

Thursday, September 28, 2006

Comprehensive Zoning Analysis

439 West 36th Street, New York, New York

Prepared for:

Owner / Developer

Address

Address

Prepared by:


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Basic Property Data:

Property: Property Address

Block: # Lot: #

Zoning map: #

Lot Area: 75' x 98.75' = **7,406 Sq. Ft.**

Zoning: **R8A** Commercial Overlay: **C2-5**
Special Hudson Yards District, Sub-district D4
Mandatory Quality Housing Program

Property is on a Narrow Street [12-10]

Within 100' of a wide Street: NO

Property Subject to City Environmental Quality Review (CEQR) Designation E-137¹
Applicable Descriptions: Air Quality - HVAC Fuel Limited to Natural gas
Underground gasoline Storage Tank Testing Protocol
Window Wall Attenuation & Alternate Ventilation

¹ See Environmental Requirements below.

[] Brackets reference NYC Zoning Resolution sections.

Bulk Regulations:

[Article II, Chapter 3] [Article II, Chapter 4][Article III, Chapter 1]

FLOOR AREA RATIO (FAR)²:

Commercial & Residential w/ Community Facility [24-11]: 6.50

Commercial & Residential w/o Community Facility [23-145]: 6.02

Max. Residential Building Area Allowed [23-145]:

$$(6.02) \times (7,406 \text{ Sq. Ft.}) = \mathbf{44,584.12 \text{ Sq. Ft.}}$$

Max. Community Facility Building Area Allowed:

$$(0.48) \times (7,406 \text{ Sq. Ft.}) = \mathbf{3,554.88 \text{ Sq. Ft.}}$$

Maximum Commercial Building Area Allowed [33-121]:

$$(2) \times (7,406 \text{ Sq. Ft.}) = \mathbf{14,812.00 \text{ Sq. Ft.}^3}$$

TOTAL SQUARE FOOTAGE ALLOWED:

$$(6.50) \times (7,406 \text{ Sq. Ft.}) = \mathbf{48,139.00 \text{ Sq. Ft.}}$$

MAXIMUM LOT COVERAGE

Commercial & Residential w/ Community Facility [24-11]: 80%

$$(.80) \times (7,406 \text{ Sq. Ft.}) = \mathbf{5,924.80 \text{ Sq. Ft.}}$$

Commercial & Residential w/o Community Facility [23-145]: 70%

$$(0.70) \times (7,406) = \mathbf{5,184.20 \text{ Sq. Ft.}}$$

HEIGHT AND SETBACK REGULATIONS [23-633]:

Base Ht. (Narrow Streets): Minimum **60'**

Maximum **85'**

Maximum Building Height: **120'** (setback of 15' required between 60' to 85')

MAXIMUM NUMBER OF DWELLING UNITS OR ROOMING UNITS [23-22]:

Dwelling Units Factor: 740 $44,584.12 / 740 = 60$ units

Rooming Units Factor: 530 $44,584.12 / 530 = 84$ units

PARKING [93-80]:

Optional for lots less than 15,000 sq. Ft.

Maximum Parking Permitted: 40 % of total dwelling units for residential
.325 spaces per 1,000 Sq. Ft. of commercial

YARD REQUIREMENTS:

Front and Side Yard: None

Rear Yard:

Residential [24-36]: 30' Minimum

Commercial [33-26]: 20' Minimum

² The following are not included as part of the FAR: cellar, mechanical areas, laundry facility, and required recreation space. Bonuses allowed under the Quality Housing Program (see below)

³ Commercial Use is limited to 2 stories or 30' whichever is less and is deducted from Maximum Residential Building Area.

[] Brackets reference NYC Zoning Resolution sections.

Quality Housing Program Requirements:

[Article 2, Chapter 8]

STREET TREE PLANTING	[28-12]:	Required, every 25’.
SIZE OF DWELLING UNITS	[28-21]:	Required, Min. 400 Sq. Ft. floor area per unit.
WINDOWS	[28-22]:	Required, Double Glazed for Residential portion.
REFUSE STORAGE & DISPOSAL	[28-23]:	Required, portions may be deducted from FAR.
LAUNDRY FACILITY	[28-24]	Optional, portions may be deducted from FAR.
DAYLIGHT IN CORRIDOR	[28-25]	Optional, 50% of corridor may be deducted from FAR.
REQUIRED RECREATION SPACE	[28-30]	2.8% of residential space, portion may be deducted from FAR.
DENSITY PER CORRIDOR	[28-41]	Corridors serving less than 10 units per story may deduct 50% of the corridor Sq. Ft.

Special Hudson Yard District Requirements:

[Article IX, Chapter 3]

PERMITTED FLOOR AREA	[93-223]:	Underlying ⁴ FAR shall apply.
HEIGHT AND SETBACK	[93-542]:	Underlying ⁴ Height and Setback Shall Apply.
SIDEWALK WIDENING	[93-61]:	10’, Condition currently met.
STREET TREE PLANTING	[93-62]:	Required every 25’.
GROUND FLOOR RETAIL	[Appendix A]:	Mandatory 50% Retail Requirement.

