

AL. O.	C.P. NO.	REPORTS TO BOE	REMARKS	CAL. No.	C.P. No.	REPORTS TO BOE	REMARKS
	MINUTES	2/3/88 - 2/9/88					
1	C 860892	ZSQ	Approved Sched. 3/16/88	41	C 870403	PSK	For Rept Adp
2	C 880317 - 320	PP0	" "	42	C 870833	MMK	" " "
3	C 880395 - 396	PPX	" "	43	C 880353	HDK	" " "
4	N 880346	HGX	" "	44	C 880369	HDK	" " "
5	C 880347	HUX	" "	45	N 870511	PKS	Withdrawn
6	C 880348	HDX	" "	46			
7	C 880434	PPK	" "	47			
8	C 880074	PPK	" "	48			
9	C 880075	PPK	" "	49			
0	M 801058(A)	ZMQ	" "	50			
1	C 880127-129	PPQ	Hearing Closed	51			
2	C 880291-292	PPM	" "	52			
3	N 880331(A)	ZRM	" "	53			
4	C 880132	PPR	" "	54			
5	C 880158	PPX	" "	55			
6	C 880483	PPX	" "	56			
7	C 870691-692	PPK	" "	57			
8	C 870821-823	PPK	" "	58			
9	C 870824	PPK	" "	59			
0	C 870825-827	PPK	" "	60			
1	C 880309	HAQ	For Rept. Adopted	61			
2	C 880234-235	PPR	" " "	62			
3	N 860437	ZAR	Auth. Approved	63			
4	N 870926	RAR	" "	64			
5	N 880044	ZAR	" "	65			
6	N 880106	ZAR	" "	66			
7	N 870843	ZAR	" "	67			
8	N 861223	ZAR	" "	68			
9	C 880155	PPX	For Rept. Adopted	69			
0	C 880156-157	PPX	" " "	70			
1	C 880311-314	PPX	" " "	71			
2	C 880354	HDX	" " "	72			
3	C 880355	HDX	" " "	73			
4	C 860365	ZMX	Unf. Rept. Adopted	74			
5	C 880045	PPK	For Rept. Adopted	75			
6	C 880315-316	PPK	" " "	76			
7	C 880332-333	PPK	" " "	77			
8	C 870688	PPK	" " "	78			
9	C 870690	PPK	" " "	79			
0	M 870581	ZMK	Laid Over	80			

COMMISSION ATTENDANCE	Present
Sylvia Deutsch, Chairperson	✓
Salvatore C. Gagliardo	✓
Marilyn Mammano	✓
Wm. Gary McNeil	✓
Stuartz Pertz	✓
Daniel T. Scannell, Commissioners	✓
Denise Scheinberg, Chair	✓

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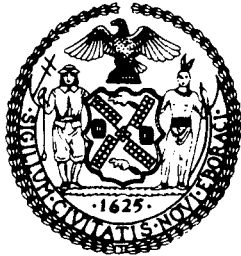
Lory R. Alcalá, Calendar Officer (212) 720-3370
LRA/12/87

MEETING-ADJOURNED-AT: 10:43 A.M.
Logged: By:

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York
—
CITY PLANNING COMMISSION

—
WEDNESDAY, March 2, 1988
—

MEETING AT 10:00 A.M.
in the
CITY HALL



Edward I. Koch, Mayor

City of New York

[No. 4]

Prepared by Lory R. Alcalá, Calendar Officer

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO PUBLIC MEETINGS

1. A quorum shall consist of four members.
2. Final action by the Commission shall be by the affirmative vote of not less than four members.
3. Except by unanimous consent, matters upon which public hearings are required by law shall lie over until the next meeting following the public hearing.
4. Matters not on the calendar may be considered by unanimous consent.

NOTE—Matters scheduled for public hearing by the City Planning Commission usually appear in three calendars: first in Section I, (Scheduling Dates for Future Public Hearings), second in Section II, (Public Hearings), and third in Section III, (Reports). Matters scheduled for public hearing by Community Boards appear in a separate calendar available in the Calendar Information Office.

CALENDARS: Any member of a Community Planning Board, any civic association or non-profit organization may write the Calendar Officer of the Commission to be placed on the mailing list to receive the Comprehensive City Planning Calendar which consists of the City Planning Commission Public Meeting Calendar, Supplemental Calendar and Special Meeting Calendar, and Community Board Public Hearing Notices. Calendars are also available to the public in the Calendar Information Office, 22 Reade Street, Room 2E, New York, N.Y. 10007. Any other individual or organization wishing to be placed on the calendar mailing list (\$64.95 (includes tax) for a two year subscription pro-rated) may do so by contacting the Calendar Information Office, 720-3370.

B

CITY PLANNING COMMISSION

22 Reade Street, New York, N.Y. 10007-1216

SYLVIA DEUTSCH, *Chairperson*

DENISE M. SCHEINBERG, *Vice Chairperson*

SALVATORE C. GAGLIARDO

MARILYN MAMMANO

WM. GARRISON MCNEIL

STUART PERTZ

DANIEL T. SCANNELL, *Commissioners*

LORY R. ALCALA, *Calendar Officer*

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00 a.m. in City Hall, Manhattan, unless otherwise ordered.

ORDER OF BUSINESS AND INDEX

WEDNESDAY, March 2, 1988

Calendar No. 4

Roll Call; approval of minutes	1
I. Scheduling March 16, 1988	1
II. Public Hearings	5
III. Reports	138

**Community Board Public Hearing Notices are available in the
Calendar Information Office, Room 2E, 22 Reade Street,
New York, N.Y. 10007**

The next regular public meeting of the City Planning Commission is scheduled for March 16, 1988, in the City Hall, Room 16, Manhattan, New York at 10:00 a.m.

GENERAL INFORMATION-

HOW TO PARTICIPATE:

Signing up to speak: Anyone wishing to speak on any of the items listed under "Public Hearings" in this Calendar, is requested to fill out a speaker's slip supplied at the staff desk outside the hearing chambers on the day of the hearing. Speakers on each item will be called in the order these slips are submitted, with the exception that public officials and Community Board Chairpersons will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in opposition and those speaking in support of the proposal.

Length of Testimony: In order to give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written Comments: If you intend to submit a written statement and/or other documents please submit 10 sets of each.

Anyone wishing to present facts or to inform the Commission of their views on an item in this calendar, but who cannot or does not wish to speak at the public hearing, may fill out the form below and return it to the desk outside the hearing chambers or mail their written comments to:

CITY PLANNING COMMISSION
Calendar Information Office—Room 2E
22 Reade Street, New York, N.Y. 10007

(Extra copies of this form may be obtained in the Calendar Information Office—Room 2E, 22 Reade Street.)

Subject _____

Date of Hearing _____ Calendar No.: _____

Borough _____ Identification No.: _____

CB No.: _____

Position:

Opposed _____

In Favor _____

Comments: _____

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

D

CITY PLANNING COMMISSION

PUBLIC HEARING ON THE CITY'S CAPITAL AND COMMUNITY DEVELOPMENT NEEDS AND PRIORITIES

THE CITY PLANNING COMMISSION is holding a citywide public hearing on the City's Capital and Community Needs and Priorities for Fiscal Year 1989:

Wednesday, March 2, 1988 at 12:00 Noon

City Hall

Board of Estimate Chambers

New York, New York

Citizens from all five boroughs are invited to comment on projects and proposals they wish to have included in the city's Fiscal Year 1989 budget. In the first hour of the hearing, elected officials and one representative of each community board, either the community board chairperson or district manager, will be given preference in determining the order of speakers. Other representatives of community boards, interested citizens and representatives of public and private organizations and community groups will follow.

Those wishing to testify at the hearing may register in advance by calling (212) 720-3476. Speakers may also register an hour in advance at the hearing location, beginning at 11:00 AM and continuing throughout the hearing. No substitutes for, or representatives of, registrants will be accepted. Speakers will be limited to three (3) minutes each.

Copies of the 1987 Statement of Capital Needs and Priorities, and the FY 1989 Statements of Community District Needs may be obtained in person from the Department of City Planning, Room 6N, 22 Reade Street, New York, New York 10007-1216 or by calling (212) 720-3476. Copies of the City Fiscal Year 1988 Community Development Program are available at the same address, Room 4N or by calling (212) 720-3342.

WEDNESDAY, March 2, 1988

APPROVAL OF MINUTES OF Regular Meeting of February 3, 1988 and Special Meeting of February 8, 1988

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS
TO BE SCHEDULED FOR WEDNESDAY, MARCH 16, 1988
STARTING AT 10 A.M.
IN CITY HALL
NEW YORK, NEW YORK**

BOROUGH OF QUEENS

No. 1

CD 2

C 860892 ZSQ

IN THE MATTER OF an application submitted by the **Korean Presbyterian Church** of Southern New York pursuant to Sections 197-c and 200 of the New York City Charter and Section 74-921 of the Zoning Resolution for the **grant of a special permit** for a church to be located in an M1-1 zone on property located at 51-05 Queens Boulevard (Block 1320, Lot 1).

Plans for this proposed church are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, New York 10007.

Resolution for adoption scheduling March 16, 1988 for a public hearing.

No. 2

CD 9, 10, 12, 13

C 880317-320 PPQ

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of twenty (20) city-owned properties.**

<u>ULURP No.</u>	<u>C.B. No.</u>	<u>No. of Parcels</u>	<u>Location</u>
C 880317 PPQ	9	1	125-11 Jamaica Ave.
C 880318 PPQ	10	1	132-18 Rockaway Blvd.
C 880319 PPQ	12	17	Various
C 880320 PPQ	13	1	165-25 144 Ave.

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

Resolution for adoption scheduling March 16, 1988 for a public hearing.

BOROUGH OF THE BRONX

No. 3

CD 2

C 880395-396 PPX

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of five (5) **City-owned properties.**

<u>ULURP No.</u>	<u>CD</u>	<u>No. of Parcels</u>	<u>Location</u>
C 880395 PPX	2	4	Various
C 880396 PPX	4	1	286 E. 162nd St.

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

Resolution for adoption scheduling March 16, 1988 for a public hearing.

Nos. 4, 5 and 6

(Designation and disposition of city-owned property for the proposed University Heights Urban Renewal Plan)

No. 4

CD 5

N 880346 HGX

IN THE MATTER OF the designation of the University Heights Urban Renewal Area within Community District 5, Borough of the Bronx, pursuant to Section 504, Article 15 of the General Municipal (Urban Renewal) Law of New York State.

The area proposed to be designated as appropriate for urban renewal is located on the northerly portion of the block bounded by Andrews Avenue South, West 180th Street, University Avenue and West 179th Street, comprising Lot 26 of Tax Block 3216.

Resolution for adoption scheduling March 16, 1988 for a public hearing.

No. 5

CD 5

C 880347 HUX

In the matter of the University Heights Urban Renewal Plan pursuant to Section 505, Article 15 of the General Municipal Law (Urban Renewal Law of New York State and Section 197-c of the New York City Charter).

The proposed urban renewal project comprises the property on Andrews Avenue South between West 179th Street and West 180th Street, 1950 Andrews Avenue, Block 3216, Lot 26.

The Urban Renewal Plan provides for acquisition and rehabilitation of this property.

Resolution for adoption scheduling March 16, 1988 for a public hearing.

No. 6

CD 5

C 880348 HDX

In the matter of the disposition of city-owned property within the University Heights Urban Renewal Area pursuant to Section 197-c of the New York City Charter. The property to be disposed is located on Andrews Avenue South between West 179th Street and West 180th Street, 1950 Andrews Avenue, Block 3216, Lot 26.

Resolution for adoption scheduling March 16, 1988 for a public hearing.

BOROUGH OF BROOKLYN

No. 7

CD 2

C 880434 PPK

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of one City-owned property located at Joralemon Street between Court Street and Boerum Place, (Block 266, part of Lot 30) for the purpose of a proposed extension of the Brooklyn Law School.

Resolution for adoption scheduling March 16, 1988 for a public hearing.

