

SPECIAL MEETING OF Monday, Oct. 1, 1984 TIME: 3:22 P.M.

CAL. NO.	C.P. NUMBER	REPORTS		ACTION	REMARKS	DATA FOR MINUTES
		IN	BoE			
1	C 840381	MMM		Fav. Rept. Adopted	Concerning statement by Vice Chairman Gallant	
2	C 841090	PNM		" " "		
3	C 841070	ZSM		" " "		
4	C 841091	PLM		" " "		
5	N 840541	ZRM		Fav. Report Adopted	as modified	
6	N 850226	RAK		Auth. Approved		
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31					Present	
32					Chairman Sturz	
33					Vice " Gallant	
34					Comm. Bond	
35					" Gulino	
36					" Motley	
37					" Schimley	
38					" Tash	
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Adj. at. 3:24 P.M.

Present
 Chairman Sturz
 Vice " Gallant
 Comm. Bond
 " Gulino
 " Motley
 " Schimley
 " Tash

[Handwritten signature]

SPECIAL MEETING OF THE CITY PLANNING COMMISSION - MONDAY, OCTOBER 1, 1984
Held in the 15th floor Conference Room, 2 Lafayette Street, NY NY at p.m.

R E P O R T S

BOROUGH OF MANHATTAN

No. 1

CB 1

C 840381 MMM

IN THE MATTER OF a map change showing the elimination, discontinuance and closing of a portion of Old Slip, near the beginning of Front Street, in accordance with Map No. 30093, dated March 30, 1984, signed by the Borough President, to enable the consolidation of properties on both sides of the street portion into one zoning lot.

(On August 6, 1984 Cal. No. 1, the Commission scheduled August 22, 1984 for a public hearing. On August 22, 1984, Cal. No. 28, the hearing was closed.)

For consideration.

DISPOSITION.....FAVORITE REPORT ADOPTED

No. 2

CB 1

C 841090 PNM

IN THE MATTER OF an application from the Department of General Services, Division of Real Property pursuant to Section 197-c of the New York City Charter for not less than 10,500 square feet of floor space for a firehouse fronting on South Street in a proposed new office building to be constructed at 30 Old Slip, occupying the block bounded by Old Slip, Front Street, Gouverneur Lane and south Street.

(On August 6, 1984 Cal. No. 3, the Commission scheduled August 22, 1984 for a public hearing. On August 22, 1984, Cal. No. 31, the hearing was closed.)

For consideration.

No. 3

CB 1

C 841070 ZSM

IN THE MATTER OF an application, pursuant to Section 74-79 of the Zoning Resolution, from Assay Partners c/o HRO International, for the grant of a special permit involving transfer of development rights from a proposed merged zoning lot containing a landmark (the 1st precinct police station located at 20 Old Slip) across Old Slip to a proposed office building to be located at 30-32 Old Slip and to vary height and setback regulations.

(On August 6, 1984 Cal. No. 2, the Commission scheduled August 22, 1984 for a public hearing. On August 22, 1984, Cal. No. 30, the hearing was closed.)

For consideration.

No. 4

CB 1

C 841091 PLM

IN THE MATTER OF an application from the Department of General Services, Division of Real Property pursuant to Section 197-c for the negotiated sale of certain development rights, not to exceed 175,000 square feet of zoning floor area, inherent in certain city-owned land bounded by South Street, Old Slip (North), Water Street and Old Slip (South), Block 32, Lot 39, Block 34, Lot 37 and a portion of the bed of Old Slip between the two lots, to the Public Development Corporation or another New York City Local Development Corporation for eventual negotiated disposition to Assay Partners for incorporation into the proposed development to be built at 30 Old Slip.

(On August 6, 1984 Cal. No. 4, the Commission scheduled August 22, 1984 for a public hearing. On August 22, 1984 Cal. No. 32, the hearing was closed.)

For consideration.

[Amendments to the Zoning Resolution to provide for mandatory and bonusable subway station improvements in commercial zoning districts of 101 AR and above in Manhattan.]

IN THE MATTER OF amendments, pursuant to Section 200 of the New York City Charter, of the Zoning Resolution of The City of New York, relating to **Article II Chapter 7, Article VII Chapter 4 and various other sections concerning mandatory and bonusable subway station improvements as follows:**

Matter in Bold Type is new;

Matter in brackets [], is old, to be omitted;

Matter in *italics* is defined in Section 12-10.

