

EXHIBIT D
TO
AFFIRMATION OF BLYTHE HAWTHORNE-LOIZEAUX
IN SUPPORT OF AMENDED VERIFIED PETITION

CITY PLANNING COMMISSION

Jan. 3, 1977

/ Calendar # 1

N760061 ZRM

Amendment of the Zoning Resolution pursuant to Section 200 of the New York City Charter relating to Article X, Chapter 8 concerning the establishment of the Special Little Italy District

This proposed text amendment establishing the Special Little Italy District is intended and designed to preserve the unique residential and regional shopping character of the area known as Little Italy.

On December 6, 1976 (Cal. #2) the Commission scheduled a PUBLIC HEARING on the proposed amendment. The public hearing was held on December 22, 1976 (Cal. #15) in conjunction with the related zoning map change (C760062 ZMM).

Speakers in favor of the proposed amendments included an Assemblyman, a Councilwoman, the President of the San Gennaro Society, the representative of a Congressman, several representatives of the Little Italy Restoration Association, a representative of the Action Program, a representative of the Episcopal Mission Society and several residents of the community.

Speakers opposed to the proposed amendments included the Chairman of the Chinese Consolidated Benevolent Association, a member of the New York City Commission on Human Rights, a representative of the Chinatown Improvement Council, a representative of Asian Americans for Equal Employment, a member of the New York City Art Commission, the Chairman of the Chinese Import and Export Association of America and several residents of the community. Community Planning Board 2 requested that the amendments be withdrawn without prejudice for further discussion. The hearing was closed.

Consideration

The objective of the Special Little Italy District is to protect and enhance the historic character of the community. The area's most significant and characteristic qualities, such as the vitality of the street life, the scale of the buildings, the mix of uses, and the myriad of retail stores, are considered in the district legislation and regulations for retaining these qualities in existing buildings, and for extending them in new construction, are established. The special district recognizes the ethnic diversity of the area, and therefore, these

preservation provisions, as well as the development provisions, of the special district are concerned only with the physical and architectural character of the community. The special district is just one of several efforts in this and adjoining communities to encourage the vitality of New York's neighborhoods.

The Special District is needed because the existing regulations no longer accurately reflect the needs and potentials of the area. The present zoning permits a commercial building to have a floor area equal to 6 times the size of the lot, and a residential building to have a floor area equal to 3.4 times the size of the lot. With 40% lot coverage, buildings of 12-18 or more stories could be constructed anywhere throughout the area. The permitted uses in the existing C6-1 zone include some inappropriate uses, such as utility substations and parking lots.

The proposed bulk and use controls are generally intended to encourage low rise residential construction by permitting more lot coverage than is allowed under the present zoning, and any resulting new development will therefore be compatible in scale with the surrounding development.

The district boundaries are confined to the area that has historically been referred to as "Little Italy" (see district map). The district is divided into four component areas: the Preservation Area (Area A), the Mulberry Street Regional Spine (Area A-1), the Houston Street Corridor (Area B), and the Bowery, Canal and Kenmare Streets Corridors (Area C), each with special characteristics, needs and, therefore, different regulations.

The special district seeks to preserve the special character of the neighborhood by:

1. limiting the height of new buildings to 7 stories or 75 feet, except that 8 stories or 85 feet is permitted for new buildings in Area C;
2. maintaining the street wall while providing open space and landscaping in the rear of buildings;
3. encouraging rehabilitation of existing buildings by reducing the minimum room size to reflect the economics of rehabilitation construction;
4. revitalizing and strengthening the Mulberry Street area by requiring retail uses on street level;
5. enhancing the street by requiring tree planting (or sidewalk improvements on Mulberry Street) for any large conversion, alteration, or new building;
6. preserving buildings of special significance by preventing the demolition or exterior alteration of 18 noteworthy buildings, except by special permission of the City Planning Commission.

Provisions for each of the four component areas vary to reflect varying conditions. Within the Mulberry Street Regional Spine (Area A-1) retail uses as set forth in Section 108-211 (Use Group Little Italy) are mandated on the ground floor of new buildings and conversions. The special Use Group Little Italy, consists of local and regional uses. Furthermore, the design of new or renovated storefronts are regulated in order to enhance the existing architectural character of the Mulberry Street Spine. These regulations cover sill height, minimum and maximum height of glass, and signage.

Within the Houston Street Corridor (Area B), the floor area of a building may be increased in size from 4.8 times the lot area to 7.2 times the lot area, provided:

1. the zoning lot has an area of 14,000 square feet or more;
2. the project has at least 20% of its lot area landscaped as a public plaza according to guidelines set forth in the special district ;
3. the developer contributes money to the Park Acquisition Fund for the additional floor area at the rate of \$5 per square foot;
4. the development complies with design guidelines for the Houston Street Corridor, and the height of walls on the sidestreets beyond 100' from Houston Street does not exceed 75'.

The acquisition of a new park and improvement of DeSalvio Park will be paid for with money from the Park Acquisition Fund. Money in this Fund will come from developers of new Houston Street Corridor buildings who will apply to the City Planning Commission for special permission to build to the maximum floor area, and who must contribute to the Park Acquisition Fund as a condition of the special permit.

After further study and review subsequent to the public hearing the Commission determined that the following modifications of the amendment were appropriate:

- 1) A modification of the District Map (Appendix A) changing the area bounded by a line 100 feet westerly of Bowery, a line 100 feet southerly of Hester Street, a line 100 feet easterly of Mott Street and a line 100 feet northerly of Hester Street from Area A1 (Mulberry Street Regional Spine) to Area A (Preservation Area). This area is not of the same architectural quality as other portions of Area A1 and therefore the designation and regulations of Area A are more appropriate.

- 2) The deletion of one building, 146-148 Bowery, from the list of Buildings of Special Significance to be preserved in accordance with the provisions of Section 108-522 (Appendix B). This building is deleted because it lacks the requisite special significance and because of a potential economic hardship that might be created by its designation.
- 3) The addition of a new section, Section 108-04 (Zoning Lots located in more than one area). This provision clarifies the Commission's intent as to which regulations of the special district apply to a zoning lot that is divided into different areas by the District Map (Appendix A).
- 4) A deletion of sub-section (d) of Section 108-23 (Storefronts in New buildings and Alterations of Existing Storefronts), which restricted the kinds of materials that could be used in storefronts in the Mulberry Street Regional Spine (Area A-1). The Commission determined that restriction was inappropriate.
- 5) A limitation on the designation of park site P1 in Section 108-51 of two years, after which the designation would lapse. This would provide sufficient time to ascertain the feasibility of acquiring donations toward the Park Acquisition Fund, without placing properties designated in P1 site permanently in a questionable status.
- 6) Technical and typographic corrections to various sections of the special district.