No. 8

CD 3

C 880074 PPK

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of forty-nine (49) City-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

Resolution for adoption scheduling March 16, 1988 for a public hearing.

No. 9

CD 4

C 880075 PPK

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of forty-four (44) City-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

Resolution for adoption scheduling March 16, 1988 for a public hearing.

No. 10

CD 3

M 801058(A) ZMQ

IN THE MATTER OF an application submitted by the Korean Church of Queens for a **modification to a restrictive declaration (D-70) to allow community facility uses on property located on the southside of 23rd Avenue between 89th Street and 91st Street, Block 1084, Lot 62.**

Resolution for adoption scheduling March 16, 1988 for a public hearing.

**II. PUBLIC HEARINGS
BOROUGH OF QUEENS**

No. 11

CB 8, 9, 11

C 880127-129 PPQ

PUBLIC HEARING

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of five (5) city-owned properties.**

<u>ULURP No.</u>	<u>C.B. No.</u>	<u>No. of Parcels</u>	<u>Location</u>
C 880127 PPQ	8	1	N/E/C Parsons Blvd. and 73 Ave.
C 880128 PPQ	9	1	W/S 102 St., 125' S/O 86 Ave.
C 880129 PPQ	11	3	Various

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On February 17, 1988, Cal. No. 5, the Commission scheduled March 2, 1988, for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 12

CD 10, 12

C 880291-292 PPM

PUBLIC HEARING

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of three (3) city-owned properties.**

<u>ULURP No.</u>	<u>C.B. No.</u>	<u>No. of Parcels</u>	<u>Location</u>
C 880291 PPM	10	2	Various
C 880292 PPM	12	1	Various

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On February 17, 1988, Cal. No. 6, the Commission scheduled March 2, 1988, for a public hearing which has been duly advertised.)

Close the hearing.

No. 13

(Amendments to the Zoning Resolution pertaining to revisions, deletions and additions to the Special Midtown District, including reductions in density in certain zoning districts in West Midtown, a one year extension of existing zoning districts for certain lots incorporating a landmarked theatre, modifications to requirements and design standards for various bonusable public amenities, deletion of the urban park bonus, clarifications and modifications to regulations for building height and setback and certain mandatory district plan elements, elimination of all as-of-right bonuses in the Theatre Subdistrict Core, establishment of a theatre retention bonus and clarifications and modifications to certain other theatre district regulations relating to uses, signs and theatre-related assurances. This item is a modified version of the proposed Special Midtown District text amendments. It clarifies the applicability of proposed amendments to the Times Square signage regulations.)

CD 4, 5, 6, 7 and 8

N 880331(A) ZRM

PUBLIC HEARING

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 various sections of the Special Midtown District, including Section 81-20 (Bulk Regulations), Section 81-40 (Mandatory District Plan Elements), Section 81-50 (Incentives by Special Permit for Provisions of Public Amenities) and Section 81-70 (Special Regulations for the Theatre Subdistrict)

Matter in **Bold Type** is new;

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

Matter in *italics* is defined in Section 12-10, 81-261 or 81-271

- Diagram** | Diagram or
- or chart = chart to be
- bracketed** | deleted

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- 81-00 GENERAL PURPOSES
- 81-02 General Provisions
- 81-021 Applicability of underlying district regulations

Table of Contents—Special Midtown District

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- 81-14 Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict
- 81-141 Special sign regulations
- 81-20 BULK REGULATIONS
- 81-211 Maximum floor area ratio for non-residential or mixed buildings
- 81-212 Special provisions for transfer of development rights from landmark sites
- 81-213 Developments or enlargements on landmark sites
- [81-214 Termination of districts with basic maximum floor area ratio of 18.0]
- 81-23 Floor Area Bonus for Urban Plazas
- 81-231 Standards for urban plazas
- 81-232 Existing plazas or other public amenities
- 81-24 Floor Area, Density and Building Spacing Regulations for Residential Uses
- 81-241 Maximum floor area ratios for a residential building or the residential portion of a mixed building
- 81-242 Density regulations for residential and mixed buildings
- 81-25 General Provisions Relating to Height and Setback of Buildings
- 81-251 Purpose of height and setback regulations
- 81-254 Special permit for height and setback modifications
- 81-26 Height and Setback Regulations—Daylight Compensation
- 81-261 Definitions
- 81-263 Standard setback requirements
- 81-264 Encroachments and compensating recesses
- 81-265 Encroachment limitations by length and height rules
- 81-266 Special permit for height and setback modifications
- 81-27 Alternate Height and Setback Regulations—Daylight Evaluation
- 81-274 Rules for determining the daylight evaluation score
- 81-276 Modification of score for reflectivity
- 81-277 Special permit for height and setback modifications
- 81-40 MANDATORY DISTRICT PLAN ELEMENTS
- 81-42 Retail Continuity Along Designated Streets
- 81-43 Street Wall Continuity Along Designated Streets
- 81-45 Provision of Pedestrian Circulation Space
- 81-451 Design standards for pedestrian circulation spaces
- 81-454 Modification of design standards of pedestrian circulation spaces within existing buildings
- 81-46 Through Block Connection

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81-462	Design standards for a through block connection
81-47	Off-Street Relocation of a Subway Stair
81-471	Standards for location and design
81-472	Relocated subway stair as a pedestrian circulation space
81-473	Administrative procedure for subway stair relocation
81-48	Major Building Entrances
81-50	INCENTIVES BY SPECIAL PERMIT FOR PROVISIONS OF PUBLIC AMENITIES
81-51	General Provisions and Procedures
81-52	Urban Park
[81-521	Requirements for urban park sites]
[81-522	Limits on transferable development rights]
[81-523	Standards for urban parks]
[81-524	Commission review of plans]
[81-525	Certificate of occupancy for receiving site development]
[81-526	Duration of urban park]
81-53	Subway Station Improvements
81-531	Midtown subway stations
81-532	Selection of improvements
81-533	Compliance with Transit Authority design standards
81-534	Procedure
81-535	Floor area bonus
81-536	Waiver or modification of street wall continuity provisions
81-537	Certificate of occupancy
81-70	SPECIAL REGULATIONS FOR THE THEATRE SUBDISTRICT
81-71	General Provisions
81-72	Use Regulations Modified
81-721	[Restriction of ground floor uses] Required use allocation on street frontages
81-723	[Required use allocation on wide street frontages and the frontages of certain zoning lots] Special ground floor street frontage restrictions
81-724	Requirements for entertainment-related uses
81-725	Entertainment-related uses
81-732	Special Times Square signage requirements
81-74	Special Incentives and Controls in the Theatre Subdistrict
81-741	General provisions
81-742	Restrictions on demolition of theatres
81-743	Required assurances for continuance of legitimate theatre use

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81-744	[Floor area bonus for new theatres] Floor area bonus for retention of certain existing listed theatres
81-745	Floor area bonus for rehabilitation of existing listed theatres
81-748	Floor area bonus for through block gallerias
81-75	Special Street Wall and Setback Requirements

81-00

GENERAL PURPOSES

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

- (a) To strengthen the business core of Midtown Manhattan by improving the working and living environments.
- (b) To stabilize [the East Side of] **development in** Midtown Manhattan and provide direction and incentives for [expansion to the west and to the south] **further growth where appropriate.**
- (c) To control the impact of buildings on the access of light and air to the streets and avenues of Midtown.
- (d) To link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic.
- (e) To preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital.
- (f) To continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages.
- (g) To improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations.
- (h) To preserve, protect and enhance the character of the Theatre Subdistrict as the location of the world's foremost concentration of legitimate theatres and an area of diverse uses of a primarily entertainment and entertainment-related nature.
- (i) To preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, [and in particular its unique ambiance, lighting, and large electric signs] **and the Core of the Theatre Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses.**

- (j) To preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping.
- (k) To preserve the midblock area around the Museum of Modern Art for its special contribution to the historic continuity, function and ambiance of Midtown.
- (l) To provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning".
- (m) To promote the most desirable use of land and building development in accordance with the district plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

81-021

Applicability of underlying district regulations

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

The regulations of the districts set forth below are applicable in the following Midtown districts unless modified by this Chapter:

Midtown Districts	Districts Whose Regulations Apply
C5P, C5-2.5	C5-2
[C5-3.5	C5-3]
C6-4.5	C6-4
C6-5.5	C6-5
C6-6.5	C6-6
[C6-7.5	C6-7]
C6-7T	C6-7

81-14

Modification of Sign and Frontage Regulations in the Fifth Avenue Subdistrict.

81-141

Special sign regulations

Any *sign* which does not comply with the provisions of this Section [may be continued for one year after the effective date of this Section; after the expiration of that period, such *non-conforming sign*] shall be **terminated**, [terminate. Notwithstanding the above,] **except that** a *sign* which the Chairman of the City Planning Commission certifies is an integral part of the *building* shall not be required to terminate.

81-211

Maximum floor area ratio for non-residential or mixed buildings

**MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES
AND MAXIMUM FLOOR AREA RATIOS BY UNDERLYING DISTRICTS**

(Section 81-211)

Means for Achieving Permitted FAR Levels on a Zoning Lot	MAXIMUM FLOOR AREA RATIO (FAR)				
	C5P	C6-4	C5-2.5	C5-3	C5-3.5
		C6-5	C6-4.5	C6-6	C6-6.5
	M1-6		C6-7	C6-7.5	
A. Basic Maximum FAR	8.0	10.0	12.0	15.0	18.0
B. Maximum As-of-Right Floor Area Allowances:					
—Urban plaza (Section 81-23)		1.0	1.0	1.0	1.0
—Through block Galleria' (Section 81-748)		1.0	1.0	1.0	1.0
C. Maximum FAR with As-of-Right Incentives	8.0	11.0	13.0	16.0	19.0
D. Maximum Special Permit Floor Area Allowances: (District-Wide Incentives)					
—Urban park (Section 81-52)		2.0	2.4	3.0	3.6
—Subway station improvement (Section 81-53)		2.0	2.4	3.0	3.6
E. Maximum Total FAR with District-Wide and As-of-Right Incentives	8.0 ²	12.0	14.4	18.0 ²	21.6 ²
F. Maximum Special Permit Floor Area Allowances in Theatre Subdistrict ¹ :					
—New theatre (Section 81-744)		4.4		3.0	3.6
—Rehabilitation of listed theatre (Section 81-745)		4.4		3.0	3.6
G. Maximum Total FAR with Theatre Subdistrict Incentives, District-Wide Incentives and As-of-Right Incentives	8.0 ²	14.4	14.4	18.0 ²	21.6 ²
H. Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or As-of-Right)	8.0	10.0	12.0	15.0	18.0
I. Maximum FAR of a lot containing bonusable landmark (Section 74-712)	-	-	-	18.0	21.6
J. Development rights (FAR) of a landmark "granting" lot for transfer purposes	8.0 ³	10.0 ³	13.0 ³	16.0 ³	19.0 ³
K. Maximum amount of transferable development rights (FAR) that may be utilized on an "adjacent" receiving lot	1.6	2.0	2.4	No Limit	No Limit

¹Available only where underlying district is within Theatre Subdistrict.²May be exceeded in the case of zoning lots with development rights transferred from landmark sites.³Less the total floor area of existing buildings on the landmark zoning lot.

**MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES
AND MAXIMUM FLOOR AREA RATIOS BY UNDERLYING DISTRICTS**

(Section 81-211)

Means for Achieving Permitted FAR Levels on a Zoning Lot	MAXIMUM FLOOR AREA RATIO (FAR)				
	CSP	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	15.0
B. Maximum As-of-Right Floor Area Allowances: – Urban plaza (Section 81-23)	-	1.0 ¹	1.0 ¹	-	1.0
C. Maximum FAR with As-of-Right Incentives	8.0	11.0 ¹	13.0 ¹	14.0	16.0
D. Maximum Special Permit Floor Area Allowances: (District-Wide Incentives) – Subway station improvement (Section 81-53)	-	2.0 ¹	2.4 ¹	-	3.0
E. Maximum Total FAR with District-Wide and As-of-Right Incentives	8.0 ²	12.0 ¹	14.4 ¹	14.0	18.0 ³
F. Maximum As-of-Right Floor Area Allowances in Theatre Subdistrict Except in Theatre Subdistrict Core: – Theatre retention (Section 81-744) – Through block galleria (Section 81-748)	-	1.0 ¹	1.0 ¹	-	1.0
G. Maximum Special Permit Floor Area Allowances in Theatre Subdistrict: – Rehabilitation of listed theatre (Section 81-745)	-	4.4	2.4	2.8	3.0
H. Maximum Total FAR with Theatre Subdistrict Incentives, District-Wide Incentives and As-of-Right Incentives	8.0 ²	14.4	14.4	16.8	18.0 ³
I. Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or As-of-Right)	8.0	10.0	12.0	14.0	15.0
J. Maximum FAR of a lot containing bonusable landmark (Section 74-712)	-	-	-	-	18.0
K. Development rights (FAR) of a landmark “granting” lot for transfer purposes ⁴	8.0 ³	10.0 ³	13.0 ^{3,4}	14.0 ³	16.0 ³
L. Maximum amount of transferable development rights (FAR) from landmark zoning lot that may be utilized on an “adjacent” receiving lot ⁵	1.6	2.0	2.4	2.8	No Limit

¹Not available in Theatre Subdistrict Core.

²May be exceeded in the case of *zoning lots* with development rights transferred from landmark sites.

³Less the total floor area of existing buildings on the landmark zoning lot.

⁴12.0 in portion of C6-5.5 District in Theatre Subdistrict Core.

⁵Applicable only where landmark zoning lot is separate from “adjacent” receiving lot.

81-212

Special provisions for transfer of development rights from landmark sites

The provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites) shall apply in the *Special Midtown District* subject to the modifications set forth in this Section and Sections 81-254 (Special permit for height and setback modifications), 81-266 (Special permit for height and setback modifications) and 81-747 (Transfer of development rights from landmark theatres).

The provisions of Section 74-79 pertaining to the meaning of the term "adjacent lot" in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the *Special Midtown District* where the "adjacent lot" is in a C5-3, C6-6, C6-7, [C5-3.5,] **C6-5.5**, C6-6.5 or [C6-7.5] **C6-7T** District.

The provisions of paragraph 3 of Section 74-792 as applied in the *Special Midtown District* shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark "granting" lot for transfer purposes.

Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

81-213

Developments or enlargements on landmark sites

The provisions of Section 74-712 (Developments or enlargements on landmark sites in certain districts), are applicable in C5-3, C6-6 [,] and C6-7 [, C5-3.5, C6-6.5 and C6-7.5] Districts where such districts are located within the *Special Midtown District* and within the area bounded by 59th Street, Lexington Avenue, 40th Street and Eighth Avenue, provided, however, that any modification of the front height and setback regulations shall be permitted only in accordance with the provisions of Section 74-712 as modified by Section 81-266 (Special permit for height and setback modifications) or Section 81-277 (Special permit for height and setback modifications). Subject to the findings set forth in Section 74-712, the *floor area ratio* for a *development* or *enlargement* on a *zoning lot* to which the provisions of Section 74-712 apply may be increased in a C5-3, C6-6 or C6-7 underlying district from 15.0 to a maximum of 18.0 [or in a C5-3.5, C6-6.5 or C6-7.5 underlying district from 18.0 to a maximum of 21.6]. No *floor area* bonus provisions other than those set forth in Section 74-712 shall be applicable to the *zoning lot*.

If a *zoning lot* within the Theatre Subdistrict contains a theatre listed in Table 1 of Section 81-742 (Restrictions on demolition of theatres) which is to be retained as part of a *development* or *enlargement* and if the *lot area* occupied by the structure of such theatre is at least 50 percent of the *lot area* of the *zoning lot*, and if all the following requirements have been met prior to the effective date of this amendment:

- (i) The Landmarks Preservation Commission has designated the listed theatre as an interior or exterior landmark; and

- (ii) the Landmarks Preservation Commission has issued a Certificate of Appropriateness or a Certificate of No Effect with respect to the *development or enlargement*; and
- (iii) a Building Permit has been issued for the *development or enlargement*, the date of termination of the zoning districts applicable on the *zoning lot* prior to the effective date of this amendment shall be extended by one year beyond such effective date.

[81-214

Termination of districts with basic maximum floor area ratio of 18.0

Before the sixth anniversary of this amendment's effective date, the City Planning Commission will conduct a review of the development that has taken place under the regulations of the *Special Midtown District*. Special attention will be given to the impacts of development in the highest density districts —C5-3.5, C6-6.5 and C6-7.5 —and to the effects of the *Special Midtown District's* height and setback regulations. The Commission will hold a public hearing on these aspects of Midtown development approximately six months before the sixth anniversary. The purpose of the C5-3.5, C6-6.5 and C6-7.5 Districts is to stimulate for a limited period the growth of intensive central commercial development in such districts. The duration of these districts is limited because of the overriding concern for the protection of central commercial areas from the congestion which could result from long-continued development at exceptionally high density. Therefore, on the sixth anniversary of this amendment's effective date, the C5-3.5, C6-6.5 and C6-7.5 Districts shall be terminated and the areas where these districts are mapped shall be designated as C5-3, C6-6 and C6-7 Districts respectively. The regulations of the newly designated districts will take effect upon revision of the *zoning maps* in accordance with the provisions of Section 75-00 (PROCEDURE FOR AMENDMENTS).]

81-23

Floor Area Bonus for Urban Plazas

The provisions in the definition of an *urban plaza* as set forth in Section 12-10 (DEFINITIONS) shall not apply to new *urban plazas* in the *Special Midtown District*. In their stead the provisions of this Section shall apply. Except as set forth in this Section, within the *Special Midtown District*, for each square foot of an *urban plaza* provided on a *zoning lot*, which *urban plaza* meets the standard set forth in this Section, the basic maximum *floor area* permitted on that *zoning lot* under the provisions of Section 81-211 (maximum *floor area ratio* for non-residential or mixed buildings) may be increased by 6 square feet, provided that in no case shall such bonus *floor area* exceed a *floor area ratio* of 1.0.

This Section shall be applicable in all underlying districts throughout the entire *Special Midtown District*, except that:

1. There shall be no *floor area* bonus for an *urban plaza* on *zoning lots* in the C5P District within the Preservation Subdistrict.
2. No *development* or *enlargement* on a *zoning lot* shall receive a bonus for an *urban plaza* which is within 50 feet of a *street line* of a designated *street* on which retail or *street wall* continuity is required pursuant to Sections 81-42 (Retail Continuity along Designated Streets) or 81-43 (Street Wall Continuity along Designated Streets).
3. No *development* or *enlargement* on a *zoning lot* [between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway] within the Theatre Subdistrict Core, as defined in Section 81-71 (General Provisions), shall receive a bonus for an urban plaza.

81-231

Standards for urban plazas

An "urban plaza" is a continuous [open] area open to the sky and fronting [which fronts] upon a *street* or sidewalk widening and is accessible to the public at all times for the use and enjoyment of large numbers of people. [Unless specifically permitted in this Chapter,] No part of an *urban plaza* may be closed to the public. No foundation permit shall be issued by the Department of Buildings for any *development* which includes an *urban plaza* without certification by the Chairman of the City Planning Commission of a detailed design plan showing all features of the proposed *urban plaza* required by this Chapter. An application for such certification shall be filed with the Chairman of the City Planning Commission showing the plan of the *zoning lot*; a site plan indicating the area and dimensions of the proposed *urban plaza* and the locations of the proposed *development* or *enlargement* and of all existing *buildings* temporarily or permanently occupying the *zoning lot* with accompanying documentation of conditions to be met before any temporary *buildings* may be cleared from the *zoning lot*; elevations of the *development* or *enlargement*; computation or proposed *floor area*, including bonus *floor area*; and a plan or plans showing all the required features of the proposed *urban plaza* as set forth herein.

The applicant shall sign a declaration of restrictions indexed against the property and in favor of property owners and tenants within a half mile radius of the *urban plaza* binding the owner, his successors and assigns to improve and maintain the *urban plaza* and provide public access thereto in accordance with the plans to be certified by the Chairman of the City Planning Commission. The filing of such declaration in the Office of the Register of the City of New York (County of New York) shall be a precondition for the Chairman's certification.

An *urban plaza* shall satisfy the following requirements:

- (a) Area and dimensions

An *urban plaza* shall contain an area of not less than 1,600 square feet. In no case may spaces between existing *buildings* remaining on the *zoning lot* qualify as an urban plaza.

(b) Locational restrictions

No *urban plaza* or portion thereof is permitted to occupy more than 33 percent of the frontage of the *zoning lot* or portion thereof within 175 feet of an existing *plaza*, *urban plaza*, *open air concourse*, public park or urban park that occupies more than 33 percent of its *block* frontage on the same or opposite side of the same *street* and has a depth of at least 12 feet. The distance of 175 feet shall be measured along the *street* on which the existing amenity fronts.

(c) Restrictions on orientation

The following restrictions shall apply to all *urban plazas*:

For purposes of the orientation requirements, "north-facing", "south-facing", "east-facing", or "west-facing" "*street line*" means a *street line* facing within 27 degrees of the direction indicated. "To front on a *street*" means to be contiguous to the *street line* or to a *sidewalk widening* along the *street line*.

1. Where the major portion of an *urban plaza* fronts on any one *street line*, such major portion is not permitted to front on a north-facing *street line* of a *zoning lot* [unless such plaza is contiguous to an open area fronting on a south facing *street line* on an adjoining *zoning lot* to form a "through block plaza" meeting the requirements of this chapter. The owner of the new or enlarged *building* receiving the bonus *floor area* on the *zoning lot* containing the plaza fronting on the north-facing *street line* shall be responsible for the use, operation and maintenance of the entire "through block plaza" in accordance with the requirements of this Section. A restrictive declaration assuring continuance of such use, operation and maintenance for the life of the new or enlarged *building* executed by all parties in interest on the constituent *zoning lots* shall be recorded in the City Register's office of the County of New York and filed with the Department of Buildings as part of any related application].
2. No major portion of an *urban plaza* shall only front on a west-facing *street line* or an east-facing *street line* if the *zoning lot* also has frontage on a south-facing *street line* 40 feet or more in length.
3. An *urban plaza* which is located on an intersection of two *streets* must have its major portion as defined in paragraph (d) front on the south-facing *street line*. In the case of a *zoning lot* having frontage on a south-facing *street line* of less than 40 feet, or having its frontage at the intersection of a

north-facing *street line* with either an east or west-facing *street line*, the major portion must front on the east or west-facing *street[-]line*.

(d) Restrictions on shape: major portions of urban plazas

1. All contiguous *urban plaza* area on a *zoning lot* shall be considered as one *urban plaza*.
2. The shape and dimensions of an *urban plaza* shall be such that for a major portion of the *urban plaza*, comprising at least the percentage of total area specified herein, all points within such major portion shall be visible from all other points therein. For the purpose of this regulation, points which when viewed in plan may be joined by a straight line shall be considered visible one from the other; visibility between points is not affected by permitted obstructions or by changes of grade. The major portion of an *urban plaza* shall be at least 70 percent of the urban plaza's total area, except that in the case of a through *block urban plaza*, as defined in paragraph (f) below, the major portion shall be at least 50 percent of such *urban plaza's* total area. The major portion of the *urban plaza* shall be subject to the proportional restrictions set forth in paragraph (e).
3. The major portion of an *urban plaza* shall have a minimum dimension of 40 feet. The remaining portion of the *urban plaza* shall have a minimum dimension of [ten] twenty feet. Dimensions shall be measured parallel and perpendicular to the *street line* on which the *urban plaza* fronts.
4. A major portion of an *urban plaza* may overlap with a sidewalk widening which may be provided to fulfill the minimum pedestrian circulation space requirements set forth in Section 81-45 (Provision of Pedestrian Circulation Space), provided that the overlapping portion of the *urban plaza* also conforms to the design standards of Section 81-45 for a *sidewalk widening*. Such *sidewalk widening* may be included in the major portion of an *urban plaza* for purposes of calculating the proportional restrictions set forth in paragraph (e).