12-10 Definitions

* * *

Plaza

A "plaza" is an open area accessible to the public at all times, which is either:

- (a) A continuous open area along a *front lot line*, not less than 10 feet deep (measured perpendicular to the *front lot line*), with an area of not less than 750 square feet, and extending for its entire depth along the full length of such *front lot line* or for a distance of at least 50 feet thereof, whichever is the lesser distance; or
- (b) A continuous open area on a *through lot*, extending from *street* to *street* and not less than 40 feet in width, measured perpendicular to the nearest *side lot line*; or
- (c) On a *corner lot*, an open area of not less than 500 square feet, which is bounded on two sides by the two intersecting *street lines* and which has a minimum dimension of 10 feet; or
- (d) An open area of not less than 8,000 square feet, with a minimum dimension of 80 feet and which is bounded on one side by a *front lot line* or which is connected to the *street* by means of an *arcade* or by an open area not less than 40 feet wide.

Except for an open area as set forth in (d) above, no portion of such an open area which is bounded on all sides, except for one opening, by either *building walls*, or *building walls* and a *side lot line*, shall be considered part of the *plaza*, unless the opening of such portion is at least 50 feet in width.

A *plaza* shall not at any point be more than five feet above *nor* more than twelve feet below the *curb level* of the nearest adjoining *street*, and shall be unobstructed from its lowest level to the sky, except that arbors or trellises, awnings or canopies, railings not less than 50 percent open and not exceeding three feet, eight inches in height, flag poles, open terraces or porches, steps, *subway station entrances*, ornamental fountains or statuary, or unenclosed balconies subject to the provisions of Sections 23-13 or 24-175 (Balconies) shall be considered permitted obstructions in *plazas*.

* * *

Residential Plaza:

A "residential plaza" is a portion of a *zoning lot*, developed for *use* by the public, at or near *curb level*, and which is open and unobstructed from its lowest level to the sky except as set forth in Article II, Chapter 7 and Article III, Chapter [8] 7

A *residential plaza* shall be developed as follows:

Primary Space:

A "primary space" is the major portion of a *residential plaza*, which abuts a *street*, and is accessible to the public for recreational *use*.

Residual Space:

A "residual space" is the remaining portion of a *residential plaza* that is not *primary space*, and which may be used either for public recreation or as a landscaped visual amenity.

Northern Plaza:

A "northern plaza" is a *primary space* that, pursuant to Section 27-112 (Orientation), has only northern exposure.

* * *

13-01

Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, *accessory* off-street parking spaces, *public parking lots* and *public parking garages* shall be used or developed in accordance with the provisions of this Chapter except as otherwise provided in Section 13-011. In the event of a conflict between the provisions of this Chapter and those contained in special purpose district regulations or Sections [26-00] 26-05 and [37-00] 37-01, the more restrictive provisions shall apply. For the purpose herein, the more restrictive provisions shall be considered those which permit the:

- (a) fewer number of parking spaces;
- (b) more exclusive use of parking spaces;
- (c) more limited location of curb cuts.

* * *

DISTRICTS									
R1	R2	R3	R4	R5	R6	R7	R8	R9	R10

23-16

Floor Area Bonus for a Plaza

In the district indicated, for each square foot of *plaza*, or residential plaza subject to the provisions of Article II, Chapter 7 and Article III [Chapter 8] Section 37-02 **R10**

(Special Urban Design Guidelines—Residential Plazas), or a portion of a *plaza* provided on a *zoning lot*, the total *floor area* permitted on that *zoning lot* under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.

* * *

24-14

Floor Area Bonus for a Plaza

In the districts indicated, for each square foot, of *plaza*, or residential plaza subject to the provisions of Article II, Chapter 7 and Article III, [Chapter 8] Section 37-02 (Special Urban Design Guidelines—Residential Plazas), provided on a *zoning lot*, the total *floor area* permitted on that *zoning lot* under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percent of Lot Coverage), may be increased by six square feet. **R9 R10**

* * *

Chapter 7 Special [Urban Design Guidelines—Streetscape] Regulations

[37-00]

[APPLICABILITY AND DEFINITIONS]

37-01

Special Urban Design Guidelines—Streetscape

[37-01] 37-011

Applicability of [this Chapter] Section 37-01

The regulations of [this Chapter] Section 37-01, apply to any residential development or any development occupied by predominantly residential use, constructed after the effective date of [this Chapter] Section 37-01 located on any zoning lot within C1-8, C1-9, C2-7, C2-8, C4-6, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5, and C6-8 districts, or C1 or C2 districts mapped within R9 or R10 districts. However, [this Chapter] Section 37-01 shall not apply within any Special Purpose District nor shall it apply to any development for which the Commission has granted a special permit pursuant to Section 74-95 (Housing Quality Developments), except as otherwise set forth therein.