The Commission determined that the amendment as modified appropriate and adopted the following resolution, which is duly filed with the Secretary of the Board of Estimate, pursuant to Section 200 of the New York City Charter.

RESOLVED, by the City Planning Commission that the Zoning Resolution of The City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by a change relating to Article X, Chapter 8 concerning the establishment of the Special Little Italy District as follows:

Matter in Bold Type is new;
Matter in *italics* is defined in Section 12-10.

11-12

ESTABLISHMENT OF DISTRICTS

* * *

Establishment of the Special Little Italy District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 8, the *Special Little Italy District* is hereby established.

12-10 DEFINITIONS

The "*Special Little Italy District*" is a Special Purpose District designated by the letters "LI," in which special regulations set forth in Article X, Chapter 8 apply to all *developments, enlargements, changes of use, extensions and alterations* as set forth therein. The *Special Little Italy District* and its regulations supplement or supersede those of the districts on which it is superimposed.

ARTICLE X
SPECIAL PURPOSE DISTRICTS
(Continued)

CHAPTER 8 SPECIAL LITTLE ITALY DISTRICT

108-00 GENERAL PURPOSES

The "Special Little Italy District" established in this resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- a. To preserve and strengthen the historical and cultural character of the community.
- b. To protect the scale of storefronts and character of the existing retail uses along Mulberry Street and other major shopping streets so that Little Italy will remain an unique regional shopping area, and thereby strengthen the economic base of the City.
- c. To preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic.
- d. To permit rehabilitation and new development consistent with the residential character and scale of the existing buildings in the area.
- e. To provide amenities, such as public open space, and street trees to improve the physical environment.
- f. To discourage the demolition of noteworthy buildings which are significant to the character of the area.
- g. To promote the more desirable use of land in the area and thus to preserve the value of land and buildings, and thereby protect and strengthen the City's tax revenues, consistent with the foregoing purposes.

108-01

Definitions

For the purposes of this Chapter, matter in italics is defined in Section 12-10 (Definitions) or Special Little Italy District (Repeated from Section 12-10) Section 108-01 (Definitions).

The "Special Little Italy District" is a Special Purpose District designated by the letters "LI", in which special regulations set forth in Article X, Chapter 8 apply to all developments, enlargements, changes of use, extensions and alterations as set forth therein. The *Special Little Italy District* and its regulations supplement or supersede those of the districts on which it is superimposed.

Open Recreation Space

"Open recreation space" is that part of a zoning lot, including courts, yards and roof areas, which is unobstructed from its lowest level to the sky except for landscaping and planting requirements pursuant to Sections 108-14, 108-34 and 108-42.

108-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purpose of the *Special Little Italy District* and in accordance with the provisions of this Chapter, certain specified regulations of the district on which the *Special Little Italy District* are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Section 23-14, 23-20 and 33-13 are made inapplicable for any development or enlargement within the *Special Little Italy District*.

108-03

District Map

The District Map for the *Special Little Italy District* (Appendix A) identifies specific areas comprising the Special District in which special zoning regulations carry out the general purposes of the *Special Little Italy District*. These areas and the sections of this Chapter which contain regulations pertaining thereto are as follows:

- AREA A PRESERVATION AREA Section 108-10
- AREA A-1 MULBERRY STREET REGIONAL SPINE Section 108-20
- AREA B HOUSTON STREET CORRIDOR Section 108-30
- AREA C BOWERY, CANAL, KENMARE STREET CORRIDOR Section 108-40

The District Map (Appendix A) is hereby incorporated as an integral part of the *Special Little Italy District*.

108-04 Zoning Lots Located In More Than One Area

Whenever a zoning lot is divided by the boundaries of a area as created by Section 108-03 (District Map) and as indicated on the District Map (Appendix A) the zoning lot shall be subject to the regulations of the area in which the greater portion of its frontage lies, except that in the case of any zoning lot having fifteen feet or more frontage within Area A1 (Mulberry Street Regional Spine) the regulations of Area A1 shall apply to such zoning lot.

108-10

PRESERVATION AREA (AREA A)

The provisions of this Section shall apply to all *developments, enlargements, extensions, alterations, or changes of use* as set forth herein within Area A (Preservation Area) as shown on the District Plan (Appendix A).

108-11

Special Use Regulations

108-111

Special Regulations for Existing Commercial or Manufacturing Uses

The *continuation, enlargement, extension or change of use* of existing *commercial or manufacturing uses* within Area A shall be governed by the underlying district regulations.

108-112

Special Use Regulations for New Developments

For any new *development* within Area A, *uses* listed in the underlying district regulations are permitted except that such *uses* shall not include those listed in Use Groups 6D, 8C, 10, and 12D, unless authorized by the City Planning Commission pursuant to Section 108-514 (Minor Modifications).

108-12

Bulk Regulations

108-121

Floor Area Regulations

For any *development or enlargement* within Area A, the maximum *floor area ratio* for *residential, commercial, community facility or mixed building* shall not exceed the following:

	<u>Maximum Permitted F.A.R.</u>
Corner Lots	4.8
Interior or Through Lots	4.1

108-122

Lot Coverage Regulations

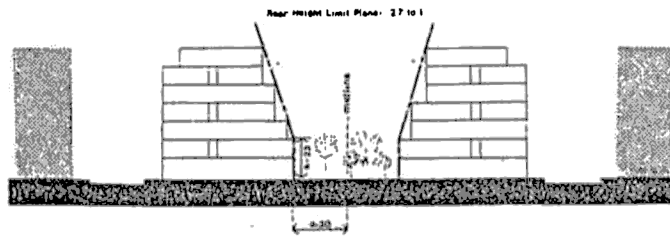
For any *development or enlargement* within Area A, the maximum *lot coverage* shall not exceed the following percentages:

<u>Lot Type</u>	<u>Maximum Lot Coverage</u>
Corner Lot	70%
Interior Lot	60%
Through Lot, except as provided below	60%

However, when a *through lot* is developed with more than one *building* the maximum *lot coverage* on such *through lot* may be increased from 60% to 70%, provided that no portion of any *building* located on such *zoning lot* penetrates the "Rear Height Limit Plane," as set forth in this section.