(e) Proportional restrictions for major portions of *urban plazas*

1. For major portions of *urban plazas* with frontage on 2 or more intersecting *streets*, the length of the frontage along any one *street* shall not be greater than 3 times the average depth of the *urban plaza* measured perpendicular to the *street line* of said *street* from the *building wall* which faces it.
2. For major portions of *urban plazas* with frontage on only one *street*, at no point shall the depth from the *building wall* or *rear lot line* which faces the *street* to the *street line* be less than one-third nor more than three times the length of the frontage of the major portion along such *street line*.

(f) Regulations for through *block urban plazas*

Where an *urban plaza* or portion of an *urban plaza* extends through the *block* connecting two *streets* which are parallel or within 45 degrees of being parallel, and [a] any *building wall* or *walls* adjoin[s] such through *block urban plaza* or through *block* portion of an *urban plaza*, no more than 120 feet aggregate length of such walls within 50 feet of the opposite side of the through *block urban plaza* shall exceed 90 feet in height. [For a length greater than 120 feet, the portion of the wall in excess of 120 feet in length shall have a maximum height of 90 feet within 50 feet of the opposite side of the through *block urban plaza*.] In addition to the 20 feet minimum width requirement (Subparagraph (d) 3. of this Section) such a through *block plaza* shall maintain a straight path at least 15 feet in width free of any obstructions from *street line* to *street line*.

(g) Circulation and access

1. To facilitate access to an *urban plaza*, within 10 feet of a *street line* or *sidewalk widening*, along at least 50 percent of each *street* frontage of [such] the major portion and the entire *street* frontage of the remaining portion of an *urban plaza*, the surface of the *urban plaza* shall be at the same elevation as the adjoining public sidewalk. [Along that portion of the *street* frontage which has direct public access from a sidewalk or sidewalk widening, comprising at least 50 percent of the length of such *street* frontage, an *urban plaza* shall have no obstruction of any kind for a depth of at least 20 feet from the *street line*.] Along at least 50 percent of each *street* frontage of the major portion and at least 50 percent of each *street* frontage of the remaining portion of an *urban plaza*, for a depth of at least 20 feet from the *street line*, there shall be no obstruction to public access to the *urban plaza* from a sidewalk or *sidewalk widening*. For the remaining 50 percent of the frontage no walls or other obstructions may be higher than 3 feet above the *curb level* of the *street line* in front of the *urban plaza* within 20 feet of the *street line*. However, the City Planning Commission may permit by authorization certain obstructions, such as light stanchions, flag poles, trash receptacles, public space signage, or other features to be located in the *urban plaza* within 20 feet of the *street line* provided that the Commission finds that:
 - (a) such obstructions are desirable or necessary features for the public enjoyment of the *urban plaza*, and
 - (b) sufficient public access additional to the minimum required under the provisions of this Subsection is provided to offset any adverse impact on public circulation or access caused by the obstructions or features permitted by the above authorization.
2. The level of an *urban plaza* shall not at any point be more than 3 feet above or 3 feet below the *curb level* of the nearest adjoining *street* in front of

the major portion of the *urban plaza*; however, an *urban plaza* with an area of 10,000 square feet or more may additionally have a maximum of 15 percent of its area at an elevation more than 3 feet above or 3 feet below, but not more than either 5 feet above or 5 feet below *curb level* of the nearest adjoining *street* in front of the major portion of the *urban plaza*.

3. Where there is a grade change of at least 2.25 feet in 100 feet along a portion of a *street* fronted upon for a distance of at least 75 feet by an *urban plaza* with an area of 10,000 square feet or more, the level of such *urban plaza* may be at any elevation which is not more than either 5 feet above or 5 feet below the *curb level* of the nearest adjoining *street* in front of the *urban plaza*. Along the length of frontage not required for access, no wall higher than 3 feet above the level of the [urban plaza] adjoining sidewalk may be constructed.

4. [A covered portion of an urban plaza permitted in accordance with paragraph (r) may be closed to the public from 7:00 P.M. to 8:00 A.M.]

For areas of urban plazas not obstructed by permitted obstructions as set forth in paragraph (i), a circulation path shall be provided of at least 5 feet clear width. A major public path of minimum 8 feet in width shall extend at least to 75 percent of the depth of the major portion of the urban plaza measured from the *street line*. Within 30 feet of the *street line*, such path shall be at least 10 feet in width.

(h) Prohibition of driveways, parking spaces, loading berths, exhaust vents and building trash storage facilities.

1. No parking spaces, passenger dropoffs, driveways, or loading berths are permitted as part of an *urban plaza* [.] , nor are they permitted to be located adjacent to the *urban plaza* unless separated by a *building wall* or planted area. Such *building wall* or planted area shall be sufficient to visually conceal these facilities and any vehicles therein from any point in the *urban plaza*.

2. No *building* trash storage facilities are permitted on any *urban plaza* [.] , nor are they allowed to be accessed or serviced through the *urban plaza*. If such facilities adjoin an *urban plaza*, they shall be separated from it by a *building wall* or planted area meeting the requirements of Subparagraph 1. above.

3. No exhaust vents are permitted on any *urban plaza* or on the building wall of the development fronting upon the *urban plaza*, except where such vents on the building wall are more than 8 feet 6 inches above the level of the *urban plaza*.

(i) Permitted obstructions

1. An *urban plaza* shall be unobstructed from its lowest level to the sky except for [any] **the following** features, equipment, and appurtenances normally found in public parks and playgrounds: [, such as] fountains and reflecting pools, waterfalls, sculptures and other works of art, [arbors, trellises,] benches, seats, trees **planted at grade or in planting beds, bushes and flowers in planters or in planting beds**, litter receptacles, drinking fountains and bicycle racks; open air cafes; kiosks; outdoor furniture; lights and lighting stanchions; flag poles, public telephones, temporary exhibitions; **open arbors or trellises over the public seating area**, [awnings; canopies;] **awnings or canopies over the entrances to retail stores fronting on the *urban plaza***; bollards; and subway station entrances, which may include escalators.

* * *

- [10. A transparent cover above an urban plaza shall not be counted as an obstruction, provided that such structure complies with the special design requirements for a covered portion of an urban plaza set forth in paragraph (r) below.]

(j) Seating

There shall be a minimum of one linear foot of seating for each 30 square feet of *urban plaza* area, except that for *urban plazas* fronting upon a *street* having a grade change of at least 2.25 feet in 100 feet or for through *block urban plazas* there shall be a minimum of one linear foot of seating for each 40 square feet of *urban plaza* area.

Not more than 50 percent of the linear seating capacity may be in moveable seats which may be stored between the hours of [7 P.M. and 8 A.M.] **sunset and sunrise**. Seating shall be in accordance with the standards set forth below:

1. Seating shall have a minimum depth of 16 inches; however, seating with backs [at least 12 inches high] shall have a minimum depth of 14 inches **and a maximum depth of 22 inches and backs shall be at least 12 inches high**. Seating 30 inches or more in depth shall count double provided there is access to both sides.
2. **At least 75 percent of the required seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface and at least 75 percent of this seating shall have backs**. Seating higher than 36 inches [and] or lower than 12 inches above the level of the adjacent walking surface shall not count toward meeting the seating requirements.
3. The **flat** 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,

provided that they are made of stone material with a smooth surface and rounded upper edges with a radius of at least one inch to ensure seating comfort.

4. Moveable seating or chairs, excluding seating of open air cafes may be credited as 18 inches of linear seating per chair.
5. Steps, seats in outdoor amphitheatres and seating of open air cafes do not count toward meeting the seating requirements.
6. Seating for any use within an *urban plaza* is subject to applicable articles and amendments of the New York City Building Code.
- [7. For the benefit of handicapped persons, a minimum of 5 percent of the required seating shall have backs.]

(k) Lighting and electrical power

[Except as provided in paragraph (r) for covered portions of urban plazas, an] **An *urban plaza* shall be illuminated throughout with [an overall] a minimum [average] level of illumination of not less than 2 horizontal foot candles (lumens per foot). Such level of illumination shall be maintained [throughout the hours of darkness.] from sunset to sunrise. A lighting schedule including fixtures, wattage and their locations and designs together with a diagram of light level distribution shall be part of the required detail design plans as set forth in this Section.** Electrical power shall be supplied by one or more outlets furnishing a total of at least 200 watts of power for every 4,000 square feet, or fraction thereof, of an urban plaza.

[(1) Plaque

A plaque or other permanent *sign* with a *surface area* not less than 2 nor more than 4 square feet shall be displayed in a prominent location on any urban plaza for which a bonus is granted. Such *sign* shall indicate the following:

1. The number of trees required on the urban plaza and street trees required on the *street* sidewalk area.
2. The number of moveable chairs required on or adjacent to the urban plaza.
3. The name of the owner and the person he has designated to maintain the urban plaza and that person's address and a telephone number where he can be reached between the hours of 8:00 A.M. to 7:00 P.M.
4. The symbol for a City Planning Commission certified urban plaza.
5. The International Symbol of Access and the statement: "This urban plaza is accessible to the physically handicapped."
6. The statement: "To ensure compliance with requirements regarding this urban plaza, a bond has been posted with the Comptroller of the City of New York."

In addition a logo for public space which conforms to the standards established by the City Planning Commission shall be incorporated within the plaque or placed separately at a prominent location within the urban plaza or on bounding wall of the plaza, either location to be within 20 feet of the *street line*. The logo shall be located between 3 and 8 feet above *curb level*, have a minimum dimension of 18 inches on any side and be directly visible from the sidewalk.]

(l) Public space signage systems

The following public space signage systems shall be required for all *urban plazas*:

1. Entry plaque

The entry plaque shall be located at each street frontage or point of pedestrian entry to the *urban plaza*. A maximum of two entry plaques may be provided. The entry plaque shall contain:

- a. a public space symbol which is at least 14 inches square in dimension; has a white background; has a grid of four (4) straight lines no greater than one-eighth inch wide and green in color; and has a tree shaped symbol as shown:



- b. Lettering at least two inches in height stating "OPEN TO PUBLIC". This lettering shall be located within nine (9) inches of the public space symbol; and
- c. An International Symbol of Access for the physically handicapped at least three (3) inches square.

The entry plaque shall be mounted with its center five (5) feet above the elevation of the nearest walkable pavement on a wall or a permanent free standing post. It shall be placed so that the entire entry plaque is obvious and directly visible without any obstruction, along every line of sight from all paths of pedestrian access to the *urban plaza*, in a position that clearly identifies the entry to the *urban plaza*.

2. Information plaque

An information plaque, with a surface area of not less than two (2) feet square constructed from the same permanent materials as the entry plaque and located within the most frequently used area of the *urban plaza*, with clear lettering consisting of:

- a. The type and quantity of trees, moveable seating, permanent artwork;
- b. The name of the current owner of the building and the name, address, and phone number of the person designated to maintain the *urban plaza* between the hours of 9:00 a.m. and 5:00 p.m.;
- c. The statement "Complaints regarding this urban plaza may be addressed to the Department of Building of the City of New York"; and
- d. The statement "This urban plaza is accessible to the physically handicapped."

(m) Planting and trees

1. Street trees

Except where, prior to the certification of an *urban plaza* by the Chairman of the City Planning Commission, the Commissioner of Buildings determines that the following tree planting is infeasible, such as where it is precluded by a subway tunnel or other subsurface conditions, trees are required to be planted in the *street* sidewalk area adjacent to a *zoning lot* which contains bonus *floor area for an urban plaza*. At least one tree of 4 inch caliper or more shall be planted for each 25 feet of the entire *street* frontage of the *zoning lot*, excluding the frontage occupied by driveways. The length of frontage of the *zoning lot* for the purpose of computing required *street* trees may also be reduced by 40 feet for each *street* intersection fronted by the *zoning lot*. They shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil at least 3'-6". Species shall be selected, located and maintained in accordance with the specifications established by the Manhattan Street Tree Planting Division of the Department of Parks and the Department of Highways. [No trees may be planted within a sidewalk widening.]