An application to the Department of Buildings for a permit respecting any new development shall include a plan and an elevation drawn to a scale of at least one sixteenth inch to a foot of the new building and buildings on contiguous lots or contiguous blocks showing accessory business signs, arcades, street wall articulation, curb cuts, street trees, sidewalk paving, central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

[*]In the *Special Midtown District*, (Article VIII, Chapter 1), the provisions of this [Chapter] Section shall not apply.

[37-02] 37-012

Definitions

Development:

For the purpose of [this Chapter] Section 37-01 "development" includes construction of a new *building or other structure* on a *zoning lot*, the relocation of an existing *building* onto another *zoning lot*, and an *enlargement* involving an increase in *lot coverage*.

Predominantly Residential Use:

For the purpose of [this Chapter], Section 37-01 a "predominantly residential use" means a *building* having a *residential floor area* in excess of 50 percent of the total *building floor area*.

Contiguous Block:

For the purpose of this [Chapter], Section 37-01 a "contiguous block" is a *block* containing one or more *zoning lots* separated by a *narrow street* from the *block* containing the new *development*.

Contiguous Lot:

For the purpose of this [Chapter] Section 37-01 a "contiguous lot" is a *zoning lot* which shares a common *side lot line* with the *zoning lot* of the *development*.

[37-10] 37-013

Applicability of Article II, Chapter 6

In C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 districts or C1 or C2 districts mapped within R9 or R10 districts, the regulations of Article II, Chapter 6 (Special Urban Design Guidelines — Streetscape) shall apply to any *residential development* or any *development* occupied by *predominantly residential use*, except as modified by the provisions of Sections [37-21 to 37-24] 37-014 to 37-017 inclusive, relating to Modifications to the Applicability of Article II, Chapter 6. The purpose of these modifications is to make the regulations of Article II, Chapter 6, applicable to *Commercial Districts*.

[37-20] 37-014

Modifications To Applicability of Article II, Chapter 6

[37-21]

[General Provisions]

In C1-8, C1-9, C2-7, C2-8, C4-6, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 districts or C1 or C2 districts mapped within R9 or R10 districts, the regulations of Article II, Chapter 6 applicable to *residential developments* or *developments* occupied by *predominantly residential use* are modified by the provisions of Section 37-[22] 015 (Retail Continuity) and 37-[23] 016 (Accessory Business Signs) and 37-[24] 017 (Street Wall Articulation).

[37-22] 37-015

Retail Continuity

When the front *building wall* of a *development* is at least 50 feet in length and fronts upon a *wide street*, a minimum of 50 percent of such front *building wall* shall be occupied by *commercial uses*, as permitted by district regulations.

In C1-8, C1-9, C2-7, C2-8, C4-6 districts and C1 or C2 districts mapped within R9 or R10 districts, *uses* which occupy such 50 percent of the front *building wall* shall be limited to those listed in Use Groups 6A, 6C, and 6F, excluding banks and loan offices, except that in C4-6 districts only, such *uses* may additionally include those listed in Use Groups 8A, 8B, and 10A. All *uses* permitted by the underlying district regulations are permitted in the remaining 50 percent of the front *building wall*.

Such requirement of *commercial uses* for a minimum of 50 percent of the front *building wall* of a *development* may be waived, or additional *uses* permitted, upon certification by the City Planning Commission to the Commissioner of Buildings that either:

- (a) A significant degree of vacancies of retail stores and personal service establishments exists at ground floor level within the *development's* "street district", as defined in Section 74-952, Housing Quality Definitions; or
- (b) An adequate supply of such *uses* already exists at the ground floor level in the surrounding area.

The Commission may require that an application for such certification of additional *uses* for a completed *building*, where *floor area* has been designated for occupancy for such *commercial uses*, establish that a good faith effort has been made to secure tenancy by such *uses*.

[37-23] 37-016

Accessory business signs

In addition to the applicable district regulations in C1-8, C1-9, C2-7, C2-8, C4-6 districts and C1 or C2 districts mapped within R9 or R10 districts, all *accessory business signs* other than window signs, shall be located in a horizontal band not higher than 17 feet above *curb level*. Where there is a grade change of at least 1.5 feet in 100 along the portion of the *street* upon which the *development* fronts, such signage band may be staggered along such *street*.

when an existing *development* on a *contiguous lot* or *contiguous block* contains *accessory business signs* within a coordinated horizontal band along its *street* frontage, the signage strip along the new *development* shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above *curb level*. Where coordinated horizontal bands exist on two *contiguous lot* or *contiguous blocks* on both sides of the *development*, the signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this section, the elevation is measured from the *curb level* to the base of the signage strip.

The City Planning Commission, may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Section. Such modifications will be permitted when the Commission finds that such modifications will enhance the design quality of the *street* wall.