The "Rear Height Limit Plane" shall begin at a point 23 feet above curb level and shall be located 30 feet away from and on both sides of the line equidistant from the two *street lines*. The slope of the Rear Height Limit Plane shall be 2.7 feet vertical to 1 foot horizontal.

All new *buildings* shall have a minimum 30 foot rear yard.



Rear Height Limit Plane

108-123

Floor Area Per Room Regulations

For the purposes of this Chapter the requirement of *lot area per room* for a *residential building* or *residential portion* of a mixed *building*, and the *lot area* requirement for the non-*residential* portion of a mixed *building* as set forth in Sections 23-22, 23-25 or 35-40, shall not apply to any *development* or *enlargement*. In lieu thereof, there shall be not more than one room for each 230 square feet of gross *residential floor area*.

108-124

Height and Setback Regulations

The maximum height of any new *building* or portion thereof shall not exceed 75 feet or 7 stories above curb level, whichever is less, unless allowed by the City Planning Commission pursuant to Section 108-514.

108-13

Special Front Wall Regulations

108-131

Building Facades

The front *building wall* of any *development* or *enlargement* shall extend along the full length of its *front lot line* without setback up to the height of 6 stories or 65 feet whichever is less. Above that height the front *building wall* shall setback at least 10 feet. Front wall recesses are permitted provided that the aggregate length of such recesses, excluding window fenestration, at the level of any story does not exceed 25 percent of the length of the front wall where such recesses are permitted. In the event that a *development* occupies an entire *street* frontage, additional recesses are permitted, provided that there are no front wall recesses within 10 feet of the intersection of two *street lines*. The exterior *building materials* of the front wall shall be predominantly of masonry.

108-132

Treatment of the Ground Level Wall

At least 25% of the total surface area of the entire front wall of a *development* up to a height of 12 feet above curb level, or to the ceiling of the ground story, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 108-50. Door or window openings within such surface areas shall be considered transparent. Such openings shall have a minimum width of 2 feet.

In addition, any portion of such *building wall* 20 feet or more in length, which contains no transparent areas at ground floor level shall be covered with vines

or similar planting in permitted front wall recesses,

or contain art work approved by the New York City Art Commission, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet 6 inches, and a minimum width of 24 inches. Approval by the New York City Art Commission for any such artwork shall be obtained prior to the issuance of a Building Permit for the *development*.

108-14

Open Recreation Space and Landscaping Requirements

108-141

Open Recreation Space Regulations

For any new *development* or *enlargement*, a minimum of 20 percent of the *lot* area of the *zoning lot* shall be provided as usable landscaped *open recreation space* accessible to the occupants of such *development* or *enlargement*. Such *open recreation space* may be accessible to the public.

Such *open recreation space* shall be located either at the ground level, and/or the roof level, however, not less than 40 percent may be located at either location. Such *open recreation space* shall be landscaped and properly maintained in accordance with the provisions of Section 108-142.

:108-142

Landscaping Regulations

The required *open recreation space* as provided in Section 108-141, on a *zoning lot* containing a *development* or *enlargement* shall be landscaped and maintained in the following manner:

1. Ground Level *Open-Recreation Space*

- a. Shall have a minimum dimension of 20 feet for a new *development* and 10 feet for an *enlargement*, measured perpendicular to its perimeter.
- b. Shall have no portion used as a driveway, vehicular access way, or for parking, and shall be screened from off-street loading and service areas.
- c. Shall have a minimum of one linear foot of seating for each 50 square feet of *open recreation space*, conforming to the following standards:
 1. Seating shall have a minimum depth of 16 inches. Seating with backs at least 12 inches high shall have a minimum depth of 14 inches. Seating 30 inches or more in depth shall count double provided there is access to both sides.
 2. Seating higher than 36 inches and lower than 12 inches above the level of the adjacent walking surface shall not count toward meeting the seating requirements.
 3. The tops of walls including but not limited to those which bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in subparagraphs (1) and (2) above.
 4. Movable seating or chairs, may be credited as 30 inches of linear seating per chair.
 5. Steps to not count toward the seating requirements.
- d. Paved areas shall be paved with unit pavers, such as bricks or quarry tiles, or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color and/or textures, through the use of dyes and/or exposed aggregates. All paving shall have a non-skid surface.
- e. Shall be landscaped with shrubs, vines, ground cover or plants in planters over a minimum of 25% of the *open recreation space* area.
- f. Shall be planted with one tree of not less than 3¼ inch caliper for every 1,000 square feet or portion thereof of required *open recreation space*. Such trees shall be planted in at least 100 cubic feet of soil of at least 3'-6" in depth.
- g. Shall have all mechanical equipment which is located at the same elevation as the *open recreation space*, or on a wall of the *building* fronting upon such *open recreation space* within a height of 10'-6" above the level of the *open recreation space*, screened and buffered with no intake or exhaust fans facing directly into the *open recreation space*; and
- h. The *building owner* shall be responsible for the maintenance of the *open recreation space* including, but not limited to, the repair and confinement of all amenities, litter control, and the care and replacement of vegetation within the *zoning lot* and in the *street sidewalk* area adjacent to the *zoning lot*, pursuant to Section 108-17 (Mandatory Street Trees).

2. *Open Recreation Space* at Roof Level

- a. Shall have all mechanical equipment which is located at the same elevation as the *open recreation space*, or on a wall of the *building* fronting upon such *open recreation space* within a height of 10'-6" above the level of the *open recreation space*, screened and buffered with no intake or exhaust fans facing directly onto the *open recreation space*.
- b. Shall have a minimum of one linear foot of seating for each 50 square feet of *open recreation space*, conforming to seating standards set forth in Ground Level *Open Recreation Space*; and
- c. Shall be landscaped with shrubs, vines, flowers, ground cover, and/or plants in planters over a minimum of 25% of the *open recreation space* area.