The number of required *street* trees which are found to be infeasible by the Commissioner of Buildings shall be planted inside the area of the *urban plaza* in addition to the number of required trees within an *urban plaza* as provided in Subparagraph 2.

2. Trees within an urban plaza

Where trees are planted within an *urban plaza*, they shall measure at least 4 inches in caliper at the time of planting. [They] Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3'-6", and be planted [either] with gratings flush to grade. Trees in excess of the amount required by Subparagraph 4. may be planted [or] in [a] planting beds with a continuous area of at least 75 square feet for each tree exclusive of bounding walls, and at a maximum spacing of 25 feet apart within a single planting bed.

3. Planting

When planting beds are provided, they shall have a soil depth of at least 2 feet for grass or other ground cover and 3 feet for shrubs.

4. Density of planting

For an *urban plaza* [of 1,600 square feet or more] **not exceeding 2,000 square feet in area**, four trees are required. For an *urban plaza* [5,000 greater than 2,000 square feet [or more] in area **but not exceeding 6,000 square feet in area**, [six trees are required.] **one tree is required for every 600 square feet, or part thereof, of plaza area.** For an *urban plaza* **greater than 6,000 square feet in area, one tree is required for every 600 square feet, or part thereof, of plaza area for the first 6,000 square feet of area and one additional tree is required for every 1,000 square feet, or part thereof, of the remaining plaza area.** [For an urban plaza 12,000 square feet or more in area, one tree is required for every 2,000 square feet, or fraction thereof, of urban plaza area.]

(n) Paving

The paving of the *urban plaza* shall be of [decorative and] **non-skid durable materials [and shall be partly or all of the same or compatible materials and colors as the] which are decorative and compatible in color and pattern.** The paving of the *street* sidewalk area adjacent to the *development* [, creating sympathetic design patterns.] **may be treated with design patterns and materials sympathetic to that of the paving of the *urban plaza*.** Any change of paving materials within the public right-of-way shall require review by the Department of Highways and [where the Commissioner of Highways reports that such paving of the sidewalk is not feasible, the Commissioner of Buildings may waive the requirements of this paragraph] **the Art Commission.**

(o) Standards of accessibility for the handicapped

1. There shall be at least one path of travel conforming to the standards set forth in Subparagraph (2) and providing access to each of the following:
 - a. the major portion of the *urban plaza*;
 - b. any *building* lobby accessible to the *urban plaza*; and
 - c. any *use* that may be present on or adjacent to the *urban plaza*.
2. The following standards shall apply to assure access for handicapped persons:
 - a. Such paths shall have a minimum width of 5 feet, except where specific provisions require a greater width, free and clear of all obstructions.
 - b. Ramps are to be provided alongside any stairs or steps for such paths. Ramps shall have a minimum width of 3 feet, a slope of not greater than 1 in 12, a non-skid surface and, for open-edged ramps, a 2 inch high safety curb. At each end of a ramp there shall be a level area, which may be a public sidewalk, at least 5 feet long.

- c. All stairs or ramps within such paths shall provide handrails. Handrails shall be 32 inches high, have a midrail 22 inches high and shall extend at least 18 inches beyond the stair or ramp ends.
- d. Where stairs are used to effect changes of grade for such paths, they shall have closed risers, no projecting nosings, a maximum riser height of 7½ inches and a minimum tread width of 11 inches.

* * *

(q) Mandatory allocation of frontages for permitted uses

At least 50 percent of the total frontage of *building walls* of the *development* facing on the major portion of an *urban plaza*, exclusive of such frontage occupied by vertical circulation elements, *building lobbies*, and frontage used for subway access, shall be allocated for occupancy by retail or service *uses* permitted by the applicable district regulations; however, such *uses* shall be limited to those *uses* permitted on retail *streets* under the provisions of Section 81-42 (Retail Continuity along Designated Streets) and shall not include banks, loan offices, travel agencies or airline offices. In addition, libraries, museums and art galleries shall be permitted. All such *uses* shall be directly accessible from the major portion of the *urban plaza*, and such building frontage shall be treated with clear and untinted transparent material for 50 percent of its surface area below 14 feet above the plaza level or the ceiling level of the ground floor of the building, whichever is lower.

Frontage on the *urban plaza* that is occupied by a *building lobby* shall not exceed 75 feet or 40 percent of the total frontage of the *development's building walls* on the *urban plaza*, whichever is less.

[(r) Special requirements for a covered portion of an urban plaza

A portion of an urban plaza may be covered by a predominantly transparent material. If an urban plaza contains a covered portion, the planting requirements for an urban plaza are inapplicable. Such covered portion shall conform to the following standards:

(1) Location:

A covered portion of an urban plaza shall not be located within 10 feet of a *street line* or within or under a *building*.

- (2) The covered portion of an urban plaza shall comprise an area equal to or greater than the area of the major portion of such urban plaza; provided, however, that no more than 80 percent of an urban plaza may be covered.
- (3) A covered portion of an urban plaza shall be of clear, untinted and uncoated transparent material and shall have a minimum height of 30 feet. The covered portion shall be unenclosed on its sides below a height of 30 feet, except for any side on which the covered portion is bounded by an

exterior wall of a *building*. No drapes, blinds or curtains of any form may be installed.

- (4) A minimum of 150 square feet per 1,000 square feet of urban plaza shall be provided for planters or planting beds with seasonal flowers, shrubs, ivy or other plants. The soil of such planting areas may be elevated above the level of the floor within the covered plaza area, but in no event shall such soil surface be more than 5 feet above *curb level* or 2 feet above the adjacent floor of the urban plaza.
- (5) A covered portion of an urban plaza shall maintain a minimum average level of illumination of not less than five horizontal foot-candles between the hours of 8:00 A.M. and 7:00 P.M. and 2 horizontal foot-candles throughout the hours of darkness.]

[(s)](r) Maintenance

- (1) The building owner shall be responsible for the maintenance of the *urban plaza*, including, but not limited to, the confinement of permitted obstructions, litter control, and the care and replacement of vegetation within the *zoning lot* and in the *street* sidewalk area adjacent to the *zoning lot*.
- (2) Litter receptacles shall be provided with a minimum capacity of one cubic foot for each 2,000 square feet of *urban plaza* area excluding the area of any sidewalk widening. An additional capacity of one cubic foot of litter receptacle shall be provided for each 2,000 square feet of *urban plaza* in connection with outdoor eating services or other *uses* permitted on *urban plazas* which generate litter.
- (3) *Urban plaza uses* specified in paragraph (i) 2. shall be confined within areas designated on building plans as available for occupancy by such *uses*. Encroachment of an *urban plaza use* outside an area so designated shall be a valid ground for complaint and removal.
- (4) Performance Bond

Prior to obtaining any certificate of occupancy from the Department of Buildings, the building owner shall post with the Comptroller of the City of New York, a performance bond, City securities or fixed income securities, at the Comptroller's discretion, to ensure the mandatory tree planting, moveable seating exclusive of any seating for open air cafes, and the litter-free maintenance of the *urban plaza* including the replacement of such trees and moveable furniture during the life of the *development*.

In the event of a failure in the required performance, the Chairman of the City Planning Commission shall notify the building owner in writing of such failure and shall stipulate the period of time in which the

building owner has to correct the failure. If the failure is not corrected in the stipulated time the Chairman may declare the building owner in default in the required performance, and the City may enforce the obligation by whatever means may be appropriate to the situation, including letting contracts for doing any required planting, installation or maintenance and paying all labor, material and other costs connected with such work from the bond or City securities the building owner is required to provide.

In the event that the City enforces the aforementioned obligation as provided for in this paragraph, the *building* owner shall, within 90 days of such enforcement, provide the City with an additional bond or City securities in an amount not less than that which was expended to cure the default.

The value of the bond or City securities if tendered prior to January 1, [1983] 1989 shall be at a rate of [\$300] \$750 per required tree, \$100 per moveable chair and [\$100] \$200 per 1,000 square feet of *urban plaza* for litter removal as set forth in this section.

Effective January 1, [1983] 1989 and at five year intervals thereafter, the City Planning Commission with the approval of the Board of Estimate shall establish new rates for the mandatory tree planting, moveable seating and litter free maintenance of the *urban plaza*.

* * *

[(t)](s) Penalties for Violations

Failure to comply with the conditions or restrictions of the bonused *urban plaza* shall constitute a violation of this resolution and shall constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

81-232

Existing plazas or other public amenities

No existing *plaza*, *urban open space*, or other public amenity open or enclosed for which a *floor area* bonus has been received pursuant to regulations antedating May 13, 1982 shall be eliminated or reduced in size anywhere within the *Special Midtown District* without a corresponding reduction in the *floor area* of the *building* or the substitution of equivalent complying area for such amenity elsewhere on the *zoning lot*. Any elimination or reduction [in] of the size of, or of any other designed features of, such an existing public amenity shall be permitted in the *Special Midtown District* only by special permit of the City Planning Commission subject to Board of Estimate action and to a finding by the Commission that the proposed change will provide a greater public benefit in the

light of the public amenity's purpose and the purposes of the *Special Midtown District*.

Where a portion of an existing *covered pedestrian space* was designated by a special authorization of the City Planning Commission prior to May 13, 1982, to be used for off-street loading after business hours, the Commission may, by special permit, after public notice and hearing, and subject to Board of Estimate action, allow relocation of the loading facilities and modifications relating to the loading berth requirements provided that such modifications will result in substantial improvement of the pedestrian circulation system and amenities within the existing *covered pedestrian space* without adversely affecting the operation of off-street loading facilities.

[In the *Special Midtown District*, on zoning lots in a C5-3.5, C6-6.5 or C6-7.5 underlying district, where an existing *plaza* or an existing *urban open space* satisfies the requirements of Section 81-231 (Standards for urban plazas), such *plaza* shall be eligible for a *floor area* bonus at the rate set forth in Section 81-23 for urban plazas but in no event exceeding a *floor area ratio* of 1.0, provided that the total *development* or *enlargement* on such *zoning lot* complies with the applicable provisions of this Chapter and no degree of *non-compliance* is created on the *zoning lot*.

In underlying districts other than the C5-P District, on application, the City Planning Commission by special authorization may authorize a *plaza* for which plans have been approved by the Department of Buildings on the effective date of this amendment, for which no *floor area* bonus was granted and which does not meet all the requirements of Section 81-231 (Standards for urban plazas) to qualify for a *floor area* bonus not exceeding 1.0 FAR, provided that (a) such existing *plaza* has an area of not less than 1,600 square feet and meets or exceeds those standards for urban plazas relating to circulation and access, seating, lighting and electric power, and planting and trees; (b) the location and siting of such existing *plaza* is consistent with the purposes of the *Special Midtown District*; and (c) the development as a whole will produce a good urban design relationship with surrounding *buildings* and open spaces.]

81-24

Floor Area, Density and Building Spacing Regulations for Residential Uses

81-241

Maximum floor area ratios for a residential building or the residential portion of a mixed building

For *residential buildings* or *residential portions of mixed buildings* in the *Special Midtown District*, the maximum *floor area ratio* for each underlying district is as follows:

- (a) In the C5-P district the maximum *floor area ratio* is 8.0 and no additional *floor area* shall be allowed above this limit.
- (b) In all underlying districts other than the C5-P District, except as provided in paragraph (c) below, the maximum *residential floor area ratio* is 10.0.
- (c) A *residential building* or the *residential* portion of a *mixed building* in any underlying district other than a C5-P, C6-4 or C6-5 District shall qualify for a maximum *residential floor area ratio* of 12.0 if the *building* includes recreational space for the *residential* occupants in an amount not less than 6.5 square feet for each *room*, or a total area of at least 5,000 square feet, whichever is greater. The recreational space may be located at any level including a roof. Such recreational space shall:
 - (1) be restricted to *residential* occupants of the *building* and their guests for whom no admission or membership fees may be charged;
 - (2) be directly accessible from a lobby or other public area served by the *residential* elevators;
 - (3) be landscaped including trees or shrubbery, except where covered or developed with recreational facilities and seating areas;
 - (4) contain not less than 500 square feet of continuous area on a single level with no dimension of less than 15 feet;
 - (5) have not less than 50 percent of the area open from its lowest level to the sky. The remaining portion may be roofed and up to 50 percent of its perimeter may be enclosed. In no event may more than 25 percent of the required recreational space be fully enclosed. All enclosures shall be transparent except when located within the *building*. Covered areas shall contain recreational facilities or seating areas.