[37-24] 37-017

Street wall articulation

When any *building wall* of a *development* which is 5 feet or more in height adjoins a sidewalk, a *residential plaza* or an *arcade*, at least 50 percent of the total surface area of such walls between *curb level* and 12 feet above *curb level* or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than 4 feet above the *curb level*. Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of 2 feet.

In addition, any portion of such *building wall*, 50 feet or more in length, which contains no transparent element between *curb level* and 12 feet above *curb level* or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 12 feet in height, shall be covered with ivy or similar planting or contain artwork or be treated so as to provide visual relief. Plants shall be planted in soil having a depth of not less than 2 feet 6 inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Art Commission shall be obtained prior to the Certificate of Occupancy being issued for the *development*.

[38-10] 37-02

Applicability of Article II, Chapter 7—Special Urban Design Guidelines—Residential Plazas

In C1-9, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-4, C6-5 and C6-8, districts and C1 or C2 districts mapped within an R10 district, the regulations of Article II, Chapter 7 (Special Urban Design Guidelines—Residential Plazas) shall apply to any *residential development* or to any *development* occupied by *predominantly residential use* which obtains a *floor area* bonus pursuant to Section 23-16 (Floor Area Bonus for a Plaza) or 24-14, except as modified by the provisions of Section [38-21] to [38-26], 37-021 to 37-026, inclusive, relating to Modifications to Applicability of Article II, Chapter 7.

[†]In the *Special Midtown District* (Article VIII, Chapter 1), the provisions of this [Chapter] Section shall not apply.

[38-20] 37-021

Modifications to Applicability of Article II, Chapter 7.

[38-21]

[General Provisions]

In the districts in which this Chapter is applicable, the regulations of Article II, Chapter 7 (Special Urban Design Guidelines—Residential Plazas) are modified by the provisions of Section [38-22] 37-022 (Retail Frontage), [38-23] 37-023 (Additional Amenities), [38-24] 37-024 (Additional Amenities in Northern Plazas), [38-25] 37-025 (Maintenance Requirements), and [38-26] 37-026 (Existing Plazas). The purpose of these modifications are to make the regulations of Article II, Chapter 7, applicable to Commercial Districts.

[38-22] 37-022

Retail Frontage

Retail *uses* permitted by the applicable district regulations or as required by the provisions of Section [37-22] 37-015 (Retail Continuity) may front upon a *primary space*. Notwithstanding the provisions of Section 32-41 (Enclosure within Building), outdoor eating services may serve customers on *primary space* through open windows.

[38-23] 37-023

Additional amenities

The amenities in this Section are in addition to those listed in Section 27-13 (Additional Amenities). All *primary spaces* shall provide at least two of the amenities listed in Section 27-13 or those listed in this Section as follows except that where any *primary space* is 4,000 square feet or less, it may not contain both an open air cafe or a kiosk.

[38-231]

(a) Open air cafe

An open air cafe, which shall be a permanently unenclosed eating or drinking place as permitted by applicable district regulations, which may have waiter or table service.

An open air cafe shall occupy not more than 20 percent of the total area of the *primary space*.

An open air cafe shall be open to the sky except that it may have a temporary fabric roof, in conformance with the Building Code, or when located under a "pavilion" in a *northern plaza*. Only one open air cafe is permitted per *zoning lot*.

An open air cafe shall be accessible from all sides where there is a boundary with the remainder of the *primary space*.

No kitchen equipment shall be installed within an open air cafe.

An open air cafe shall be excluded from the definition of *floor area*.

An open cafe shall be permitted only upon certification of the City Planning Commission and the Board of Estimate to the Commissioner of Buildings that:

(i) [(a)] Such *uses* promote public use and enjoyment of the *residential plaza*.

(ii) [(b)] Such *uses* are compatible with desirable uses in surrounding areas.

The Commission shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such open air cafe. The Commission and the Board of Estimate, each shall respond to such request for certification within 60 days of receipt of a complete application. Such certification shall be effective for the period of two years, but upon application may be renewed for a similar period by the City Planning Commission and the Board of Estimate.

[38-232]

(b) Kiosk

A kiosk, which may be a one story structure, which including roofed areas does not exceed 60 square feet in area, and be predominantly of light materials such as glass, plastic, metal or fabric as approved by the Department of Buildings in accordance with the Building Code. The aggregate area occupied by kiosks in a *primary space* larger than 4,000 square feet shall not exceed 60 square feet or 1.5 percent of the *primary space*, whichever is greater, provided no one kiosk occupies an area of more than 100 square feet.

A kiosk may be a free standing structure or attached on only one side to a wall of the development or a building sharing the same side lot line.

A kiosk may be occupied by uses such as news or magazine stands, takeout food stands, candy stands, flower stands or information booths.