108-15

Regulations for Rehabilitation or Conversion of Existing Buildings

When *residential buildings* or *residential portions of mixed buildings* are rehabilitated, the regulations for *lot area per room* requirement shall not apply. In lieu thereof, there shall be not more than one room for each 230 square feet of gross *floor area* within the rehabilitated *residential building* or *residential portion of a mixed building*.

Furthermore, when a *non-residential building* or portion thereof is converted for *residential use*, the regulations for *lot area per room* requirement shall not apply to that portion of the *building* containing dwelling units. In lieu thereof, there shall be not more than one room for each 230 square feet of gross *floor area* provided within the converted *building* or portion thereof.

108-16

Parking Regulations

No *accessory off-street parking* is permitted or required for any *development* or *enlargement* in Area A, except as set forth herein.

The City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may permit *accessory off-street parking facilities* for any *development* or *enlargement* on a *zoning lot* provided that the following findings are made:

- a. That such *off-street parking spaces* be used solely as *accessory parking facilities* for *residential use* and that the number of such spaces shall not exceed 20 percent of the total number of new dwelling units.
- b. That within the vicinity of the site there is insufficient parking space available.
- c. That such parking facilities will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic or pedestrian flow.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding, color and intensity of lighting, screening and signage, or for location of entrances and exits.

108-17

Mandatory Street Trees

Except where the Commissioner of Highways determines that such tree planting is infeasible, all new *developments, enlargements, changes of use* within the same or to other use groups involving at least 50 percent of the *floor area* of an existing *building*, or alterations above 30 percent of the *building value* of an existing *building* pursuant to the applicable articles of Building Code of the City of New York, within Area A shall provide and maintain trees planted in the *street sidewalk area* adjacent to the *zoning lot*, for the entire length of the *street frontage* of the *zoning lot*. Such trees shall be not less than 3½ inch caliper, one tree shall be planted for every 25 feet of *street frontage* at approximately equal intervals. They shall be planted flush to grade and in other respects planted in conformance with the specifications established by the Manhattan Street Tree Planting Division of the Department of Parks, and the Department of Highways.

Such *street tree requirements* shall not apply to any *development* on a *zoning lot* within the Mulberry Street Regional Spine (Area A-1).

108-20

MULBERRY STREET REGIONAL SPINE (AREA A-1)

The provisions set forth in Sections 108-19 through 108-16 (*Preservation Area-Area A*) are applicable within Area A-1 (*Mulberry Street Regional Spine*) as shown on the District Plan (Appendix A), except as modified herein.

108-21

Use Regulations

The provisions of Section 108-11, *Special Use Regulations*, shall apply, except that in order to retain the existing retail character of the area, the ground floor of any new *development* or *enlargement* shall be limited to *uses* listed in Section 108-211 (*Use Group LI*). Any *street frontage* occupied by entrances to other uses such as *residential lobbies* shall be no wider than 25 feet. A change of use on the ground floor of an existing *building* shall be subject to the provisions of this section.

108-211

Use Group LI

Use Group LI comprises a group of specially selected uses to strengthen the existing *commercial* character of the area.

- a. **Convenience Retail**
 1. Bakeries.
 2. Barber shops.
 3. Beauty parlors.
 4. Drug stores.
 5. Dry cleaning or clothes pressing establishments limited to 2,500 square feet per establishment on the ground floor.
 6. Eating or drinking places including those which provide outdoor table service or music entertainment without dancing.

7. Food stores, including supermarkets, grocery stores, meat markets, delicatessen stores limited to 5,000 square feet of floor area per establishment on the ground floor.
 8. Hardware stores.
 9. Package liquor stores.
 10. Post offices.
 11. Stationery stores.
 12. Tailor or dressmaking shops, custom.
 13. Variety stores, limited to 5,000 square feet of floor area per establishment on the ground floor.
- b. Retail or Service Establishments
1. Antique stores.
 2. Appliance stores limited to 5,000 square feet of floor area per establishment on the ground floor.
 3. Art galleries.
 4. Artist supply stores.
 5. Bicycle sales and rental establishments.
 6. Book stores.
 7. Candy or ice cream stores.
 8. Carpet or rug stores, limited to 5,000 square feet of floor area per establishment on the ground floor.
 9. Cigar or tobacco stores.
 10. Clothing or clothing accessory stores limited to 5,000 square feet of floor area per establishment.
 11. Clothing rental.
 12. Dry goods or fabric stores limited to 5,000 square feet on the ground floor.
 13. Florist shops
 14. Furniture stores limited to 5,000 square feet of floor area per establishment on the ground floor.
 15. Furrier shops, custom.
 16. Gift shops.
 17. Interior decorating, establishments limited to 750 square feet of floor area per establishment on the ground floor.
 18. Jewelry or art metal craft shops.
 19. Leather goods, crafts, or luggage stores.
 20. Locksmiths shops.
 - *21. Meeting halls limited to 25 foot frontage.
 22. Millinery shops.
 23. Music stores.
 24. Newsstands open or enclosed.
 25. Optician or optometrist.
 26. Paint stores.
 27. Pet shops.
 28. Photographic equipment or supply stores.
 29. Photographic studios.
 30. Picture framing shops.
 31. Record stores.
 32. Shoe stores.
 33. Stamp or coin stores.
 34. Telegraph offices.
 - *35. Theatres limited to 25 foot frontage.
 36. Toy stores.
 37. Travel bureaus.
 38. Watch or clock stores or repair shops.
 39. Clubs, non-commercial clubs without restrictions on activities or facilities, limited to 2,500 square feet of floor area per establishment on the ground floor.
- * A change of use in an existing building which does not comply with the frontage requirements is permitted provided the degree of non compliance of the frontage is not increased.

108-22

Bulk Regulations

108-221

Floor Area Regulations

For any development or enlargement within Area A-1, the maximum floor area ratio on a zoning lot shall not exceed the following:

Floor Area Ratio:

Use	Corner Lot	Through Lot or Interior Lot
Commercial building or commercial portion of a mixed building or any building containing commercial and community facility uses.	5.1	4.5
Community facility building or community facility portion of a mixed building.	4.1	3.5
Residential building or residential portion of a mixed building.	4.1	3.5

The maximum floor area in a mixed building shall be the maximum floor area permitted for either the commercial portion of such building, or the community facility portion of such building, or the residential portion of such building as set forth in this Section, whichever permits the greatest amount of floor area.