A copy of requirements (1) through (5) set forth in this paragraph shall be permanently posted in a conspicuous place within [the] **each** recreational space.

- (d) A *residential building* or the *residential* portion of a *mixed building* in a C6-4 or C6-5 underlying district within the Theatre Subdistrict may qualify for bonus *floor area* or other *floor area* allowances in accordance with the provisions of Section 81-741 (General provisions), provided that the *residential floor area ratio* with such *floor area* allowances shall not exceed 12.0 and that such *building* also provides recreational space for the *residential* occupants in accordance with the requirements of subparagraph (c) of this Section.
- (e) The applicable maximum *floor area ratio* for a *residential building* or the *residential* portion of a *mixed building* shall not be increased by any bonuses or other *floor area* allowances except as provided in paragraph (c) or (d) above.

81-242

Density regulations for residential and mixed buildings

(a) Inapplicability of certain sections

In the *Special Midtown District*, the lot area requirements of Section 23-20 (DENSITY REGULATIONS—REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM, OR FLOOR AREA PER ROOM) and Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) and the provisions of Section 35-42 (Density or Lot Area Bonus in Mixed Buildings) shall not apply to any *residential or mixed building development*.

(b) Floor Area per room

For every 300 square feet of *new residential floor area* provided within a *residential or mixed building* there shall be no more than one *room*.

* * *

81-251

Purpose of height and setback regulations

The common purpose of these two sets of regulations is to offer maximum design flexibility while setting reasonable but firm standards to protect access of light and air to public streets and adjacent buildings.

This purpose is implemented by the two alternate sets of regulations, which are based on two distinct approaches. Both sets are concerned with daylight at street level.

The daylight compensation regulations require buildings generally to be built within a sky exposure curve which relates required setbacks to building heights. Within limits, the buildings may encroach outside the curve but only if extra setbacks or recesses provided elsewhere on the **same street frontage of the zoning lot** compensate for the encroachment. In the regulations, the sky exposure curve for three street width categories is represented in each case by a table of required setbacks related to building heights.

The daylight evaluation regulations measure and evaluate portions of sky blocked by a building as viewed from specified vantage points in the street. The building is plotted on daylight evaluation charts representing the zoning lot's available daylight from specified vantage points, measured in daylight squares as defined in paragraph (b) of Section 81-272. Daylight blockage by the building is then measured to determine the building's score on each frontage and the average score for the building as a whole. The regulations specify the minimum passing scores for compliance.

81-254

Special permit for height and setback modifications

In the *Special Midtown District*, the City Planning Commission's powers to modify the front height and setback regulations pursuant to any provisions in Article VII are not applicable except pursuant to the provisions of Section 74-71 (Landmark Preservation) as modified by the provisions of Section 81-266 (Special permit for height and setback modifications) or Section 81-277 (Special permit for height and setback modifications), or where development rights are transferred from a landmark site to an adjacent lot in a C5-3, C6-6 or C6-7 [C5-3.5, C6-6.5 or C6-7.5] District in accordance with the provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites) as modified by Section 81-212 and the total *floor area* on the adjacent lot resulting from such transfer exceeds the basic maximum *floor area ratio* by more than 20 percent. In such exceptional cases, the granting of a special permit by the Commission for height and setback modifications shall be in accordance with the provisions of Section 81-266 (Special permit for height and setback modifications) or Section 81-277 (Special permit for height and setback modification).

81-26

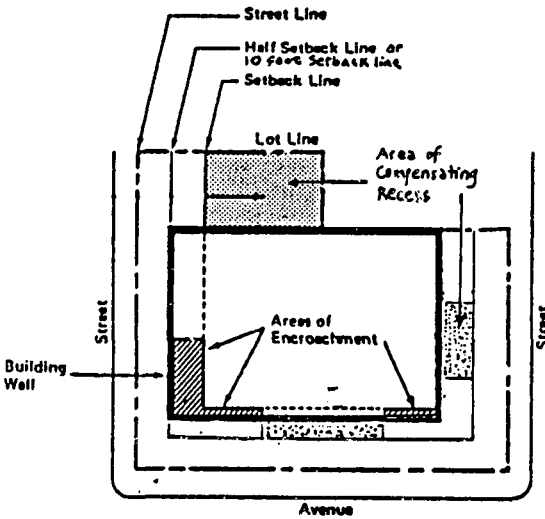
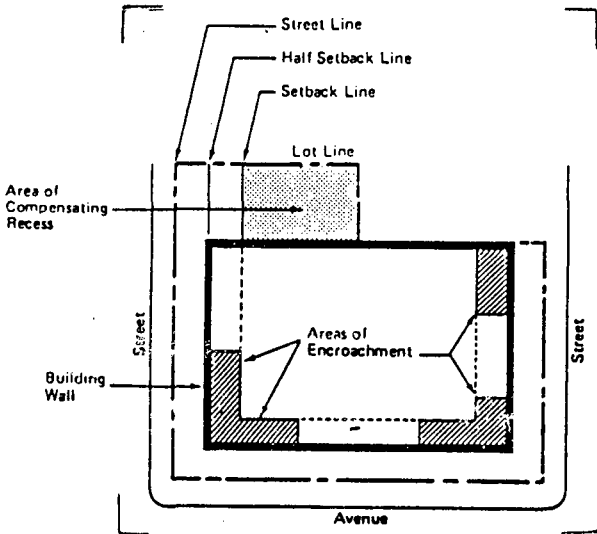
Height and Setback Regulations—Daylight Compensation

81-261

Definitions

Compensating recess

A portion of a *zoning lot* which, at the *building* height selected for determining compliance with the provisions of Section 81-26 (Height and Setback Regulations), lies in the *free zone* (*Zone A* on the *encroachment grid*), is not covered by any portion of a *building* or other *structure* and qualifies as compensating for *building encroachments* beyond the *free zone* under the provisions of Section 81-264 (Encroachments and compensating recesses). (See Illustration of *Compensating Recess* and *Encroachment*.)



ENCROACHMENT GRID

ILLUSTRATION OF COMPENSATING RECESS AND ENCROACHMENT

Encroachment

A projection beyond the *setback line*, the *free zone* or the *half-setback line* [or the *ten-foot setback line*] by any portion of a *building* or other structure that exceeds

the maximum height permitted at the *street line*. (See Illustration of *Compensating Recess and Encroachment*.)

Encroachment grid

A plan drawing of the *zoning lot* at any given height above *curb level* selected to determine compliance with the provisions of Section 81-26 (Height and Setback Regulations) and showing, for that height, *street lines*, *setback lines*, *half-setback lines*, *Zone A* (the *free zone*), *Zones B and C* (*encroachments zones*) and, where applicable, the *ten-foot setback line*. The *encroachment grid* serves as a device for measuring areas of *encroachment* beyond the *free zone* and areas of *compensating recess* within the *free zone*. (See Illustration of *Encroachment Grid*.)

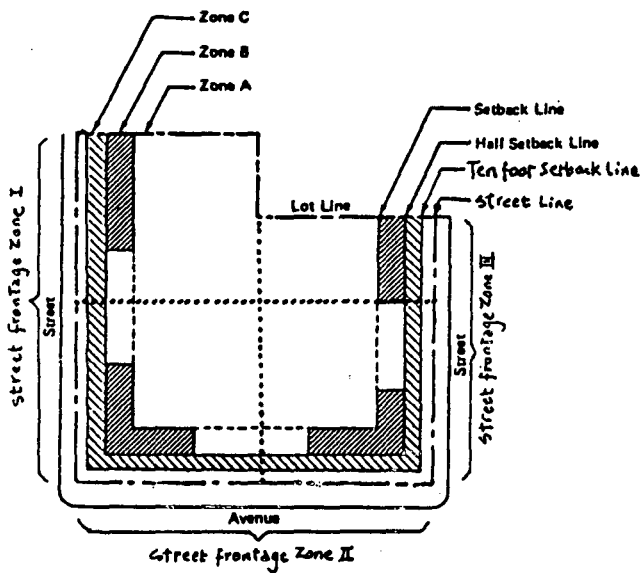
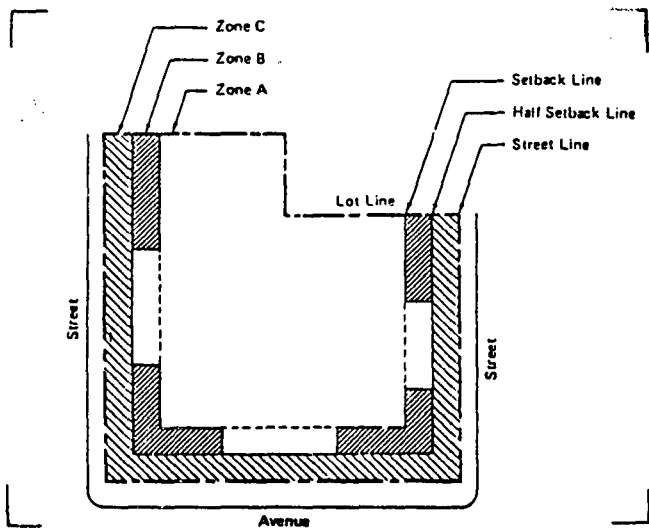


ILLUSTRATION OF ENCROACHMENT GRID

Free zone

That portion of a *zoning lot*, at any given height, which may be covered by a *building* without coverage constituting an *encroachment* that requires daylight compensation.

In addition to the area that lies behind a *setback line* or *lines*, the *free zone* shall include areas between the *setback line* and either the *half-setback line* or the *ten-foot setback line*, whichever is further from the *street line*, and which qualify as *free zone* areas under the *middle one-third rule*. The *free zone* is referred to as *Zone A* on the *encroachment grid*.