Any area occupied by a kiosk shall be excluded from the definition of *floor area*.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), *uses* occupying kiosks may serve customers on *primary space* through open windows. In all cases only *uses* permitted by the applicable district regulations may occupy *primary space*.

A kiosk shall be permitted only upon certification of the City Planning Commission and the Board of Estimate to the Commissioner of Buildings that:

(i) [(a)] Such *uses* promote use and enjoyment of the *residential plaza*.

(ii) [(b)] Such *uses* are compatible with desirable uses in the surrounding area.

The Commission shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such kiosk. The Commission and the Board of Estimate each shall respond to such request for certification within 60 days of receipt of a complete application. Such certification shall be effective for a period of two years, but upon application may be renewed for a similar period by the City Planning Commission and the Board of Estimate.

[38-24] 37-024

Additional amenities in northern plazas

An open air cafe or a kiosk may be placed within a *northern plaza* subject to the provisions of Section [38-231] 37-023(a) (Open air cafe) and Section [38-232] 37-023(b) Kiosk.

[38-25] 37-025

Maintenance requirements

The maintenance requirements of this section are in addition to the maintenance requirement set forth in Section 27-41 (Maintenance Requirement).

Furniture of open air cafes and kiosks within *primary space* shall be confined within areas designated on *building plans* as available for occupancy by such *uses*. Encroachment of such *primary space uses* outside an area so designated shall be a valid ground for complaint and removal.

Additional litter receptacles, beyond the amount required by Section 27-41 (Maintenance Requirements), with a minimum capacity of two cubic feet for each 1,000 square feet of *primary space area* shall be provided in connection with outdoor eating, services or other *uses* permitted on the *primary space* of a *residential plaza*, which services or *uses* generate litter.

**[38-26] 37-026
Existing plaza**

For *plazas* built prior to the effective date of this amendment, kiosks and open air cafes as defined in Section [38-23] 37-023 (Additional Amenities), may be placed within the area of a *plaza* upon certification by the City Planning Commission and the Board of Estimate to the Commissioner of Buildings that:

- (a) Such *uses* promote public use and enjoyment of the *plaza*.
- (b) Such *uses* are compatible with desirable *uses* in the surrounding area.
- (c) Such *uses* are proposed as part of a general improvement of the *plaza* where necessary, including as much landscaping and free public seating as is feasible.
- (d) The owner of such *use* will maintain such *uses* in accordance with provisions of Section 27-41 and [38-25] 37-025 (Maintenance Requirements).

The Commission shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage and will give due consideration to their opinion as to the appropriateness of such a facility to the area. The Commission and the Board of Estimate each shall respond to such request for certification within 60 days of receipt of a complete application. Such certification shall be effective for a period of two years, but upon application may be renewed for a similar period by the City Planning Commission and the Board of Estimate.

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**§37-03
Off-Street Relocation of a Subway Stair**

**§37-031
Applicability of this Section**

Where a *development* or *enlargement* is constructed on a *zoning lot* of at least 5000 square feet which fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station listed in this Section, the existing entrance or entrances shall be relocated from the *street* onto the *zoning lot*. The new entrance or entrances shall be provided in accordance with the provisions of this Section. These provisions are in accordance with the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975 and as may be subsequently revised).

Station	Line	District
Wall Street—Broadway	IRT (Lexington Ave)	C5-5CR
Fulton Street—Broadway	IRT (Lexington Ave)	C5-5CR
Brooklyn Bridge	IRT (Lexington Ave)	C6-4
23rd Street	IRT (Lexington Ave)	C5-2
28th Street	IRT (Lexington Ave)	C5-2
33rd Street	IRT (Lexington Ave)	C5-3
59th Street	IRT (Lexington Ave)	C6-4
South Ferry	IRT (Bway/7th Ave)	C5-5CR
Cortlandt Street	IRT (Bway/7th Ave)	C5-3
Wall Street	IRT (Bway/7th Ave)	C5-5
Fulton Street	IRT (Bway/7th Ave)	C5-5CR
Park Place	IRT (Bway/7th Ave)	C5-5CR
Broad Street	BMT (Nassau)	C5-5
Fulton Street	BMT (Nassau)	C6-4
Chambers Street	BMT (Nassau)	C6-4
Whitehall Street	BMT (Broadway)	C5-5CR
Cortlandt Street	BMT (Broadway)	C5-5
City Hall	BMT (Broadway)	C5-5CR

8th Street	BMT (Broadway)	C6-4
23rd Street	BMT (Broadway)	C5-2
Lexington Avenue	BMT (Broadway)	C6-4
Broadway/Nassau	IND (8th Ave)	C5-5CR
Chambers Street	IND (8th Ave)	C6-4, C5-3CR
34th Street	IND (8th Ave)	C6-4
50th Street	IND (8th Ave)	C6-4

