

No #public plazas# shall be permitted within Area B of Map 6.

(2) Height and setback regulations

The tower provisions of Section 101-223 shall not apply. The standard height and setback regulations of Section 101-222 shall apply within Area A of Map 6, and are modified to limit maximum #building# height to 140 feet within Area B, and to permit a maximum #building# height of 250 feet within Area C of Map 6. For #Quality Housing buildings#, the underlying height and setback regulations shall apply, except that the maximum height of a #building# shall be as specified on Map 6 or as specified pursuant to the Quality Housing Program, whichever is less.

(3) #Rear yard# modification

The provisions of Sections 23-532 (Required rear yard equivalents) or 23-533 (Required rear yard equivalents for Quality Housing buildings), as applicable, shall not apply to any #through lot#. In lieu thereof, an open area with a minimum depth of 60 feet, midway, or within 10 feet of being midway between the two #street lines# upon which such #through lot# fronts, shall be provided. Such #rear yard# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

## 101-40 - MANDATORY DISTRICT PLAN ELEMENTS

LAST AMENDED
6/28/2004

## 101-41 - Special Street Wall Location Regulations

LAST AMENDED
11/16/2016

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widenings) in Appendix E of this Chapter specifies locations where the special #street wall# location regulations of this Section apply. However, such regulations shall not apply along the #street# frontage of that portion of any #zoning lot# occupied by existing #buildings# to remain.

(a) Fulton Mall Subdistrict

Within the Fulton Mall Subdistrict, the #street wall# of any #building# shall be located on the #street line# and shall extend along the full length of the #street line# for that portion of the #building# within the Subdistrict, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. Such required #street walls# shall extend to a minimum height of 60 feet above #curb level# or the height of the #building#, whichever is less, and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Sections 101-222 (Standard height and setback regulations) or 101-223 (Tower regulations) shall apply.

(b) Atlantic Avenue Subdistrict

Within the Atlantic Avenue Subdistrict, the underlying height and setback regulations shall apply, except that the front wall of any #building# shall be coincident with the #street line# for a minimum height of 16 feet above #curb level# and, in a C2-4 District mapped within an R6A District, a maximum height of 50 feet above #curb level# or, in a C2-4 District mapped within an R7A District, a maximum height of 60 feet above #curb level#.

(c) Willoughby Square

For #buildings# fronting upon Willoughby Square, at least 70 percent of the #street wall# of that portion of the #building# fronting upon Willoughby Square shall be located on the #street line# and extend to a minimum height of 80 feet and a maximum height of 85 feet. Above a height of 85 feet, the provisions of Section 101-223 shall apply.

(d) All other areas

On all other #streets# shown on Map 4, at least 70 percent of the #aggregate width of street walls# of any #building# shall be located within eight feet of the #street line# and extend to at least a height of 40 feet in R7-1 Districts mapped within C2-4 Districts and at least a height of 60 feet in all other districts, or the height of the #building#, whichever is less, except that on #corner lots#, no #street wall# shall be required within 100 feet of the intersection of two #street lines# where the interior angle formed by such intersecting #street lines# is 45 degrees or less. However, such regulations shall not apply to any #building# fronting upon the north side of Willoughby Street between Gold Street and the Flatbush Avenue Extension.

## 101-42 - Mandatory Sidewalk Widenings

LAST AMENDED
2/2/2011

Map 4 (Street Wall Continuity and Mandatory Sidewalk Widenings) in Appendix E of this Chapter specifies locations where the sidewalk widening regulations of this Section apply. Such regulations shall apply to all #developments# and to those horizontal #enlargements# where the #enlarged# portion of the #building# contains a #floor area ratio# of 3.0 or more.

All #buildings# that front upon the southerly #street line# of Willoughby Street between Adams Street and the Flatbush Avenue Extension shall provide a five foot deep sidewalk widening along the full frontage of the #zoning lot# along Willoughby Street. Such sidewalk widening shall be improved as a sidewalk to Department of Transportation standards, be at the same level as the adjoining public sidewalk and be accessible to the public at all times. For the purposes of applying the height and setback regulations of Section 101-22, inclusive, and the #street wall# location requirements of Section 101-41, the sidewalk widening line shall be considered to be the #street line#.

## 101-43 - Off-street Relocation or Renovation of a Subway Stair

LAST AMENDED
2/2/2011

Where a #development# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. For the purposes of this Section, a #development# shall not include an #extension#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). The subway stations where such improvements are required are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E of this Chapter.

| Station | Line |
|---|---|
| Court Street-Borough Hall | Eastern Parkway/Montague Street Tunnel |
| DeKalb Avenue | 4th Avenue/Brighton |
| Hoyt Street | Eastern Parkway |
| Hoyt-Schermerhorn Street | Crosstown/Fulton Street |
| Jay Street-MetroTech | Culver/Fulton Street |
| Lawrence Street | Montague Street Tunnel |

| | |
|---|---|
| Nevins Street | Eastern Parkway |
| Atlantic Avenue-Pacific Street | 4th Avenue |

## 101-50 - OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

LAST AMENDED
12/10/2012

The provisions of Article II, Chapter 5, and Article III, Chapter 6 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except that the #accessory# parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-street parking spaces for at least 20 percent of the total number of new #dwelling units#. However, such modification shall not apply in R6B Districts.

## 101-51 - Curb Cut Restrictions

LAST AMENDED
12/10/2012

Along the #streets# specified on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter, no curb cuts for parking facilities or loading berths shall be permitted.

However, the City Planning Commission may, by authorization, permit a curb cut, on a #street# specified on Map 5, for parking facilities and loading berths on a #zoning lot# that does not have access or egress on another #street#, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan.

## 101-52 - Reservoir Spaces

LAST AMENDED
6/28/2004

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered one reservoir space.

(a) Attended parking facilities

Attended #accessory# parking facilities, #public parking garages# or #public parking lots# with more than 25 parking spaces shall provide the following amount of off-street reservoir space at the vehicular entrance:

(1) for parking facilities with more than 25 parking spaces and up to 50 parking spaces: five percent of the total number of parking spaces;

(2) for parking facilities with more than 50 parking spaces and up to 100 parking spaces: 10 percent of the total number of parking spaces;

(3) for parking facilities with more than 100 parking spaces and up to 200 parking spaces: 10 parking spaces; and

(4) for parking facilities with more than 200 parking spaces: five percent of the total number of parking spaces. However, such number of reservoir spaces need not exceed 50.