108-222

Lot Coverage Regulations

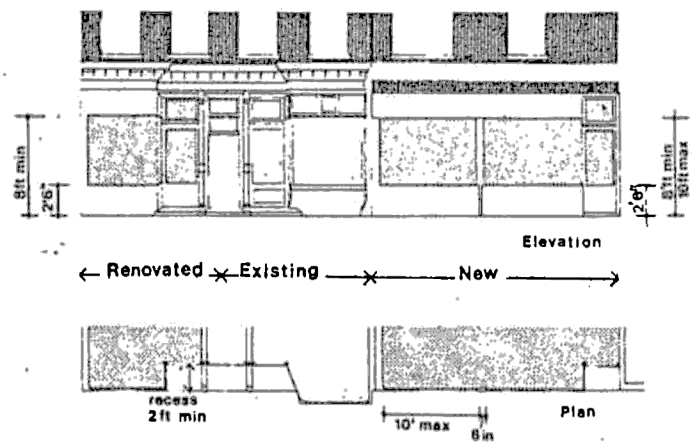
The requirements set forth in Section 108-122 shall not apply to the ground floor portion of a building, provided that such portion contains only commercial uses, and provided that such portion is no more than 23 feet above curb level.

108-23

Storefronts in New Buildings and Alterations of Existing Storefronts

Storefronts installed in new buildings and any alteration, done to any existing storefronts, shall comply with the following standards:

- a. Show windows shall have a sill height of not more than 2'-6" above curb level and extend to a maximum height between 8'-0" and 10'-0" above curb level.
- b. The storefront shall have transparent areas no more than 10 feet in width, measured horizontally and which transparent areas shall be separated by a mullion of no less than 6" in width.
- c. Storefront entrance doors shall be set back a minimum of 2'-0" behind the vertical surface of the show windows.



Illustration

108-24

Sign Regulations

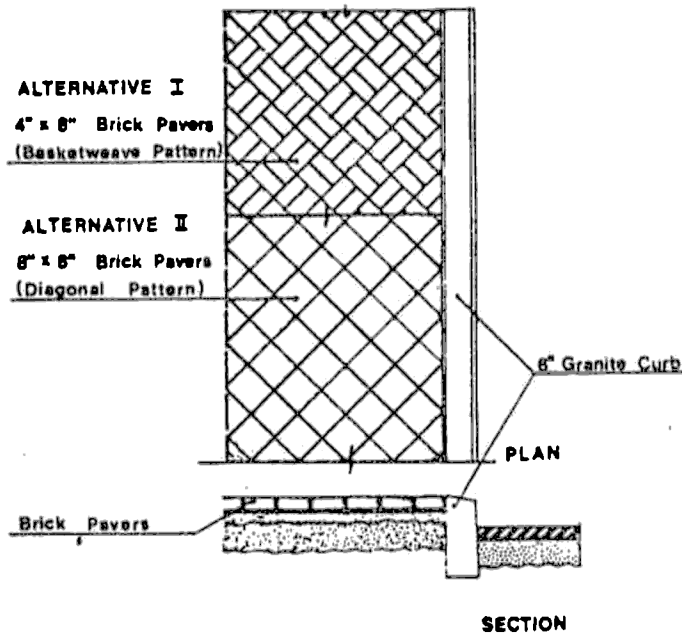
In addition to the underlying district *sign* regulations, the following regulations shall apply to all signs:

- a. *Accessory business signs* may not occupy more than 25 percent of the total area of the storefront measured from curb level to 10 feet above curb level.
- b. All permitted *signs* which project from the front *building* wall shall be located not less than 10'-0" above curb level.
- c. *Accessory business signs* may not cover columns, cornices or sills.

108-25

Mandatory Sidewalk Improvements

All new *developments, enlargements, changes of use* within the same or to other use groups of at least 50 per cent of the *floor* area of an existing *building*, or alterations above 30 per cent of the *building* value of an existing *building*, pursuant to the applicable articles of Building Code of the City of New York, within Area A-1 shall provide, extending for the entire length of the *street* frontage of the *zoning lot*, sidewalk paving consisting of brick pavers and granite curbs as illustrated herein and approved by the Department of Highways. The provisions of Section 108-17 (Mandatory Street Trees) shall not apply in Area A-1.

**ILLUSTRATION OF PAVING - AREA A 1**

Pattern and size of brick pavers are flexible

108-30 HOUSTON STREET CORRIDOR (AREA B)

The provisions of this Section are applicable within Area B, as shown on the District Plan (Appendix A).

108-31

Special Use Regulations

108-311

Special regulations for existing commercial or manufacturing uses

The continuation, *enlargement, extension* or change of use of existing commercial or *manufacturing* uses within Area B shall be governed by the underlying district regulations.

108-312

Special use regulations for new developments

For any new *development* within Area B, uses listed in the underlying district regulations are permitted except that such uses shall not include those listed in Use Groups 6D, 8C and 12D.

108-32

Bulk Regulations

The bulk regulations of the underlying district shall apply to any *development* or *enlargement* in the Houston Street Corridor (Area B) except as set forth in this Section.

108-321

Floor area regulations

For any *development* or *enlargement*, the maximum *floor area ratio* permitted on a *zoning lot* shall not exceed 4.8.

However, any *zoning lot* with a lot area of 14,000 square feet or more, the basic *floor area ratio* may be increased from 4.8 to 7.2 provided that the *development* or *enlargement* complies with the requirements set forth in Section 108-51. Such additional *floor area* shall be used exclusively for *residential use*.

108-322

Lot coverage regulations

The requirements set forth in Section 108-122 shall apply, except that the maximum allowable *lot coverage* of only the ground floor portion of a *building* may be 100 per cent provided that:

- (a) such ground floor portion contains only *commercial uses*,
- (b) such portion extends to a height not more than 23 feet above *curb level*.

108-323

Floor area per room regulations

Floor area per room regulations shall be as set forth in Section 108-123.