§37-032
Standards for Location, Design and Hours of Public Accessibility

In addition to the standards set forth in the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975 and as may be subsequently revised), the following standards shall also apply:

- (a) The relocated entrance shall be immediately adjacent to and accessible without any obstruction from a public sidewalk, or from within a space accessible to the public, as those spaces are defined in the applicable zoning district regulations.
- (b) The relocated entrance may be provided within a *building*, but shall not be enclosed by any doors. The area occupied by a relocated entrance within a *building* shall not be counted toward the floor area of the *enlargement* or *development*.
- (c) The relocated entrance shall have a queuing space at the top and bottom of the stairs at least eight feet wide and 15 feet long, and such queuing space may overlap a *sidewalk widening*, an *arcade*, a *plaza*, a *residential plaza* or an *urban plaza*.
- (d) Where two or more existing stairway entrances are being relocated as part of the same *development* or *enlargement*, the new entrance or entrances shall have a total stair width or widths equal to or greater than the sum of the stair widths of the stairway entrances being relocated, but in any case no less than eight feet in width.
- (e) The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.
- (f) The relocated entrance may be relocated within a *plaza*, a *residential plaza* or an *urban plaza* provided that the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a *sidewalk widening*. A relocated entrance within a *plaza*, a *residential plaza* or an *urban plaza* is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a *plaza*, a *residential plaza* or an *urban plaza*.
- (g) The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.
- (h) The below grade portion of a relocated entrance may be constructed within the *street*.
- (i) The relocated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by the Transit Authority.

§37-033
Administrative Procedure for a Subway Stair Relocation

- (a) Except as otherwise provided in paragraph (b) no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued for any *development* or *enlargement* which is subject to the requirements for the relocation of a subway stair entrance, unless:
 1. Such plan includes a stair relocation plan and the related documents which bind the developer to:
 - a. Construct the new stair entrance in accordance with such plan;
 - b. Demolish above-ground elements of the existing entrance; and
 - c. Seal the existing entrance at the sidewalk level.
 2. Such plan and related documents bear the Transit Authority's approval.
 3. Such plan is accompanied by a certified copy of an agreement, as recorded between the Transit Authority and the owner for an easement on the zoning lot for subway-related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the *zoning lot* in the Office of the Register of the City of New York (County of New York) and is accompanied by the Register's receipt of recordation.
 4. Such plan is accompanied by any request for modification of special urban design guidelines pursuant to Section 37-034.
- (b) In the event that major construction problems render the stair relocation infeasible or that operating design considerations make it undesirable, the Transit Authority and the City Planning Commission by joint certification may release the developer from said requirement. In such event, the stair relocation requirement shall be satisfied by retention of the existing stair and provision on the *zoning lot* of an open area which accommodates pedestrian traffic passing the existing entrance. Such space shall have a width equal to at least one and one-half times the width of the existing stair entrance and shall extend along the full length of the stair entrance.
- (c) Prior to obtaining a Permanent Certificate of Occupancy, the relocated subway stair must be 100% complete in accordance with the approved plans and such completion shall have been certified by the Transit Authority.

§37-034
Modification of Special Urban Design Guidelines and Urban Open Space

The City Planning Commission may by certification to the Commissioner of Buildings, allow modifications of the requirements of Section 37-01 (Special Urban Design Guidelines—Streetscape), Section 37-02 (Special Urban Design Guidelines—Residential Plazas), and the applicable provisions of *urban open space* in Section 12-10 (DEFINITIONS) if it finds that the relocated subway stair cannot be accommodated without modification to these provisions.

§37-035
Waiver of Requirements

Upon application the City Planning Commission may authorize a waiver of requirements of Section 37-03 if the Commission finds that:

- (a) The total *floor area* of all *developments* or *enlargements* after the effective date of this legislation is less than 70,000 square feet; or
- (b) There are major structural problems in creating space for a relocated stairway entrance in an existing *building*; or
- (c) The space in an existing *building* which is required to relocate the stairway entrance is occupied by a tenant on a lease which was in effect prior to March 1, 1984 to which a member of the bar of the State of New York shall attest, and that there is no opportunity to relocate the tenant within the *enlargement*.

As a condition for granting such waiver the Commission shall determine that:

1. In the case of (a) above, the City Planning Commission and the Transit Authority may require an easement to accommodate the future relocation of the subway stairway in accordance with the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975 and as may be subsequently revised);
2. In the case of (a) or (b) above, no construction is undertaken that would preclude the future relocation of a stairway entrance from the sidewalk to the *zoning lot*;
3. In the case of (c) above, that at the expiration of the existing lease the applicant shall undertake the relocation of the stairway entrance according to the provisions of this Section.