(b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided as set forth in paragraph (a) of

this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to paragraph (a) of this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

(c) Self-parking facilities

For self-parking #accessory# parking facilities, #public parking garages# and #public parking lots#, where entering vehicles are required to stop at a mechanically operated barrier before entering the parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

## 101-53 - Garages

LAST AMENDED
12/10/2012

## 101-531 - Public parking garages

LAST AMENDED3/22/2016

#Public parking garages# with 225 or fewer spaces shall be permitted as-of-right, provided that such garages are, except for entrances and exits, entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts. In addition to a maximum number of 225 public parking spaces, such garages may include required #accessory# parking spaces, which may be provided at any level. Any #accessory# parking spaces that are not required shall be included with all other public parking spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number or location of parking spaces in such #public parking garage#.

## 101-532 - Off-site accessory parking spaces in public garages

LAST AMENDED3/22/2016

Section 36-57 (Accessory Off-street Parking Spaces in Public Garages) shall be modified to allow #accessory# off-street parking spaces in any #public parking garage# #developed# after December 10, 2012, provided such off-site spaces comply with the provisions of Section 101-55 (Location of Off-site Parking Spaces).

## 101-533 - Pedestrian safety

LAST AMENDED3/22/2016

The provisions of this Section shall apply to parking facilities created after December 10, 2012, or for parking facilities enlarged by 50 or more spaces after December 10, 2012. For all #accessory# parking garages and #public parking garages#, the following safety features shall be provided at all vehicular exit points:

(a) a 'stop' sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and

(b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:

(1) span the entire width of such exit lane;

(2) have a minimum of two inches in height, as measured from the adjoining grade of the exit lane, and a maximum depth of 12 inches; and

(3) be located a minimum of four feet beyond the #street line#, as measured perpendicular to the #street line#.

## 101-534 - Stackers in garages

LAST AMENDED3/22/2016

Within an enclosed attended parking facility with parking lift systems, for individual lifted trays upon which a vehicle is stored, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except if located in portions of a #building# exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

## 101-535 - Automated parking facilities

LAST AMENDED3/22/2016

For an #automated parking facility#, the minimum size of spaces regulated in Sections 25-62 (Size and Location of Spaces) and 36-521 (Size of spaces) shall not apply.

For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space where the Commissioner of Buildings determines that such auxiliary parking trays are needed to routinely store and retrieve vehicles for the efficient operation of such #automated parking facility#.

Within an #automated parking facility#, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except if located in portions of a #building# exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

## 101-536 - Special permit for public parking garages

LAST AMENDED3/22/2016

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall not apply to #public parking garages#. In lieu thereof, the City Planning Commission may permit:

(a) a #public parking garage# that does not comply with the provisions of Section 101-531 (Public parking garages), provided that such garage complies with all other applicable regulations set forth in Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS); and

(b) floor space on one or more #stories#, up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10.

In order to grant a special permit for such #use# or #floor area# exemption, the Commission shall find that:

(1) such #use# will be compatible with the surrounding area, and will not adversely affect the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

(2) the proposed materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;

(3) the ground floor level of such parking facilities that front upon #streets# with a width of 60 feet or more, or that front upon public access areas, is occupied by #commercial#, #community facility# or #residential uses# that generate activity on all such adjoining #streets# or public areas, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from such adjoining #streets# or public access areas with a strip at least five feet deep, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen, at least six feet high, within three years. Where such screening is not desirable, a total of at

least 50 percent of the exterior #building# wall with adjacent parking spaces shall consist of opaque materials that include graphic or sculptural art, or living plant material;

(4) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential# #floor area#, so as to minimize the visibility of the parking facility from adjoining #streets# with a width of 60 feet or more, or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

(5) such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow and that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(6) such #use# and its vehicular entrances and exits are so located as to draw a minimum of vehicular traffic to and through residential #streets# in nearby areas; and

(7) if any floor space is exempted from the definition of #floor area#, such additional floor space is necessary to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, or locations of entrances and exits.

## 101-54 - Restrictions on Use of Accessory Off-street Parking Spaces

LAST AMENDED
12/10/2012

The provisions of Section 36-46 (Restrictions on Use of Accessory Off-street Parking Spaces) shall apply, provided that all #Commercial Districts# within the #Special Downtown Brooklyn District# shall be considered a C6 District for the purposes of such Section, inclusive. However, the provisions of this Section shall not apply within the Atlantic Avenue Subdistrict.

## 101-55 - Location of Off-site Parking Spaces

LAST AMENDED
12/10/2012

Sections 25-50 and 36-40 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply, except that where the #use# generating the parking requirement and the #zoning lot# providing the parking spaces are both within the #Special Downtown Brooklyn District#, Sections 25-521 and 36-421 (Maximum distance from zoning lot) shall be modified to permit #accessory# parking spaces to be located up to 2,500 feet from the #zoning lot# occupied by the #residences# to which they are #accessory#.

## 101-60 - FULTON MALL SUBDISTRICT

LAST AMENDED
6/28/2004

## 101-601 - General purposes of the Fulton Mall Subdistrict

LAST AMENDED
6/28/2004

The general goals of the Fulton Mall Subdistrict include, among others, the following purposes:

(a) to foster and promote the orderly expansion of retail development so that Downtown Brooklyn will enhance its position as a major regional shopping center, provide an increasing number of employment opportunities and encourage the development of a desirable shopping and working environment;

(b) to complement public improvements in the area implemented either directly or indirectly by the City of New York by encouraging

private investment in signs, facades and new development that will enhance the visual appearance and character of structures in the vicinity of Fulton Mall;

(c) to create an attractive shopping environment in the vicinity of the Fulton Mall, the construction of which will implement a plan for improved pedestrian and vehicular circulation; and

(d) to encourage a desirable urban design relationship between each building and the Fulton Mall.

## 101-602 - General provisions for the Fulton Mall Subdistrict

LAST AMENDED
6/28/2004

Within the Fulton Mall Subdistrict, any change of #use# to another #use# listed in the same or another Use Group shall be subject to the special #use# regulations of Section 101-10, the special #sign# regulations of Section 101-61, inclusive, and the special transparency provisions of Section 101-12.

On application, the City Planning Commission may authorize minor modifications of the regulations of Sections 101-61, inclusive, and 101-12 and 101-62, inclusive, governing #signs#, transparency and facades within the Fulton Mall Subdistrict, upon the Commission's finding that the proposed modifications are in conformity with the principles of good design and are not inconsistent with the purposes of this Chapter.