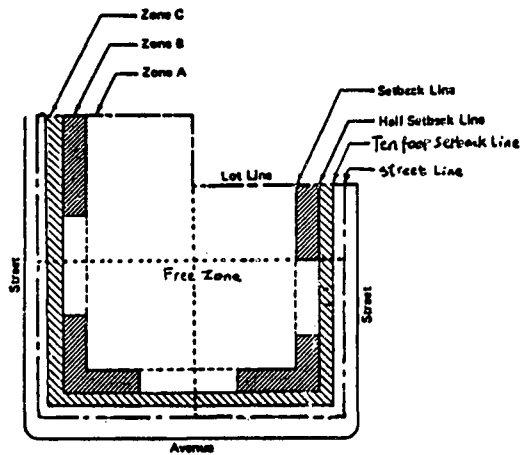
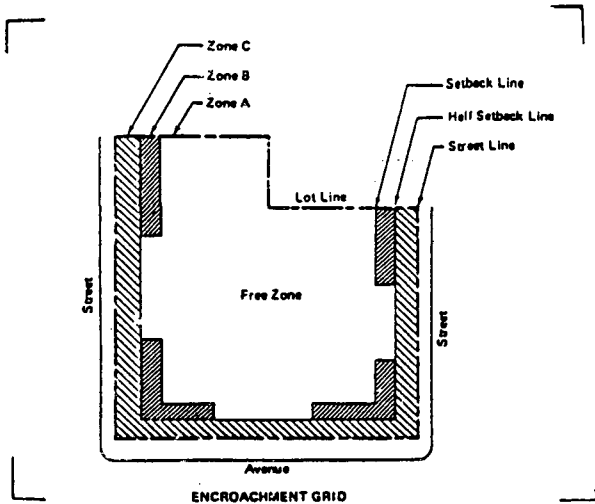


ILLUSTRATION OF FREE ZONE

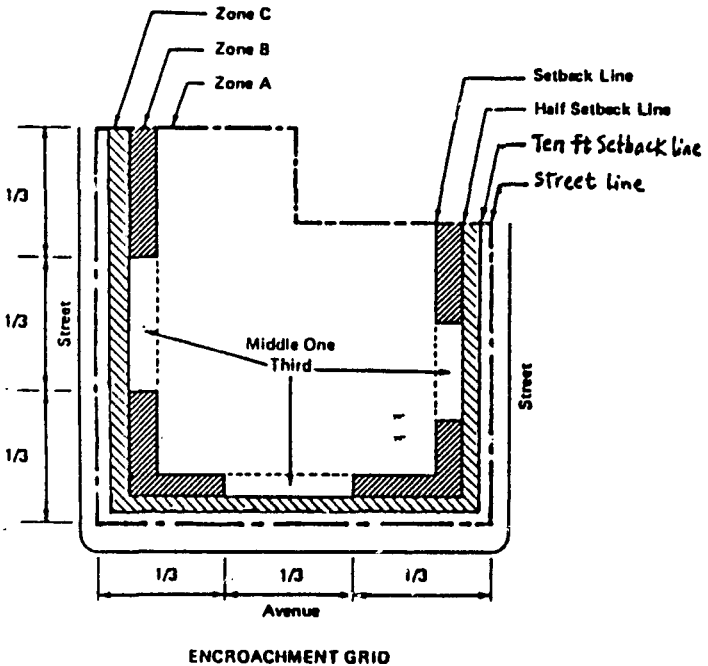
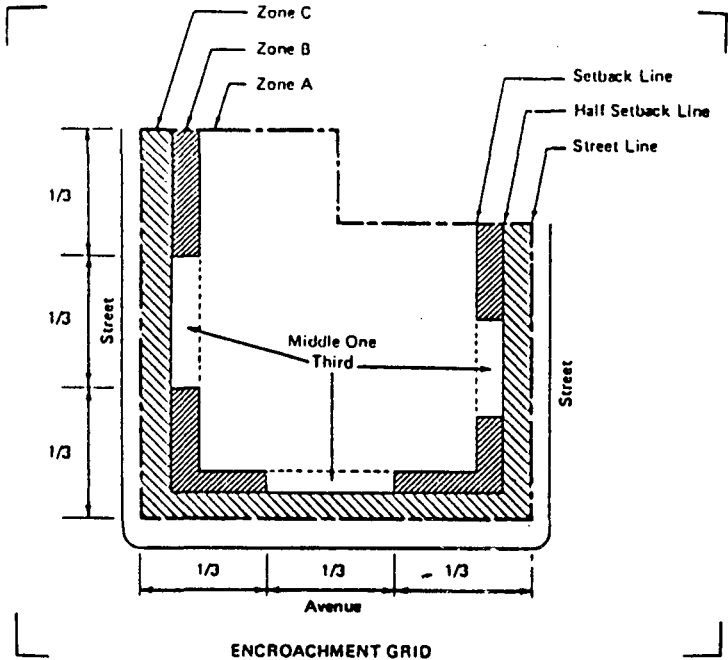
Half-setback line

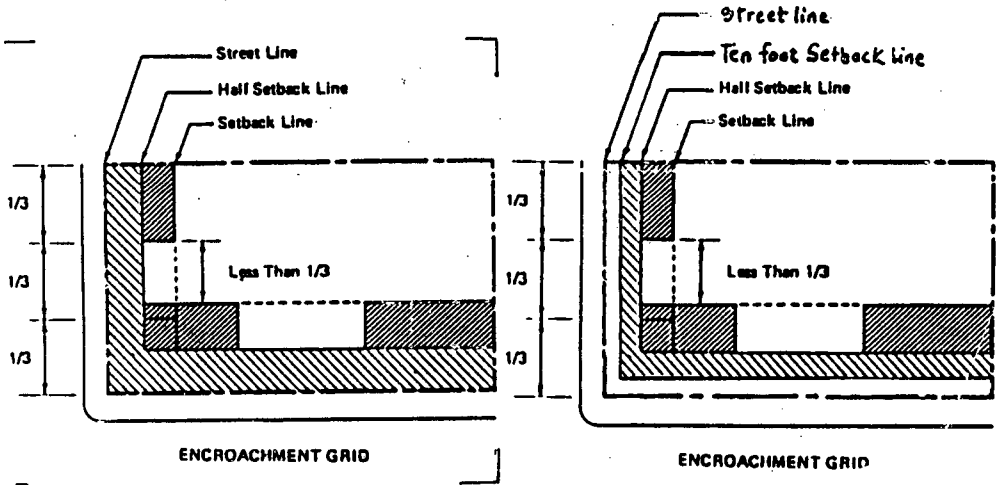
A line drawn parallel to a *street line* and halfway between the *street line* and the *setback line*. (See Illustration of *Setback* and *Half-Setback Lines*).

Middle one-third rule

The rule under which, for the middle one-third of the *front lot line* length, the *free zone* includes area between the *setback line* and either the *half-setback line* or the *ten-foot setback line*, whichever is further from the *street line*. However, on a

corner lot the free zone does not extend beyond the setback line along an intersecting street. (See Illustration of Middle One-Third Rule.)

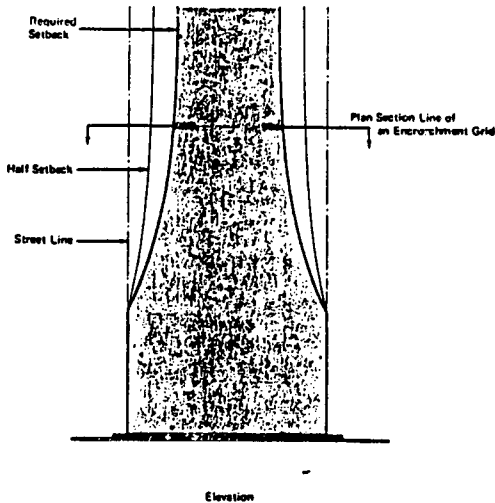


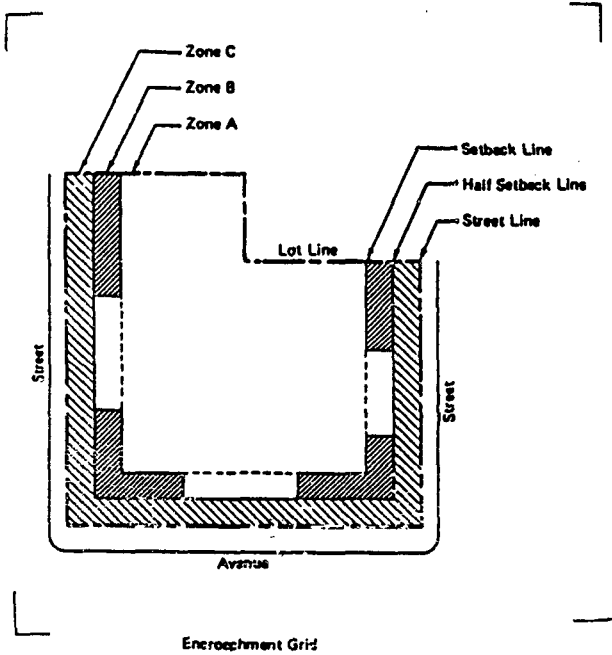


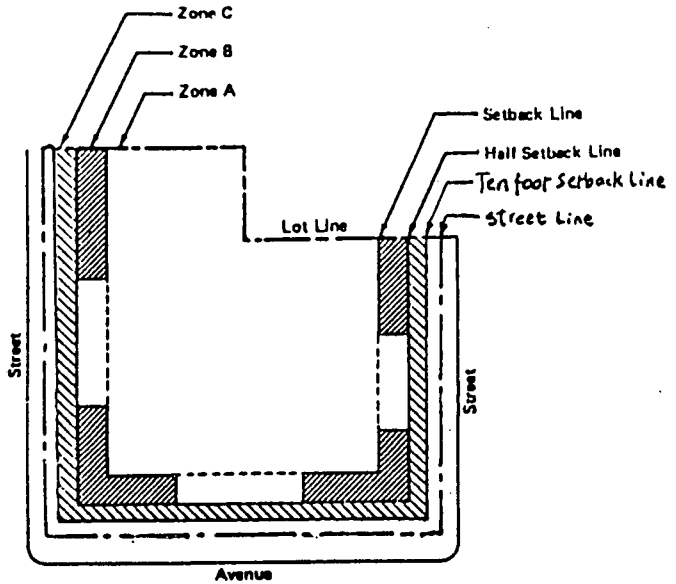
ILLUSTRATIONS OF MIDDLE ONE-THIRD RULE

Setback line

A line drawn in plan parallel to a *street line* and showing for a given *building* height the minimum depth to which a *building's* front wall is required to be set back from the *street line* by the applicable depth to height chart in Section 81-263 (Standard setback requirements). Required setbacks established by the chart increase with the *building's* height. (See Illustration of *Setback* and *Half-Setback Lines*.)







Encroachment Grid

ILLUSTRATIONS OF SETBACK AND HALF-SETBACK LINES

Street frontage zone

A portion of a *zoning lot* which lies within an area bounded by a continuous *front lot line* and either the center line of the *block* or a line 100 feet distant from and parallel to that *front lot line*, whichever is closer to that *front lot line*. There shall be a *street frontage zone* for each *zoning lot street frontage*. (See Illustration of *Street Frontage Zones*.)

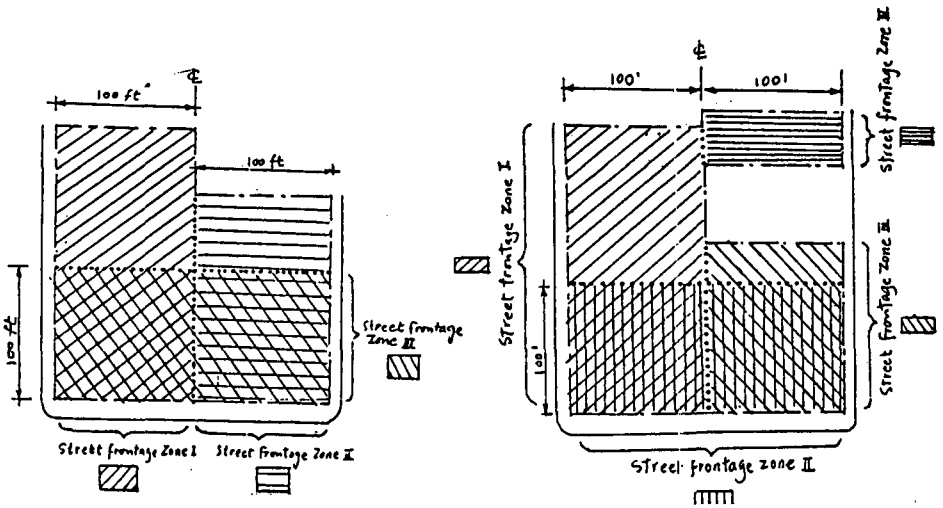
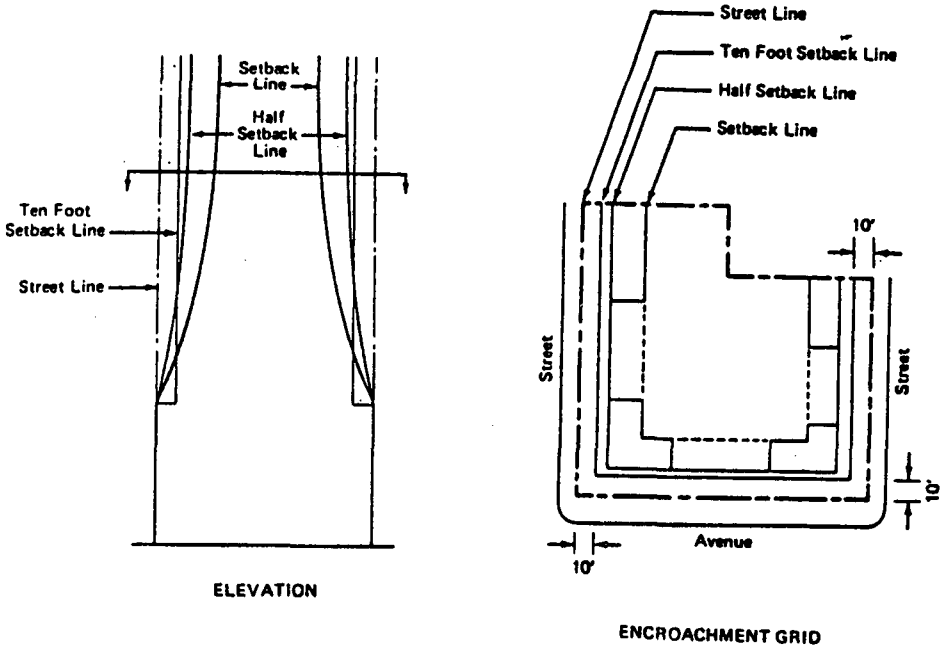


ILLUSTRATION OF STREET FRONTAGE ZONES

Ten-foot setback line

A line which is parallel to the *street line* at a distance of 10 feet therefrom and [which, except as provided in Section 81-265 (Encroachment limitations by length and height rules),] represents the minimum distance any portion of a *building's* front wall exceeding the maximum height at the *street line* is required to be set back from the *street line*. A greater setback distance may be required by a *set-back line* or a *half-setback line* depending upon the *building* height for which such *setback line* or *half-setback line* is established.