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§74-634

Subway Station Improvements in Commercial Zones of 10 FAR and Above in Manhattan

The City Planning Commission may, by special permit after public notice and hearing and subject to a Board of Estimate action, grant floor area bonuses, modify Section 37-01 (Special Urban Design Guidelines—Streetscape), Section 37-02 (Special Urban Design Guidelines—Residential Plazas), the provisions of *urban open space* in Section 12-10 (DEFINITIONS), and in a CS-5 district, height and setback and *rear yard* regulations for *developments* or *enlargements* which provide major improvements for adjacent subway stations in accordance with the provisions of this section. The subway stations in districts where such improvements may be constructed are listed in Section 74-634a. The *zoning lot* for the *development* or *enlargement* on which such floor area bonus is requested shall be adjacent to the subway station for which the improvement is proposed. In order for the *zoning lot* of the *development* or *enlargement* to qualify as "adjacent," it must physically adjoin a station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the *zoning lot* from these elements.

(a) Bonus-Eligible Subway Stations by Line and Zone

Developments or *enlargements* which provide major improvements to adjacent subway stations are eligible for a *floor area* bonus which shall not exceed 20% of the basic maximum *floor area ratio* permitted by the underlying district regulations. The stations eligible for bonus are as follows:

Station	Line	District
Wall Street-Broadway	IRT (Lexington Ave)	CS-5CR
Fulton Street-Broadway	IRT (Lexington Ave)	CS-5CR
Brooklyn Bridge	IRT (Lexington Ave)	C6-4
23rd Street	IRT (Lexington Ave)	CS-2
28th Street	IRT (Lexington Ave)	CS-2
33rd Street	IRT (Lexington Ave)	CS-3
59th Street	IRT (Lexington Ave)	C6-4
South Ferry	IRT (Bway/7th Ave)	CS-5CR
Cortlandt Street	IRT (Bway/7th Ave)	CS-3
Wall Street	IRT (Bway/7th Ave)	CS-5
Fulton Street	IRT (Bway/7th Ave)	CS-5CR
Park Place	IRT (Bway/7th Ave)	CS-5CR
Broad Street	BMT (Nassau)	CS-5
Fulton Street	BMT (Nassau)	C6-4
Chambers Street	BMT (Nassau)	C6-4
Whitehall Street	BMT (Broadway)	CS-5CR
Cortlandt Street	BMT (Broadway)	CS-5
City Hall	BMT (Broadway)	CS-5CR
8th Street	BMT (Broadway)	C6-4
23rd Street	BMT (Broadway)	CS-2
Lexington Avenue	BMT (Broadway)	C6-4
Broadway/Nassau	IND (8th Ave)	CS-5CR
Chambers Street	IND (8th Ave)	C6-4, CS-3CR
34th Street	IND (8th Ave)	C6-4
50th Street	IND (8th Ave)	C6-4

(b) Compliance with Transit Authority Design Standards

The subway station improvement shall comply with all applicable design standards of the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975 and as may be subsequently revised).

(c) Procedure

1. Pre-Application

The applicant shall submit schematic or concept plans for the proposed improvement to the Metropolitan Transportation Authority, the Transit Authority and the City Planning Commission.

2. Application Pre-certification

After review and agreement on the concept by the Metropolitan Transportation Authority, Transit Authority and the City Planning Commission, the applicant shall submit necessary documentation in conformance with the New York City Transit

Authority's "Guidelines for Submission and Approval of Outside Projects." Prior to certification by the City Planning Commission, the Transit Authority shall provide a letter to the Commission containing conceptual approval of the improvement and a statement of any special considerations regarding the Transit Authority's future operation of the improvement.

3. The special permit application to the City Planning Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the City from the proposed improvement and determining the appropriate amount of bonus floor area and for making the findings for the modifications of Section 37-01, 37-02 and height and setback regulations in C5-5 districts.

4. The special permit application shall include any request for modification of special urban design guidelines pursuant to Section 74-634e and of height and setback and rear yard regulations pursuant to Section 74-634f.

5. Uniform Land Use Review Procedure—Certification

The City Planning Commission shall not certify any application under the Uniform Land Use Review Procedure until the requisite letter from the Transit Authority has been received and incorporated in the application. Such letter may be subject to subsequent execution of a final agreement with the developer.

6. Prior to the granting of a special permit,

a. The Transit Authority shall have submitted a letter to the City Planning Commission:

1. stating that the drawings and other documents submitted by the applicant have been determined by the Transit Authority to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and such other elements as may be appropriate; and

2. confirming that the construction of the subway improvement in accordance with such submission is feasible; and

b. The applicant shall sign a restrictive declaration containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.