## 101-61 - Special Sign Regulations for the Fulton Mall Subdistrict

LAST AMENDED
6/28/2004

Any erection of a new #sign#, or alteration (including a change in graphic representation on an existing #sign#), reconstruction or replacement of an existing #sign#, shall be subject to the special #sign# regulations of this Section, inclusive.

## 101-611 - Area of permitted signs

LAST AMENDED
6/28/2004

Except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), all permitted #signs# in the Fulton Mall Subdistrict shall be subject to the applicable provisions of Section 32-64 (Surface Area and Illumination Provisions), Section 101-612 (Sign band) and this Section.

## 101-612 - Sign band

LAST AMENDED
2/2/2011

(a) #Sign# located within the #sign# band

A #commercial# establishment located on the ground floor of a #building# may have one #sign# located on each #street# frontage within a #sign# band as defined in this Section.

The #sign# band shall have a lower limit of 10 feet above #curb level# and an upper limit coincident with the bottom of the lowest window sill on the second floor of a #building#, but in no event more than 15 feet above #curb level#. A #sign# located within the #sign# band may be applied directly to the surface of a #building# or to a #sign# board affixed to the surface of a #building#. If a #sign# board is employed, such #sign# board shall be entirely within the #sign# band, shall be mounted horizontally, shall have a uniform color over its entire surface excluding perimeter frame or trim and shall extend the full length of the #street wall# of the establishment to which it is #accessory#, except that such #sign# board may be interrupted by vertical architectural elements such as

columns, pilasters or other integral architectural elements. Any background material shall be considered as a #sign# board, unless it extends the full length of the #street wall# of a #building# (or that portion of a #building# occupied by the establishment) and the full height of the #building# up to the topmost cornice. On #corner lots#, a #sign# or #sign# boards shall be the same vertical dimension and shall be mounted at the same height above the #curb level# on both #street# frontages.

If more than one #commercial# establishment is located on the ground floor of a #building#, the #signs# located within the #sign# band #accessory# to each such establishment shall consist of letters and symbols of approximately the same size for each establishment, either applied directly to the surface of the #building# or to a common #sign# board affixed to the surface of a #building#.

As of March 16, 1978, the owner or lessee of a #building# with more than one ground floor establishment shall be responsible (unless the #sign# is applied directly to the surface of the #building#) for specifying the requirements of a common #sign# board, which shall include, but are not limited to, vertical dimension, mounting height, background color, material, whether illuminated and method of illumination (if applicable) which shall be the same for each establishment and shall be adhered to by each establishment employing a #sign# board.

A #sign# #accessory# to #uses# on the upper floors of a #building# may be located within the #sign# band when it directs attention to a ground floor entrance of an establishment located on the upper floors of a #building#.

(b) #Signs# located below the #sign# band

#Signs# #accessory# to #commercial# establishments located on the ground floor of a #building# may be located between #curb level# and 10 feet above #curb level#. #Signs# in #show windows#, on doors, or on transoms above doors, shall not occupy more than 20 percent of the total area of such #show windows#, doors or transoms above doors in which they are displayed, and are limited to writing (including letter, word or numeral) not more than eight inches high. Such #sign# shall be applied directly to #show windows#, doors or transoms above doors, without background, or to a transparent panel hung behind the plane of the #show window# surface, door or transom above a door. Non-flashing #illuminated signs# (such as neon, etc.) shall be permitted providing that such #signs# are essentially transparent, i.e., without background or enclosure.

Incidental #signs#, identifying store name, address and hours of operation shall not exceed 10 square feet (including background) for an individual #sign# and shall not exceed, in aggregate (square feet), one-fifth the #street# frontage of the establishment but in no event more than 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#.

An establishment located above the ground floor of a #building# that has an entrance on the ground floor may have one #sign# directing attention to the entrance.

(c) #Signs# located above the #sign# band

#Signs# #accessory# to #commercial# establishments which occupy space above the ground floor of a #building# may be located between 20 feet and 40 feet above #curb level#. Such establishments may have #signs# in windows provided that such #sign# does not occupy more than 30 percent of the window to which it is applied, that the remainder of the window is transparent, and that all such #signs# for an establishment have similar size and style of writing, pictorial representation, emblem or any other figure of similar character. #Commercial# establishments which occupy space above the ground floor may have one #sign# located above the #sign# band which is applied directly to the surface of a #building# or to a #sign# board affixed to the surface of a #building#. If a #sign# board is employed, such #sign# board shall be mounted horizontally, shall have a uniform color over its entire surface, excluding perimeter frame and trim, and shall not be located between windows. The total #surface area# of all #signs# located above the #sign# band shall not exceed three times the #street# frontage of the #zoning lot# (in feet) but in no event more than 200 square feet on each frontage.

No #sign# or #sign# board shall extend above the parapet wall or shall obscure any cornice or window.

## 101-613 - Special sign content regulations

LAST AMENDED
6/28/2004

Except as further defined by the regulations of the #Special Downtown Brooklyn District#, permitted #signs# are limited to the following message:

store name;

symbol or logo;

address;

date of establishment; and

description of product or service offered.

## 101-614 - Sign illuminations

LAST AMENDED
6/28/2004

#Signs# may be illuminated by either:

(a) internal illumination; or

(b) an external source that shall be so arranged that it projects no more than 12 inches from the #sign# it illuminates, and so that no direct rays of light are projected into adjoining #buildings# or the #street#. No #flashing signs# are permitted nor are flashing or rotating light sources except #illuminated signs# that indicate the time, temperature, weather or other similar information, pursuant to the definition of #flashing sign# in Section 12-10.

## 101-615 - Temporary signs

LAST AMENDED
6/28/2004

Temporary #signs# relating to sales or events of limited duration not to exceed 45 days may be displayed in a #show window# of a #building#. Such #signs# must be removed after the last day of the sale or event to which they pertain. Temporary #signs# shall not occupy more than 20 percent of the surface area of the window in which they are displayed.

## 101-616 - Removal of existing signs with change of use

LAST AMENDED
6/28/2004

When a change of #use# or occupancy occurs within the Fulton Mall Subdistrict, all #signs# pertaining to the previous #use# or occupancy shall be removed within 45 days of the date such change takes place.

## 101-617 - "For sale" or "for rent" signs

LAST AMENDED
6/28/2004

"For sale" or "for rent" #signs#, with an area not exceeding 12 square feet, are permitted.