108-324

Height and setback regulations

The maximum height of any *development* or *enlargement* on a *narrow street* shall not exceed 75 feet or 7 *stories*, above *curb level* whichever is less, except as otherwise provided in Section 108-514. This provision shall not apply however, within 100 feet of Houston Street, measured perpendicular to its street line.

108-33

Special Front Wall Regulations

108-331

Building Facades

The front *building wall* shall extend along the full length of its *front lot line* along a *narrow street* without setback up to the height of 6 *stories* or 65 feet whichever is less. Above that height, the front *building wall* shall set back at least 10 feet. These provisions shall not apply, however, within 100 feet of the *street line* of Houston Street, measured perpendicular to its *street line*.

In the area more than 100 feet from the *street line* of Houston Street, for a *building wall* facing a *narrow street*, front wall recesses are permitted provided that the aggregate length of such recesses, excluding window fenestration, at the level of any *story* does not exceed 25 per cent of the length of the front wall where such recesses are permitted. In the event that a *development* occupies an entire *street frontage*, additional recesses are permitted, provided that there are no front wall recesses within 10 feet of the intersection of two *street lines*. In the area within 100 feet of the *street line* of Houston Street, any portion of a front *building wall* that is within 10 feet of a *narrow street*, measured perpendicular to such *street line*, shall extend without setback up to a height of 6 *stories* or 65 feet above *curb level*, whichever is less. Above that height, the front *building wall* shall set back at least 10 feet.

For all *buildings* within Area B, the exterior materials of the front wall shall be predominantly of masonry.

108-332

Treatment of the ground level wall

For a *building wall* facing a *narrow street*, at least 25% of the total surface area of such *building wall* up to a height of 12 feet above *curb level* or to the ceiling of the ground floor, whichever is higher, shall be transparent. Transparent areas may include storefronts subject to Section 108-50. Door or window openings within such surface areas shall be considered transparent. Such openings shall have a minimum width of 2 feet.

In addition any portion of such *building wall* 20 feet or more in length, which contains no transparent area at ground floor level shall be covered with vines

or similar planting in permitted front wall recesses,

or contain artwork approved by the New York City Art Commission, or be treated so as to provide visual relief from large expanses of blank walls. Planting shall consist of shrubs, ivy or creepers and shall be planted in soil having a depth of not less than 2 feet 6 inches, and a minimum width of 24 inches. Approval by the New York City Art Commission for any such artwork shall be obtained prior to the issuance of a building permit for the *development*.

108-34

Open Recreation Space and Landscaping Requirements

Except as provided in this section, for any new *development* or *enlargement*, a minimum of 20 per cent of the *lot area* of the *zoning lot* shall be provided

as usable, landscaped *recreation open space*, accessible to the occupants of such *development* or *enlargement*, or to the public. Such *open recreation space* shall be located either at the ground level and/or the roof level, and shall be landscaped and properly maintained in accordance with the provisions of Section 108-142.

108-35

Parking and Curb Cuts

108-351

Parking regulations

For any *development* or *enlargement* containing residential uses, there shall be accessory off-street parking spaces of no more than 20 per cent of the total number of dwelling units. Such facilities shall be solely for the tenants and owners of such residential uses. The City Planning Commission, after public notice and hearing and subject to Board of Estimate action, may permit additional accessory off-street parking facilities for residential use, provided the following findings are made:

- a) that within the vicinity of the site there is insufficient parking available;
- b) that such parking facilities will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic or pedestrian flow.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding, color and intensity of lighting, screening and signage or for location of entrances and exits.

108-352

Curb cut regulations

For any *development*, there shall be not more than one *curb cut* on each *street line* frontage of the *zoning lot*.

108-36

Mandatory Street Trees

All new *developments*, *enlargements*, changes of use within the same or to other use groups of at least 50 per cent of the *floor area* of an existing *building*, or alterations above 30 per cent of the *building value* of an existing *building* pursuant to the applicable articles of the Building Code of the City of New York, within Area B shall provide and maintain *street trees* as set forth in Section 108-17, except that for a *zoning lot* fronting on Houston Street such mandatory trees may alternatively be located on the median traffic island of Houston Street.

108-40 BOWERY, CANAL, KENMARE STREET CORRIDOR (AREA C)

The Bowery, Canal, Kenmare Street Corridor as shown on the District Plan (Appendix A) has a substantial concentration of industrial and commercial activities which generate heavy truck traffic. Therefore, the regulations of the underlying district shall apply to Area C except as hereinafter modified.

108-41

Bulk Regulation

108-411

Height and setback regulations

The maximum height of any new *building* or portion thereof shall not exceed 85 feet or 8 stories above *curb level*, whichever is less and unless authorized by the City Planning Commission pursuant to Section 108-514. The front *building wall* of any *development* or *enlargement* shall extend along the full length of its *front lot line* without setback.

108-412

Lot coverage regulations

For any *development* or *enlargement* within Area C, the maximum *lot coverage* shall be:

	Above Ground Floor	At Ground Floor Only
Residential Use	60%	50%
Commercial Use	70%	100%

108-42

Landscaping Open Recreation Space and Requirements

All residential *developments* shall provide a minimum of 20 per cent of the *lot area* of the *zoning lot* as usable *landscape open recreation space* in conformance with the requirements of Section 108-14.

108-43

Any *zoning lots* located within 100 feet of the *street line* of Mulberry Street (Area A-1) shall comply with the requirements set forth in Section 108-211. (Use group Little Italy); 108-23, (Storefront Regulation) and 108-24, Sign Regulations.

108-50

SPECIAL REVIEW PROVISIONS

The City Planning Commission may allow certain modifications of the provisions of this Chapter as set forth below.

108-51

Modifications Of Bulk Regulations For Certain Developments And Enlargements

On application, the City Planning Commission may authorize the allowable floor area ratio to be increased from 4.8 to 7.2 for any development or enlargement on a zoning lot containing an area of 14,000 square feet or more within Area B (Houston Street Corridor), provided that such development or enlargement complies with the regulations set forth in Sections 108-321, 108-511, 108-512, and 108-513, and provided that the City Planning Commission after notification to the affected community board, certifies to the Commissioner of Buildings that such development or enlargement is consonant with the objectives of the Little Italy Special District pursuant to §108-30.