7. The restrictive declarations and any instrument creating a transit easement on the zoning lot shall be recorded against the zoning lot in the Office of the Register of the City of New York for the borough in which the improvement or easement is being created, and a certified copy of the instrument shall be submitted to the City Planning Commission and the Transit Authority.

8. Prior to obtaining a Temporary Certificate of Occupancy for the bonus floor area, the bonused subway improvement shall be substantially complete, which shall, for this purpose, mean usable by the public, as determined by the Transit Authority.

9. Prior to obtaining a Permanent Certificate of Occupancy, the bonused subway improvement must be 100% complete in accordance with the approved plans and such completion shall have been certified by the Transit Authority.

(d) Floor Area Bonus

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The amount of the *floor area* bonus shall be at the discretion of the City Planning Commission and may range from no *floor area* bonus to the maximum amount allowable by special permit pursuant to the provisions of this Section. In determining the precise amount of *floor area* bonus, the Commission shall make findings on the following:

1. The degree to which the station's general accessibility, rider orientation and safety will be improved by the provision of new connections, additions to circulation space or easing of circulation bottlenecks;
2. Provision of escalators or elevators where justified by traffic or depth of mezzanine or platform below *street* level;
3. Convenience and spaciousness of *street* level entrance and compatible relationship to the ground floor uses of the development or enlargement;
4. Improvements in the station's environment by provision for daylight access, or improvements to noise control, air quality, lighting or other architectural treatments.

(e) Modification of Special Urban Design Guidelines and Urban Open Space

The City Planning Commission may modify the requirements of Section 37-01 (Special Urban Design Guidelines—Streetscape), Section 37-02 (Special Urban Design Guidelines—Residential Plazas), and the requirements for *urban open space* in Section 12-10 (DEFINITIONS) if it finds the provisions of a subway improvement cannot be accommodated without modification to these requirements.

(f) Modification of Height and Setback and Yard Regulations

In a C5-5 district in the case of on-site subway station improvements that generate floor area bonus pursuant to section 74-634, the City Planning Commission may permit modification of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to *rear yard* regulations or in Sections 33-41 to 33-45, inclusive, relating to height and setback regulations.

The City Planning Commission may grant such modification upon consideration that the applicable height and setback or *rear yard* regulations cannot be complied with by some method feasible for the applicant to pursue because of the provision of a subway station improvement, the size or irregular shape of the *lot*, the size or irregular shape the *block* or width of *streets*. The Commission shall also consider the characteristics of surrounding development. The Commission shall require, where appropriate, sufficient safeguards to insure the free flow of pedestrian and vehicular traffic in the general area. The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

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74-96
Special Urban Design Guidelines—Residential Plaza Modifications

In R-10, C1-9, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-4, C6-5, and C6-8 districts, or C1 or C2 districts mapped within an R10 district, the City Planning Commission may permit modifications of the provisions of Article II, Chapter 7 (Special Urban Design Guidelines—Residential Plaza)

and Article III, [Chapter 8] Section 37-02 (Special Urban Design Guidelines—Residential Plaza), provided that such modifications shall not include any modifications of Section 23-16 (Floor Area Bonus for a Plaza) and Section 24-14 (Floor Area Bonus for a Plaza) for the bonus *floor area* of 6 square feet for each square foot of *residential plaza*. Such modifications shall be conditioned upon the Commission finding that the *residential plaza's* usefulness and attractiveness will be assured by the proposed layout and design and that the *development* as a whole will produce a superior relationship with surrounding *buildings* than that achieved through these Urban Design Guidelines.

(On June 20, 1984, Cal. No. 10, the Commission scheduled July 25, 1984 for a public hearing. On July 25, 1984, Cal. No. 28, the hearing was closed.)

For consideration.

DISPOSITION.....FAVORABLE REPORT ADOPTED

BOROUGH OF STATEN ISLAND

No. 6

N 850226 PAR

CB 3

(Removal of existing trees in the Special South Richmond Development District pursuant to Section 107-64 of the Zoning Resolution and Section 200 of the New York City Charter.)

IN THE MATTER of an application pursuant to Section 107-64 of the Zoning Resolution and Section 200 of the New York City Charter from David Winters for granting authorization for tree removal at 65 Johanna Loop, Borough of Staten Island, Block 6712 Lot 275.

Plans for the proposed development are on file, and may be seen at the Staten Island Office of the Department of City Planning, 56 Bay Street, Staten Island.

Headquarters approval date - September 26, 1984.

For consideration.

Disposition Authorization Approved.