## 101-618 - Termination of certain non-conforming signs

LAST AMENDED
6/28/2004

In the Fulton Mall Subdistrict, Section 52-80 (REGULATIONS APPLYING TO NON-CONFORMING SIGNS) shall not apply. In lieu thereof, certain #non-conforming# #signs# may be continued until June 30, 1980, providing that after that date such #non-conforming# #signs# shall terminate and shall be removed in their entirety, including any supporting structure, frame or device. Such #signs# shall include:

#advertising signs#;

#flashing signs#;

#signs# located more than 40 feet above #curb level#;

roof #signs#;

#signs# extending above a parapet;

#signs# obscuring cornices and windows;

double or multi-faced #signs#; and

#signs# that project across a #street line# more than 12 inches.

Any #sign#, as of January 1, 1978, that forms an integral part of the surface of a #building or other structure# (such as a #sign# carved in stone, cast in metal or molded in terra cotta on a #building# whose facade is of such material) shall not be subject to the provisions of this Section.

## 101-62 - Special Bulk Regulations

LAST AMENDED
6/28/2004

## 101-621 - Special regulations concerning building facades

LAST AMENDED
6/28/2004

Any alteration to, or reconstruction of, the facade of an existing #building# shall be subject to the regulations of this Section, inclusive, but only to the extent of such work.

## 101-622 - Special provisions for building facades above the ground floor

LAST AMENDED
6/28/2004

Any alteration, #incidental alteration# or minor work done to the #street wall# of any #building# or portion of any #building# shall be accomplished in such matter that:

(a) such #street wall# is treated with consistent materials, color and texture from the top of any ground floor windows or #sign# board to the top or the parapet, or to the bottom of a cornice if a cornice exists (access doors or panels, grilles or similar features shall be as inconspicuous as possible); and

(b) where such #street wall# treatment covers any window opening, it shall completely cover all window openings in the #street wall#; or

(c) where window openings remain uncovered, all windows shall be treated in a similar manner or, if sealed, all windows shall be covered by a panel set at least two inches behind the plane of the wall. Except where the material used to seal window openings is the same as the wall of the #building#, the window panel shall have a single color over its entire surface. All such window panels shall have the same color.

## 101-63 - Modification of Accessory Off-street Parking and Loading Requirements

LAST AMENDED
12/10/2012

The parking regulations of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) shall apply, except as set forth in this Section, inclusive.

## 101-631 - Restricted access and prohibition on curb cuts

LAST AMENDED
6/28/2004

In no case shall vehicular access and egress for #accessory# off-street parking, public parking facilities, permitted or required #accessory# off-street loading berths or the service entrance to a #building#, be located within 50 feet of Fulton Street or DeKalb Avenue within the Fulton Mall Subdistrict. No curb cuts are permitted within the Fulton Mall Subdistrict within 50 feet of Fulton Street or DeKalb Avenue.

## 101-632 - Waiver of off-street parking and loading requirements

LAST AMENDED
6/28/2004

The Commissioner of Buildings may waive any requirement in this Chapter that #accessory# off-street parking or loading berths be provided where the Commissioner finds that the required parking or loading cannot be provided consistent with Section 101-631 (Restricted access and prohibition on curb cuts).

## 101-70 - ATLANTIC AVENUE SUBDISTRICT

LAST AMENDED
6/28/2004

## 101-701 - General purposes

LAST AMENDED
6/28/2004

The general goals of the Atlantic Avenue Subdistrict include, among others, the following purposes:

(a) to protect the existing scale and form of development on Atlantic Avenue, characterized by three- and four-story attached buildings with shops, built in the 19th century;

(b) to preserve and enhance street life by maintaining a mix of residential and commercial uses, encouraging a variety of retail and service uses while limiting automotive service uses; and

(c) to protect desirable architectural features of certain buildings by establishing design guidelines for renovation or alteration.

## 101-702 - Definitions specific to the Atlantic Avenue Subdistrict

LAST AMENDED
6/28/2004

For purposes of Sections 101-70 through 101-75, inclusive, concerning the Atlantic Avenue Subdistrict, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-01 or in this Section.

Specified building type

Any #building# within the Atlantic Avenue Subdistrict erected prior to 1900, that has:

(a) a front wall for the full width of the #zoning lot# for a height of from two to five #stories#;

(b) a front wall of brick or stone, erected coincident with, or within five feet of, the #street line#, with windows at each #story# and a cornice at the parapet level; and

(c) a storefront at the #basement# or ground floor.

A list of the #buildings# within the Atlantic Avenue Subdistrict that conform to the definition of #specified building type# appears in Appendix A of this Chapter.

Specified storefront type

Any storefront which is part of a #building# of the #specified building type# that has:

(a) #show windows# projecting beyond the front wall of the #building#, occupying a total area of at least 35 square feet and a sill height of not more than three feet and a total height of not less than eight feet, measured from #curb level#; and

(b) a projecting cornice above the storefront for its full width.

A list of #buildings# within the Atlantic Avenue Subdistrict having storefronts that conform to the definition of #specified storefront type# appears in Appendix B of this Chapter.

## 101-71 - Sign Regulations

LAST AMENDED
6/28/2004

In order to enhance the visual quality of the Atlantic Avenue Subdistrict, the following additional regulations shall apply to all #signs# within the Subdistrict.

## 101-711 - Total surface area of signs

LAST AMENDED
6/28/2004

The total #surface area# and number of all permitted #signs#, including non-#illuminated# and #illuminated signs#, shall not exceed the limitations set forth for non-#illuminated signs# in Section 101-712 (Area of non-illuminated signs).

## 101-712 - Area of non-illuminated signs

LAST AMENDED
2/2/2011

The total #surface area# (in square feet) of non-#illuminated signs# on a #zoning lot# shall not exceed three times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 150 square feet for #interior# or #through lots# or 150 square feet on each frontage for #corner lots#. Each #commercial# establishment shall be permitted not more than one #sign#. The vertical dimension of any #sign# shall not exceed three feet. The provisions of this Section shall not apply to projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection).

## 101-713 - Area of illuminated signs

LAST AMENDED
6/28/2004

The total #surface area# (in square feet) of #illuminated signs# on a #zoning lot# shall not exceed two times the #street# frontage of the #zoning lot# (in feet), and in no event shall exceed 50 square feet for #interior# or #through lots# or 50 square feet on each frontage for #corner lots#. The vertical dimension on any #illuminated sign# shall not exceed 2 feet, 6 inches, nor shall #illuminated signs# project more

than 10 inches from the surface to which they are affixed.

## 101-714 - Permanent window graphics

LAST AMENDED
6/28/2004

Permanent window graphics may not occupy more than 20 percent of the total area of the window in which they are displayed. If such a permanent window graphic has letters more than three inches high, it shall count as a #sign#.