Use Groups:

Use Groups Permitted for R8A:	1, 2, 3, and 4
Use Groups Permitted for Community Facility:	3 or 4.
Use Groups Permitted for C2-5:	1 to 9 and 14

Examples:	Hotels ⁵ : Transient	5
	Apartment	2
	Residential	1 and 2
	Non-Commercial Clubs	4
	Community Centers	4

Please see attached document for complete list of Uses

⁴ ‘*Underlying*’ refers to regulations outlined in Bulk Regulations for Community and/or Residential Building in a Residential District.

⁵ See Definitions Below

[] Brackets reference NYC Zoning Resolution sections.

Definitions [12-10] -

A "community facility use" is any "use" listed in Use Group 3 or 4.

Dwelling unit

A "dwelling unit" consists of one or more "rooms" in a "residential building", "residential" portion of a "building", or "non-profit hospital staff dwelling", which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household, and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

In counting the number of "rooms" in a "dwelling unit" for the purpose of determining the "lot area" requirements, no "rooming unit" shall be counted as part of the "dwelling unit".

Hotel, transient (8/17/90)

A "transient hotel" is a "building" or part of a "building" in which:

- (a) Living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis;
- (b) One or more common entrances serve all such living or sleeping units; and
- (c) Twenty-four hour desk service is provided, in addition to one or more of the following services: housekeeping, telephone, or bellhop service, or the furnishing or laundering of linens. Permitted "accessory uses" include restaurants, cocktail lounges, public banquet halls, ballrooms, or meeting rooms.

Hotel, apartment (8/17/90)

An "apartment hotel" is a "building" or part of a "building" in which:

- (a) The "dwelling units" or "rooming units" are used primarily for permanent occupancy;
- (b) One or more common entrances serve all such units; and
- (c) One or more of the following services are provided: housekeeping, telephone, desk, or bellhop service, or the furnishing or laundering of linens. Restaurants, cocktail lounges, or indoor swimming pools are permitted "accessory uses", provided that in "Residence Districts", such facilities shall be accessible only through the lobby and there shall be no "signs" except as permitted by the applicable district regulations. Public banquet halls, ballrooms, or meeting rooms are not permitted "accessory uses".

Rooming unit (7/26/01)

A "rooming unit" consists of any "living room," as defined in the Multiple Dwelling Law, in a "residential building" or a "residential" portion of a "building", that is:

- (a) in a "class B multiple dwelling," a "rooming house," or a "furnished room house" as defined in the Multiple Dwelling Law; or
- (b) used "for class B occupancy," as defined in the Housing Maintenance Code; or
- (c) used for "single room occupancy," as defined in the Multiple Dwelling Law; or
- (d) occupied by a "boarder," "roomer" or "lodger," as defined in the Housing Maintenance Code, provided, however, that if not more than two such boarders, roomers or lodgers reside within a "dwelling unit", the "room" or "rooms" occupied by such boarders, roomers or lodgers shall be counted as part of the "dwelling unit" and shall not be counted as "rooming units"; or
- (e) any other "living room" in a "residential building" or a "residential" portion of a "building" which is not a "dwelling unit" or part of a "dwelling unit".

Multiple Dwelling Law Article 1- Definitions-

9. A "class B" multiple dwelling is a multiple dwelling, which is occupied, as a rule transiently, as the more or less temporary abode of individuals or families who are lodged with or without meals. This class shall include hotels, lodging houses, rooming houses, boarding houses, boarding schools, furnished room houses, lodgings, club houses, college and school dormitories and dwellings designed as private dwellings but occupied by one or two families with five or more transient boarders, roomers or lodgers in one household.

13. A "rooming house" or a "furnished room house" is a multiple dwelling, other than a hotel, having less than thirty sleeping rooms and in which persons either individually or as families are housed for hire or otherwise with or without meals. An inn with less than thirty sleeping rooms is a rooming house.

14. A "lodging house" is a multiple dwelling, other than a hotel, a rooming house or a furnished room house, in which persons are housed for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week.

Environmental Requirements [11-15]

The designation (E), where shown on a "zoning map", indicates that environmental requirements pertaining to potential hazardous material contamination or noise or air quality impacts have been established which are incorporated into the provisions of a "zoning map" amendment to this Resolution for one or more tax lots. The said environmental requirements are set forth in the City Environmental Quality Review (CEQR) Declaration related to a specific "zoning map" amendment. In the case of a merger or subdivision of tax lots or "zoning lots" with an (E) designation, involving improved or unimproved properties, the (E) designation will apply to all portions of the property. The CEQR Declarations are on file with the designated lead agency and the Office of Environmental Coordination (OEC). A listing of such CEQR Declarations, entitled City Environmental Quality Review Requirements Declarations, is appended to the "zoning maps". Prior to issuing a building permit for any "development", or for an "enlargement", "extension" or a change of "use", any of which involves a "residential" or a "community facility use", or for an "enlargement" of a "building" for any "use" that involves a disturbance of the soil, on a lot that has an (E) designation for potential hazardous material contamination, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating that the environmental requirements related to the (E) designation have been met for that lot.