For such development or enlargement where the mandatory open recreation space requirements on the zoning lot, as set forth in Section 108-34, will create a conflict with the applicable regulations for yards and setbacks, the City Planning Commission may modify where appropriate such yard and setback requirements and certify to the Commissioner of Buildings that such modification is necessary to achieve a good site plan.

108-511

Designation of Certain Sites for Public Open Spaces

The site P1 shall be designated on the City Map as public open space and all owners of property within Area P1 shall receive just compensation upon the acquisition of the property by the City of New York, whether such acquisition is achieved through purchase, condemnation or otherwise. The site P1 shall be developed and maintained by the New York City Department of Parks and Recreation. Prior to its acquisition, the site P1 shall be governed by the provisions of Section 108-20. (Mulberry Street Regional Spine: Area A-1.)

In the event that no contribution, for certain developments or enlargements within Area B pursuant to Sections 108-32 and 108-512, are received prior to April 1, 1979, this Section shall lapse and references to site P1 in Sections 108-512 and 108-513, and or the District Map (Appendix A) shall also lapse. The City Planning Commission may redesignate a site P1 at a time subsequent to that date.

108-512

Public Open Space Acquisition Account

A Public Open Space Acquisition Account is established within the General Fund of the City of New York to be administered by the Commissioner of the Department of Parks and Recreation. The City shall accept contributions for certain developments or enlargements within Area B pursuant to Section 108-32 or from other sources and shall only apply such contributions towards the acquisition of Site P1 as designated on the District Map and subsequently for the improvement of Site P1, and existing public park P2 (De Salvo Park) as set forth in Section 108-523. The fund contribution for developments or enlargements if tendered prior to December 31, 1980, shall be at a rate of \$5.00, per square foot of bonus floor area credited to a development or enlargement pursuant to the provisions of Section 108-32. At five year intervals after December 31, 1980, the City Planning Commission with the approval of the Board of Estimate shall establish the monetary rate at which bonus floor area shall be credited to a development or enlargement for the next five-year period. No contribution to the account shall be used for expenses incurred by the City for acquisition, improvement and routine maintenance of any other public parks.

108-513

Park Improvement Plan

Contributions received in the Park Acquisition Account pursuant to Section 108-512 which are in excess of the costs of acquiring site P1 shall be used for improvement of the two park sites indicated in the district plan. The Commissioner of the Department of Parks and Recreation shall establish procedures for the improvement of areas P1 and P2 in accordance with the standards of the Department of Parks and Recreation and within the following guidelines:

1. Park P1

Work Program Includes:

Paving and pedestrian walkways; planting of flower beds; trees and/or shrubs or other plant materials; seating facilities and lighting fixtures and fountain and decorative treatment and other comparable amenities which may enhance the quality of an urban park.

2. Park P2 (De Salvo Park)

Work Program Includes:

Paving and pedestrian walkways; play equipment for children; planting of trees and/or shrubs or other plant materials; seating facilities and lighting fixtures and fountain and decorative treatment.

108-514

Modifications

Modifications of the provisions of this Chapter may be authorized by the City Planning Commission upon receipt of a development application, except that there shall be no modifications of any provision of Section 108-12, 108-22, 108-32, or 108-41 unless specifically allowed therein, provided that the City Planning Commission after notification to the affected Community Board, certifies to the Commissioner of Buildings that there exists a compelling need for such modifications, that such modifications are consonant with the objectives of the Special Little Italy District. The Commission may prescribe other appropriate conditions and safeguards to minimize adverse effects on the surrounding area.

108-52

Special Permit Provisions

108-521

Modification of Accessory Off-Street Parking Facilities

The City Planning Commission may, by special permit after public hearing and subject to Board of Estimate action, modify accessory off-street parking facilities for the residential portion of any development on a zoning lot as set forth in Section 108-16, or Section 108-351.

108-522

Special Provisions for the Preservation of Certain Existing Buildings

Within the Special District, in accordance with a comprehensive survey of its structures, buildings of special significance to the community and City as a whole, have been identified and are listed in Appendix B. Such buildings are unique either because they are socially or traditionally significant or because they are important physical influences in the life and image of the community. Such buildings shall not be demolished or have their external architectural features altered except as set forth in this Section. No demolition permit or alteration permit for alterations which may affect the exterior of such buildings shall be issued by the Department of Buildings for any such building except as permitted by the City Planning Commission unless it is an unsafe building and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8 of the New York City Administrative Code.

The City Planning Commission, by special permit, after public notice and hearing and subject to Board of Estimate action may permit:

- a) that in such buildings for a change of a conforming use to another conforming use, the applicable underlying district, or Special Little Italy District, bulk regulations shall not apply to such change of use, or
- b) the alteration of such buildings, provided that such alteration and treatment of the facade relates harmoniously to the character and materials of the original facade and of adjoining buildings;
- c) the demolition of such buildings, other than unsafe buildings provided that the Commission finds that the existing building is not suitable for rehabilitation.

For the purposes of this Section, a change of use is a change to another use listed in the same or any other conforming Use Group; however, a change in ownership or occupancy shall not, by itself, constitute a change of use. Enlargements of such buildings shall be subject to all applicable district regulations. The Commission may prescribe appropriate conditions and safeguards to insure that any interim uses proposed on the site prior to any construction is in conformance with the purposes of the Special District.

108-523

Applications for Special Permit

An application to the City Planning Commission for the grant of a special permit respecting provisions of Sections 108-16 and 108-351 of this Chapter, shall include: a site plan showing the location and proposed use of all buildings or other structures on the site; the location of all vehicular entrances and exits and off-street parking and loading spaces; the amount and nature of traffic to be generated by such development or enlargement and an indication of the routes that will provide vehicular access to a manufacturing, commercial or community facility establishment; and such other information as may be required by the City Planning Commission.

An application to the New York City Planning Commission for the grant of a special permit respecting provisions of section 108-522 of this Chapter shall include: floor plans of all major floors; all major elevations; a site plan depicting all structures on the site and all structures and major features within 100 feet of the site; and such other information as may be required by the City Planning Commission.

108-524

Action by the Board of Estimate for Special Permit

The Resolution of approval by the City Planning Commission of a special permit, together with a copy of the application for a grant of special permit, shall be filed with the Secretary of the Board of Estimate, and the Board of Estimate shall act upon such resolution in accordance with the provisions of Section 200 of the New York City Charter.