## 101-715 - Location of signs

LAST AMENDED
6/28/2004

If more than one #commercial# establishment is located on the same floor of a #building#, the #signs# #accessory# to all such establishments, except for projecting #signs# that comply with the provisions of Section 101-131 (Permitted projection), shall be of equal height and mounted or painted on a common #sign# board. All #signs# or common #sign# boards shall be located as follows:

(a) if #accessory# to #uses# on the ground floor of a #building#, the #sign# or common #sign# board shall be located within a band extending the full length of the #street wall#, which band shall have a lower limit of eight feet above the ground floor and an upper limit coincident with the bottom of the lowest window sill on the second floor, but in no event more than 16 feet above #curb level#;

(b) if #accessory# to #uses# on the upper floor of a #building#, the #sign# or common #sign# board shall be located between the highest window lintel of the floor on which the #use# is located and the lowest window sill of the floor above, but in no case more than 25 feet above #curb level#;

(c) no #sign# may be located so as to obscure any cornice, except that a non-#illuminated sign# may be attached to a cornice if such #sign# consists of individual letters, emblems or figures mounted on open metal mesh attached to the cornice and finished to match the cornice, provided that the cornice remains visible; and

(d) no #sign# or common #sign# board shall extend above the parapet wall or roof of the #building# on which it is displayed.

## 101-716 - Sign materials and colors

LAST AMENDED
6/28/2004

#Signs# may be fabricated of any opaque material that does not have a glossy or reflective surface, except that glossy translucent material may be used:

(a) in areas where the intent is to imitate or replace glass, as in transoms; or

(b) for individual letters in internally lit #illuminated signs#.

Background colors for #signs# or common #sign# boards shall be limited to black, navy blue, dark green, maroon or bronze.

## 101-72 - Modification of Bulk Regulations

LAST AMENDED
6/28/2004

## 101-721 - Height and setback

LAST AMENDED
2/2/2011

The underlying height and setback regulations shall apply, except that the front wall of any #building# shall be coincident with the #street line# for a minimum height above #curb level# of 16 feet and, in a C2-4 District mapped within an R6A District, a maximum height above #curb level# of 50 feet or, in a C2-4 District mapped within an R7A District, a maximum height above #curb level# of 60 feet.

## 101-73 - Special Provisions

LAST AMENDED
6/28/2004

## 101-731 - Special provisions for certain existing buildings

LAST AMENDED
2/2/2011

Any alteration, #incidental alteration# or minor work (including any change in, addition to, or removal from, the parts or materials of a #building#, including finishes) done to the front wall of any #building# of the #specified building type# shall comply with the following standards:

(a) Alteration or reconstruction of storefronts shall comply with the provisions of Section 101-734.

(b) Front walls which are replaced shall be erected to the same height and at the same location as the original walls. Replacement or repair of front walls shall be done with the same material as the original walls, except that stone may be replaced by another material finished in such a manner as to match the appearance of the original walls. Finishes and colors of front walls shall be of an approved type, as indicated in Appendix C of this Chapter.

(c) Front walls which are replaced shall have windows at each floor, the area of which shall comply with the provisions of Section 101-733 (Special provisions for development and enlargement). Such windows shall have stone or precast lintels and sills having a minimum height of six inches and extending at least four inches beyond the window opening on either side. Existing window openings above the ground floor may not be reduced in size but may be completely sealed if the window area provisions of Section 101-733 are met. Such openings shall be completely sealed with masonry recessed at least two inches behind the wall and finished to match the wall. New windows shall be double-hung, fixed or casement sash finished in an approved manner, as indicated in Appendix D of this Chapter.

(d) No existing cornice shall be removed unless required by the Department of Buildings. A cornice that must be removed shall be replaced by a new cornice having the same height, length and projection beyond the surface of the wall and finished in an approved color, as indicated in Appendix D of this Chapter.

## 101-732 - Special provisions for other existing buildings

LAST AMENDED
2/2/2011

Any alteration, #incidental alteration# or minor work done to the front wall of any #building# not of the #specified building type#, shall comply with the following standards:

(a) alteration or replacement of storefronts shall comply with the provisions of Section 101-734; and

(b) alteration or replacement of front walls shall comply with the provisions of Sections 101-721 (Height and setback) and 101-733 (Special provisions for development and enlargement).

## 101-733 - Special provisions for development and enlargement

LAST AMENDED
2/2/2011

The front wall of any #development# or #enlargement#, or the front wall of any #building# where the height or width of a #street wall# is

proposed to be increased, shall be built to comply with the following standards:

(a) The front wall shall extend along the full length of the Atlantic Avenue #street line#. It may be interrupted at the ground level by entrances or exits for off-street parking or loading spaces permitted pursuant to Section 101-744 (Special permit for public parking garages or public parking lots).

Front wall recesses are permitted for architectural purposes provided that the aggregate length at the level of any #story# does not exceed 25 percent of the length of the front wall where such recesses are permitted. The depth of such recesses shall not exceed three feet. No recesses are permitted within 20 feet of the intersections of two #street lines# forming an angle of 100 degrees or less.

(b) Windows shall occupy at least 35 percent of the wall area at the level of any #story# above the ground floor. (For the purposes of calculation, the wall height at any #story# shall be measured between the floor and ceiling of that #story#.)

(c) Window and door framing trim shall be finished in an approved color as indicated in Appendix D of this Chapter.

## 101-734 - Special provisions for storefronts

LAST AMENDED
2/2/2011

No storefront of the #specified storefront type# shall be demolished unless its demolition is required by the Department of Buildings. Reconstruction or repair of storefronts of the #specified storefront type# shall be done in such a manner as to retain or restore the original design and materials, except that plate glass may be replaced by transparent plastic. Such storefronts shall be finished in an approved manner, as indicated in Appendix D of this Chapter.

New storefronts installed in any existing or new #building# shall comply with Section 101-12 (Transparency Requirements) and the following standards:

(a) A storefront installed in a #building# of the #specified building type# shall occupy at least the same area of the front wall as the original storefront. A storefront installed in any other #building# shall occupy the entire frontage of the front wall devoted to #commercial uses#.

(b) Storefront entrance doors shall be set back a minimum of two feet behind the vertical surface of the #show windows#. A minimum of 50 percent of the door area shall be transparent glazed.

(c) In the case of existing #buildings#, no existing cornice above a storefront shall be demolished unless required by the Department of Buildings. A cornice which is removed shall be replaced by a cornice having the same length, height and projection beyond the surface of the front wall. In any #building# of the #specified building type# where the original cornice above the storefront has been previously removed, any new storefront shall incorporate a cornice or fascia extending the full length of the store front and having a minimum height of two feet.

(d) All framing elements, trim elements, doors, etc., of the storefront shall be finished in an approved manner, as indicated in Appendix D.

(e) Any awning or canopy attached to a #building# with a storefront which incorporates a cornice shall be attached in such manner as not to obscure or cover the cornice.

## 101-74 - Modification of Accessory Off-street Parking and Loading Requirements

LAST AMENDED
12/10/2012

The provisions of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, shall not apply within the Atlantic Avenue Subdistrict.

## 101-741 - Accessory off-street parking

LAST AMENDED
2/2/2011

No #accessory# off-street parking facilities are required for any #residential# or #commercial# #development#, or portion thereof, within the Atlantic Avenue Subdistrict. In no case shall the number of permitted #accessory# off-street parking spaces for #residential use# exceed 40 percent of the number of #dwelling units#. All #accessory# parking spaces shall be designed and operated exclusively for the long term storage of private passenger motor vehicles used by the occupants of such #residences#.

In no case shall curb cuts for vehicular access be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. No off-site #accessory# off-street parking facilities for any #use# shall be permitted within the Atlantic Avenue Subdistrict.

The parking requirements set forth in Sections 25-31 or 36-21 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required parking spaces with access to a #street# in conformity with the provisions of this Section.

## 101-742 - Screening

LAST AMENDED
6/28/2004

Any permitted #accessory# off-street parking area, regardless of size or location, shall be screened from all adjoining #zoning lots# and #streets# by screening that complies with the provisions of Section 36-56 (Screening) and which, in the case of a wall or barrier or uniformly painted fence, is finished in an approved color as indicated in Appendix D of this Chapter.

## 101-743 - Accessory off-street loading

LAST AMENDED
2/2/2011

Curb cuts for vehicular access to #accessory# off-street loading berths shall not be located on Atlantic Avenue or on a #street# within 50 feet of its intersection with the #street line# of Atlantic Avenue. However, the City Planning Commission may, by authorization, permit a curb cut on Atlantic Avenue, provided that:

(a) such curb cut is a relocation of an existing curb cut on the #zoning lot#; and

(b) such curb cut will not unduly inhibit surface traffic and pedestrian flow along Atlantic Avenue.

The loading berth requirements of Section 25-72 or 36-62 shall not apply to any #development# for which the Commissioner of Buildings has certified that there is no way to provide the required loading berths with access to a #street# in conformity with the provisions of this Section.

All #accessory# off-street loading berths shall be enclosed within a #building#.

## 101-744 - Special permit for public parking garages or public parking lots

LAST AMENDED
2/2/2011

The City Planning Commission may grant a special permit for #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, provided that the regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), are met and that no roof parking is permitted. The Commission may permit floor space on one or more #stories#, and up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(b) such #use# has adequate reservoir space at the vehicular entrance to accommodate a minimum of 10 automobiles or 20 percent of the spaces so provided, whichever amount is less; and

(c) where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

## 101-75 - Special Provisions for Demolition of Buildings

LAST AMENDED
2/2/2011

Except in the case of #buildings# that are unsafe and the demolition of which is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8, or its successor, of the New York City Administrative Code, no demolition permit shall be issued by the Department of Buildings for any #development# within the Subdistrict until:

(a) the owner of the property has obtained a building application approval for the new #development# or #enlargement#; and

(b) the owner shall have presented evidence of having a commitment from a domestic bank, insurance company or real estate investment company, for construction financing, which shall be in the form of a letter trust.

## 101-80 - SPECIAL PERMITS

LAST AMENDED
6/17/2013

## 101-81 - Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

LAST AMENDED
3/13/2019

In order to support a concentration of cultural #uses# and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural #uses#, the City Planning Commission may permit the maximum #community facility# #floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of Section 23-641 as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section.

For the purposes of this Section, "cultural use" shall be defined as public or non-profit libraries, theaters, museums, visual or performing arts spaces, or art, music, dance, theatrical studios or other comparable #uses# and space occupied by such cultural #use# shall qualify as #community facility# #floor area#.

In order to grant such special permit, the conditions of paragraph (a) and the findings of paragraph (b) of this Section shall be met. In addition, special regulations pertaining to the certificate of occupancy of such #building# shall apply as set forth in paragraph (c).

(a) Conditions

(1) A letter from the Office of the Mayor shall be submitted certifying that:

(i) a preliminary agreement has been executed providing for a cultural facility consisting of at least 40,000 square feet of interior gross square feet in the #building# to be transferred for cultural #uses# and for the construction of the core and shell of such cultural facility by the applicant; and

(ii) floor plans have been provided to the Office of the Mayor which demonstrate that the cultural facility is well-suited for cultural #uses#; and

(2) A legal commitment in the form of a declaration of restrictions shall be executed and delivered to the City for recording upon the approval of the permit, restricting use of the #floor area# to be occupied by cultural #uses# to cultural #use# for the life of the related #development#, provided that in the event the majority of the #zoning lot# containing such #floor area# is in the

ownership of a not-for-profit corporation under contract with the City to provide economic development services at the time of the grant of such permit, execution and recordation of such declaration of restrictions shall be made at the time of the transfer of ownership of the majority of such #zoning lot# for purposes of facilitating the related #development#.

(b) In order to grant such permit, the Commission shall find that:

(1) the #building#, including such cultural #uses#, is designed and arranged on the #zoning lot# in a manner that results in ample visibility of and access to the cultural #uses# from surrounding #streets#;

(2) any #street wall# modifications will facilitate access to #open space# on the lot and result in a #development# that activates the pedestrian environment;

(3) any #bulk# modifications will result in a better distribution of #bulk# on the #zoning lot# by providing for increased light and air to #open space# on the #zoning lot#;

(4) the appearance of #bulk# is minimized through an enhanced articulation of the base and tower elements of the #building#, an enhanced relationship between the #building# and the #open space# on the #zoning lot#, and an enhanced amount and arrangement of the fenestration of the #building#; and

(5) any modifications to #sign# regulations will result in greater visibility for the cultural #uses# provided on the #zoning lot#.

The Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the character of the surrounding area.

(c) Certificate of occupancy

The Commissioner of Buildings shall not issue a temporary or permanent certificate of occupancy for more than an amount of #floor area# in the #building# equal to the #floor area# to be occupied by non-cultural #uses# minus 40,000 square feet of #floor area# unless the Department of Buildings has received a letter from the Office of the Mayor certifying that a deed transferring ownership of a majority of the #zoning lot# has been recorded and that such deed or other recorded document provides for:

(1) the construction by transferee of the core and shell of the cultural facility described in paragraph (a)(1)(i) of this Section;

(2) the creation of a condominium unit for such cultural facility and the transfer of ownership thereof to the City; and

(3) a right of the transferor to re-enter and re-acquire the #zoning lot# should the applicant fail to complete the construction of the core and shell of the cultural facility.