108-525

Relationship to Public Improvement Projects

In all cases the Commission shall deny an application for special permit whenever the *development* or *enlargement* will interfere with a public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the Board of Estimate or City Planning Commission, or Site Selection Board, as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

VICTOR MARRERO, Chairman

ALEXANDER COOPER, HOWARD B. HORNSTEIN,
SYLVIA DEUTSCH, Commissioners

MARTIN GALLEN, Vice-Chairman, voting "No", dissenting statement attached.

DISSENTING STATEMENT BY VICE-CHAIRMAN MARTIN GALLET

C760061 ZRM

C760062 ZMM

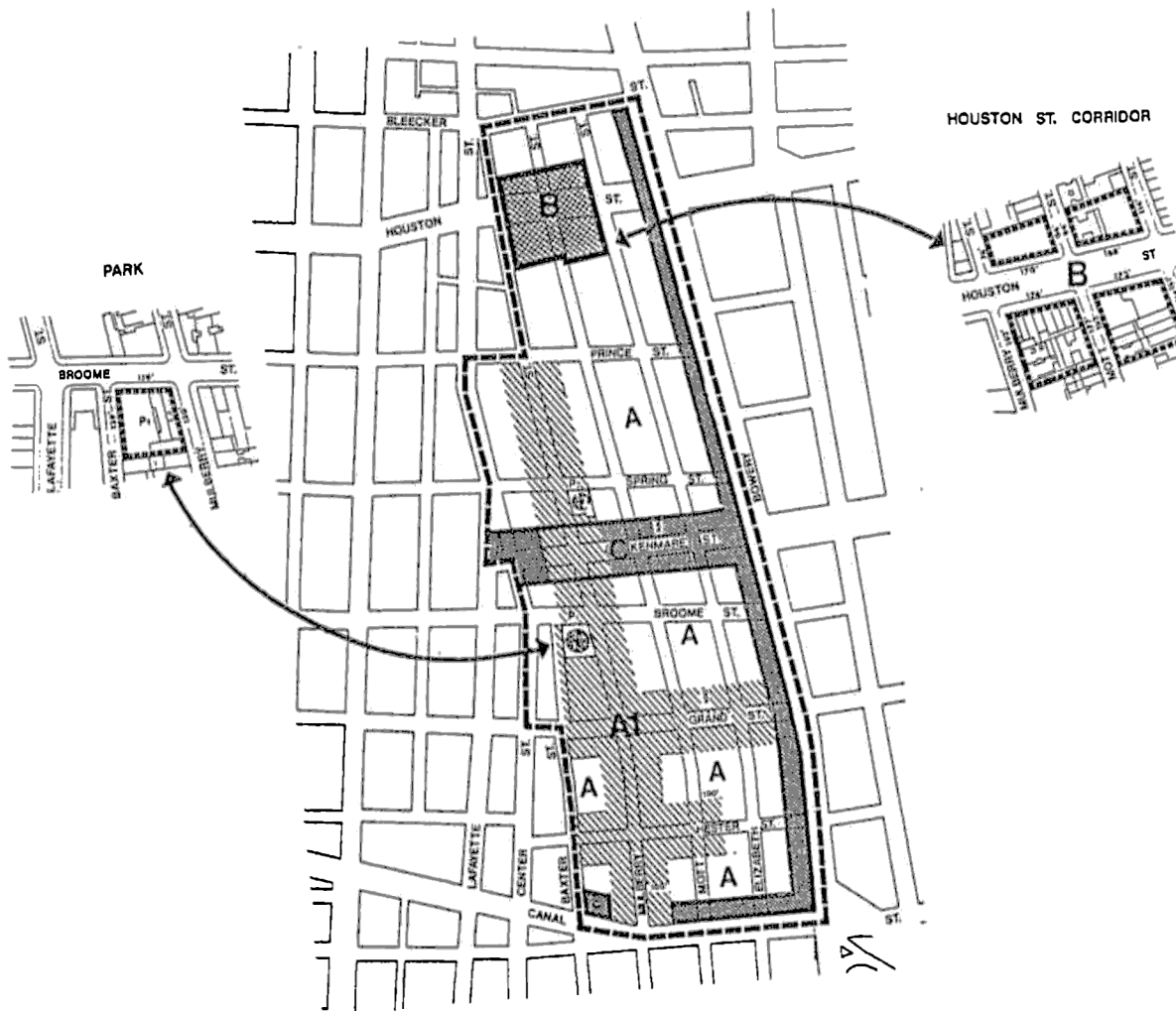
January 3, 1977

Although I agree in principle with the purposes and the effort of the Little Italy District, I cannot accept the increased density that would result from the development of Area B at Houston Street. The density would be equivalent to a residential R-9 for all four blocks fronting on Houston Street. Although Houston Street is a wide avenue, the surrounding blocks are narrow and heavily used. A large building with a substantially greater density than is now permitted would be out of scale with the surrounding community and heavily overburden the existing infrastructure.

I would, therefore, recommend that the scale and density that currently exist in that location remain as is. Since I cannot accept the proposed zoning for the area, I cannot vote for the District.

I vote "NO".

Special Little Italy District



DISTRICT MAP

- A PRESERVATION AREA
- A1 MULBERRY ST. REGIONAL SPINE
- B HOUSTON ST. CORRIDOR
- C BOWERY, CANAL, KENMARE ST.
- P.P. PARKS
- DISTRICT BOUNDARY

APPENDIX B

Buildings of Special Significance to Be Preserved in Accordance With the Provisions of Section 108-522.

BLOCK NUMBER	LOT NUMBER	ADDRESS
238	6	128-130 Mott Street
471	28	174 Grand Street
471	58	190 Grand Street
471	57	192 Grand Street
470	64	124-26 Bowery
470	12	363 Broome Street
471	41	375 Broome Street
472	31	240 Centre Street
481	23	201-5 Mulberry Street
480	21	34-36 Spring Street
492	44	11 Spring Street
493	21	209 Elizabeth Street
508	6	256-58 Mott Street
508	9	262-72 Mott Street
509	34	277 Mott Street
509	1	266 Mulberry Street
206	1	113 Baxter Street
507	17-21	260-268 Elizabeth Street