Should the certification by the Office of the Mayor not be issued within 30 days of the recording of the deed or other document with the stated provisions, a copy of such deed or document may be provided to the Department of Buildings in satisfaction of such certification.

## 101-82 - Modification of Bulk Regulations for Certain Buildings on Irregular Sites

LAST AMENDED10/21/2021

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after March 13, 2019, and in C6-4 and C6-6 Districts within the #Special Downtown Brooklyn District#, mapped after October 21, 2021, for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no Use Group 5 #use# shall be permitted in any portion of the #building# receiving such modifications, and:

(a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;

(b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

(c) the proposed modifications are limited to the minimum needed to relieve such difficulties;

(d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and

(e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

## Appendix A - Atlantic Avenue Subdistrict: Buildings Conforming to the Specified Building Type

LAST AMENDED
6/28/2004

The following is a list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that conform to the definition of #specified building type# contained in Section 101-702.

Block 176

Atlantic Avenue (NS): 305, 311, 313, 315, 317, 321, 323, 325, 327, 329

Block 177

Atlantic Avenue (NS): 347, 349, 351, 355, 365-7, 369, 371, 373, 375, 377, 377A, 385, 387, 389, 395

Hoyt Street (ES): 75, 77

Block 178

Atlantic Avenue (NS): 405, 407, 409

Block 179

Atlantic Avenue (NS): 455, 457, 477, 479, 481, 483, 485, 487, 491, 495, 497, 499, 501

Third Avenue (ES): 31-31A

Block 180

Atlantic Avenue (NS): 565, 567, 569, 571, 573

Times Plaza: 2, 6, 8, 10, 12

Flatbush Avenue: 112, 114, 116, 118, 122

Block 181

Atlantic Avenue (SS): 214, 220, 228, 232, 234

Block 182

Atlantic Avenue (SS): 294, 296, 298, 300, 302, 304-6, 308, 320, 322, 324, 326, 334, 336, 338, 340

Block 183

Atlantic Avenue (SS): 348, 352, 356, 358, 360, 362, 364-64A, 370, 372, 374, 376, 378, 380, 394, 396, 398, 400, 402

Block 184

Atlantic Avenue (SS): 404, 406, 408, 410, 412, 414, 416, 418, 420, 426, 442, 444, 446, 448, 450

Block 185

Atlantic Avenue (SS): 490, 492, 514

Block 186

Atlantic Avenue (SS): 558, 560

Block 278

Atlantic Avenue (SS): 278, 290

Court Street (ES): 141, 143, 145

(SS) - south side

(NS) - north side

(ES) - east side

## Appendix B - Atlantic Avenue Subdistrict: Storefronts Conforming to the Specified Storefront Type

LAST AMENDED
6/28/2004

The following list of addresses of #buildings# within the Atlantic Avenue Subdistrict of the #Special Downtown Brooklyn District# that contain storefronts conforming to the definition of #specified storefront type# contained in Section 101-702.

Block 177

Atlantic Avenue (NS): 371, 375, 377, 377A

Hoyt Street (ES): 75, 77

Block 178

Atlantic Avenue (NS): 405, 407, 409

Block 179

Atlantic Avenue (NS): 483, 501, (easterly of 2 storefronts)

Block 181

Atlantic Avenue (SS): 232

Block 182

Atlantic Avenue (SS): 302 (westerly of 2 storefronts), 322, 340

Block 183

Atlantic Avenue (SS): 358, 360, 362, 364-364A, 370, 372, 394, 396, 398, 402

Block 189

Atlantic Avenue (SS): 404, 406, 408, 410, 412, 416, 420, 426

Block 185

Atlantic Avenue (SS): 492

Block 278

Atlantic Avenue (SS): 278

(SS) - south side

(NS) - north side

(ES) - east side

## Appendix C - Atlantic Avenue Subdistrict: Permitted Wall Finishes for Street Walls

LAST AMENDED
2/2/2011

Brick: New brick shall be red or dark brown, unglazed, with normal variation in color permitted. Existing brick shall either be cleaned and left unfinished or painted one of the colors listed below.

Stucco: Stucco shall have a smooth troweled finish and shall be painted one of the colors listed below.

Stone: Stone shall be left natural or painted one of the colors listed below.

Paint Colors: Paints shall be limited to the colors listed.

White Limestone

Red Brick

Green

Blue

Light Yellow

Dark Yellow

## Appendix D - Atlantic Avenue Subdistrict: Permitted Trim Finishes (for storefronts, cornices, window sash, shutters or trim)

LAST AMENDED
2/2/2011

Wood: All wood should be painted one or more of the colors listed below.

Metal: All metal should be painted one or more of the colors listed below, except that aluminum may have a dark bronze or black duranodic finish.

Paint Colors: Paints shall be limited to the colors listed, and should be of the semi-gloss low luster variety.

White Cream

Dark Red

Ochre

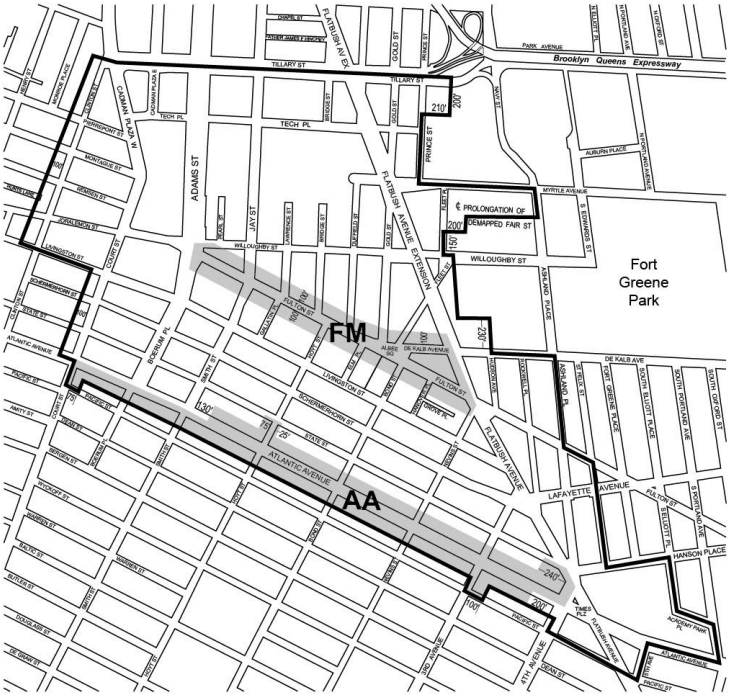
Dark Blue

Dark Brown

## Appendix E - Special Downtown Brooklyn District Maps

LAST AMENDED
2/2/2011

Map 1 — Special Downtown Brooklyn District and Subdistricts (12/10/19)




*Special Downtown Brooklyn District*

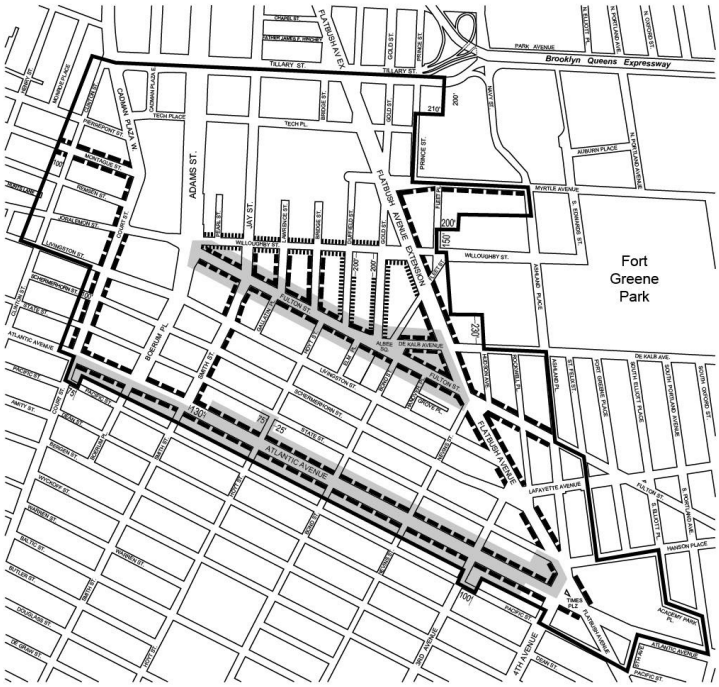
**AA** Atlantic Avenue Subdistrict

**FM** Fulton Mall Subdistrict

Map 2 — Ground Floor Retail Frontage (5/12/21)

Special Downtown Brooklyn District
Retail Continuity Required
Non-Residential Requirement
Subdistricts

Map 3 — Ground Floor Transparency Requirements (12/10/19)



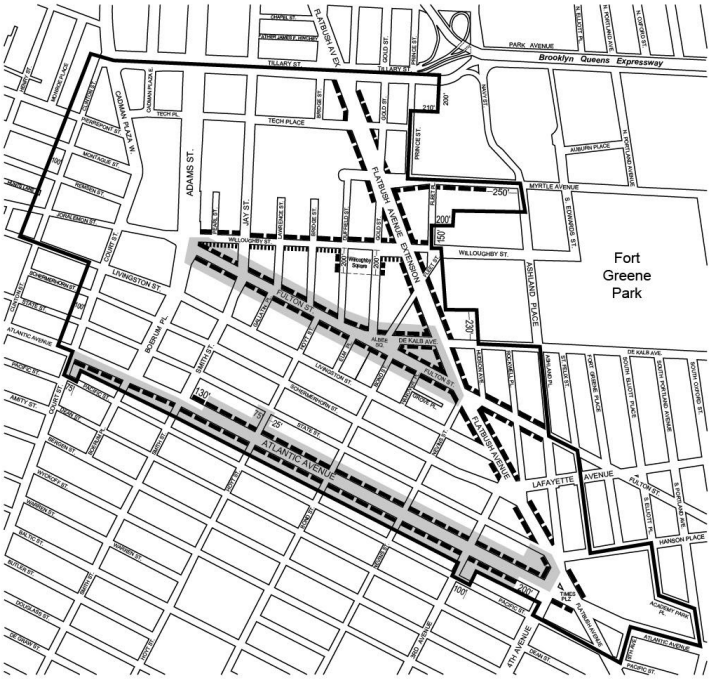

*Special Downtown Brooklyn District*

50% of the Area of the Ground Floor Street Wall to be Glazed

70% of the Area of the Ground Floor Street Wall to be Glazed

Subdistricts

Map 4 — Street Wall Continuity and Mandatory Sidewalk Widenings (12/10/19)



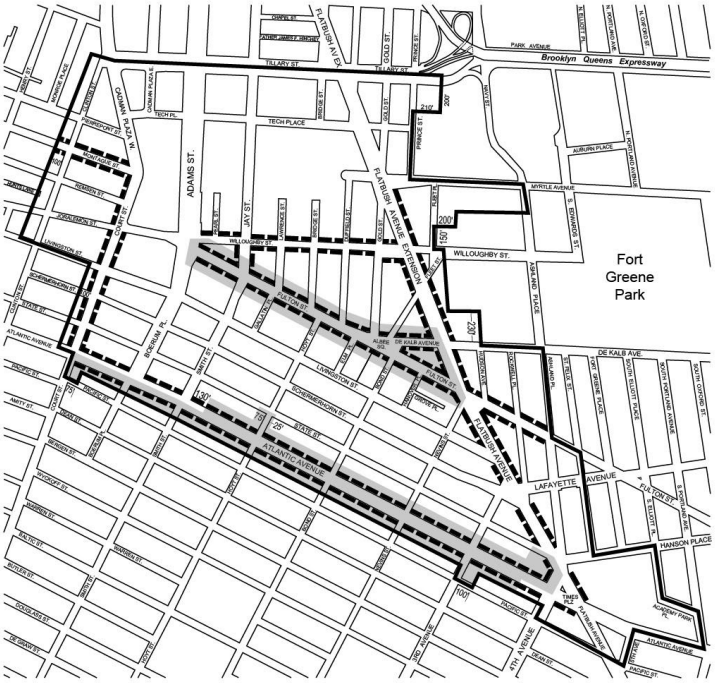

*Special Downtown Brooklyn District*

Street Wall Continuity Required

Street Wall Continuity Required, subject to the requirements of the Atlantic Avenue Subdistrict or Fulton Mall Subdistrict

Street Wall Continuity and Sidewalk Widening Required

Map 5 — Curb Cut Restrictions (12/10/19)



Map 6 — Height Limitation Areas (12/10/19)

Map 7 — Subway Station Improvement Areas (12/10/19)