ILLUSTRATIONS OF TEN FOOT SETBACK LINE ON AN ENCROACHMENT GRID

Zone A, Zone B, Zone C

“Zone A”, “Zone B” and “Zone C” are zones on an *encroachment grid* defined as follows:

- (a) *Zone A* is the *free zone*.
- (b) *Zone B*, an *encroachment zone*, is the zone, exclusive of any area in *Zone A* and any area closer to the *street line* than the *ten foot set back line*, which lies between the *setback line* and either the *half-setback line* or the *ten foot setback line*, whichever is further from the *street line*.

- (c) *Zone C*, an *encroachment zone* and *penalty zone*, is the zone, **exclusive of any area closer to the *street line* than the *ten foot setback line***, which lies between the *half-setback line* and the *ten foot setback line* [*street line*].

81-263

Standard setback requirements

If a *building* complies with the regulations of this Section, it will be in compliance with the height and setback regulations.

(a) Ten-foot setback requirement

Above the maximum height permitted at the *street line* pursuant to the provisions of Section 81-262, every portion of a *building's* front wall shall be set back at least 10 feet from the *street line*. [Exceptions to this provision along a particular *street* frontage are permitted only if the *building* complies with the provisions of Section 81-265 (Encroachment limitations by length and height rules).]

(b) General setback provisions; depth to height charts

Above the maximum height permitted at the *street line*, *building* walls, in addition to meeting the requirements of paragraph (a), are required to be set back behind the applicable *setback line*, the depth of the *setback line* at any point depending upon the height of the wall at that point in accordance with the requirements of the applicable Chart A, B or C presenting required setbacks from *streets* 60 feet or less, 75 feet or 80 feet, or 100 or more feet in width, respectively.

CHART A

Setback Requirements
On *Streets* 60 Feet or Less in Width

Depth of *Setback Line*
from *Street Line* at Stated
Heights above *Curb Level*

Height	Depth of <i>Setback Line</i>	Height	Depth of <i>Setback Line</i>
90	0.00		
100	2.00	400	40.25
110	4.00	410	41.00
120	6.00	420	41.75
130	8.00	430	42.25
140	10.00	440	43.00
150	12.00	450	43.50
160	13.75	460	44.25
170	15.25	470	44.75
180	16.75	480	45.50
190	18.50	490	46.00
200	20.00	500	46.50
210	21.25	510	47.00
220	22.50	520	47.50
230	24.00	530	48.00
240	25.25	540	48.50
250	26.50	550	49.00
260	27.50	560	49.50
270	28.75	570	50.00
280	30.00	580	50.50
290	30.75	590	51.00
300	31.75	600	51.50

310	32.75	610	52.00
320	33.75	620	52.25
330	34.75	630	52.75
340	35.50	640	53.00
350	36.25	650	53.50
360	37.25	660	53.75
370	38.00	670	54.25
380	38.75	680	54.50
390	39.50	690	55.00
		700	55.25
		710	55.75
		Above 710	*

for every 10 feet of height above 710 feet the depth shall increase by 1 foot

CHART B

Setback Requirements On Streets 75 or 80 Feet Wide

Depth of *Setback Line*
from *Street Line* at Stated
Heights above *Curb Level*

Height	Depth of <i>Setback Line</i>	Height	Depth of <i>Setback Line</i>
		400	36.25
		410	37.00
120	0.00	420	37.75
130	1.50	430	38.25
140	3.50	440	39.00
150	5.50	450	39.75
160	7.50	460	40.50
170	9.25	470	41.00

180	11.00	480	41.75
190	12.75	490	42.50
200	14.25	500	43.00
210	15.75	510	43.50
220	17.25	520	44.00
230	18.75	530	44.75
240	20.00	540	45.25
250	21.25	550	45.75
260	22.50	560	46.25
270	23.75	570	46.75
280	24.75	580	47.25
290	26.00	590	47.75
300	27.00	600	48.25
310	28.00	610	48.75
320	29.00	620	49.00
330	30.00	630	49.50
340	31.00	640	50.00
350	32.00	650	50.50
360	32.75	660	50.75
370	33.75	670	51.25
380	34.50	680	51.75
390	35.50	690	52.00
		700	52.50
		710	53.00
		Above 710	*

* for every 10 feet of height above 710 feet the depth shall increase by 1 foot

CHART C

Setback Requirements
On *Streets* at least 100 Feet Wide

Depth of *Setback Line*
from *Street Line* at Stated
Heights above *Curb Level*

Height	Depth of <i>Setback Line</i>	Height	Depth of <i>Setback Line</i>
		400	32.00
		410	33.00
		420	33.75
		430	34.50
		440	35.25
150	0.00	450	36.00
160	1.50	460	36.75
170	3.00	470	37.25
180	5.00	480	38.00
190	6.75	490	38.75
200	8.50	500	39.25
210	10.25	510	40.00
220	11.75	520	40.50
230	13.25	530	41.25
240	14.75	540	41.75
250	16.00	550	42.25
260	17.25	560	42.75
270	18.75	570	43.50
280	20.00	580	44.00
290	21.00	590	44.50
300	22.25	600	45.00

310	23.50	610	45.50
320	24.50	620	46.00
330	25.50	630	46.50
340	26.50	640	47.00
350	27.50	650	47.50
360	28.50	660	47.75
370	29.50	670	48.25
380	30.25	680	48.75
390	31.25	690	49.25
		700	49.50
		710	50.00
		Above 710	*

* for every 10 feet of height above 710 feet the depth shall increase by 1 foot

(c) Use of charts

To comply with the setback requirements of this Section a *building* at any height shall be set back at least to the depth of the *setback line* indicated on the applicable chart.

For heights between those shown on the chart, the depth of the *setback line* shall be interpolated.

Required depths of *setbacks lines* shall be rounded off to the next highest half foot.

The setback requirements apply only to portions of *buildings* above the maximum height permitted at the *street line*, so that required setbacks on the narrower *street* frontage of a *corner lot* shall apply only to heights above the maximum front wall heights permitted by the *corner lot* provisions of paragraph (b) of Section 81-262 (Maximum height of front wall at the street line).

(d) Middle one-third rule

A *building* wall may penetrate beyond the *setback line* at any height if the penetration is confined to the middle third of the *front lot line* length and complies in all respects with the *middle one-third rule* as defined in Section 81-261 (Definitions).

81-264

Encroachments and compensating recesses

A *development* will be in compliance with the height and setback regulations of this Chapter if it does not at any height encroach beyond a *half setback line* or a *ten-foot setback line*, and, for each *street frontage zone* and for all *street frontage*

ones, taken together on a single encroachment grid, at no level has an aggregate area of encroachment beyond the setback line, other than in any free zones, greater than the aggregate area of compensating recess at such level. An area of compensating recess in one street frontage zone shall not be used to compensate for encroachment in another street frontage zone.

The requirement that aggregate area of *compensating recess* at least equal the aggregate area of *encroachment* as set forth in this Section shall also apply to any *development* which encroaches beyond a *half-setback line* [or a *ten-foot setback line*] and which is therefore subject to the provisions of Section 81-265 Encroachment limitations by length and height rules). (See Illustration of *Encroachments and Compensating Recesses*.)

a) Rules for measuring *encroachments* and *recesses*

Areas of *encroachment* and *compensating recess* shall be measured in plan on one or more *encroachment grids* showing for the *zoning lot* at a given height level the *street lines*, the *setback lines*, the *half-setback lines*, the *ten-foot*

setback lines, Zones A, B and C and [where applicable, the ten-foot setback line] the street frontage zones.

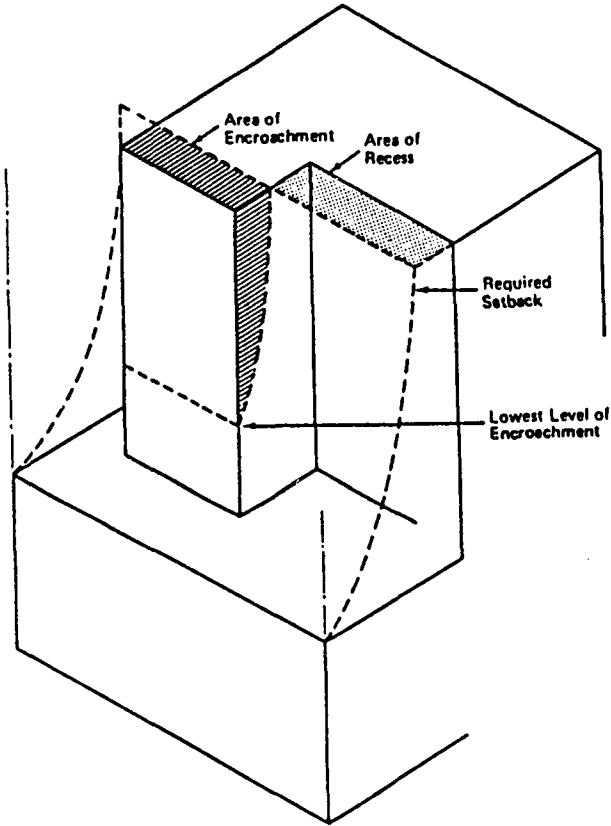


ILLUSTRATION OF ENCROACHMENTS AND COMPENSATING RECESSES

The scale of the *encroachment grid* shall be not more than 20 feet to the inch. All *buildings* or other *structures*, existing and proposed, shall be located accurately on the *grid* in plan at the height level selected to demonstrate compliance. For each *street frontage zone*, the areas of the *building's* *encroachment* in *Zones B* and *C* [or beyond the *ten foot setback line*] and the *compensating recess* areas not covered by any *building* in *Zone A* shall be measured on the *encroachment grid*.

(b) Limits of *encroachment*

Except as provided in paragraph (d) below for existing *buildings* below specified heights, *encroachment* is limited as follows:

1. For each *street frontage zone*, at every height above the maximum front wall height at the *street line*, the area within *Zone A* which is not covered by a *building* and qualifies as *compensating recess* area shall, in the aggregate, equal or exceed the aggregate area in *Zones B* and *C* [or beyond the *ten-foot setback line*] that is encroached upon by a *building* at such height.
2. No part of a *building* shall encroach into *Zone C* unless it complies with the provisions of Section 81-265 (*Encroachment limitations by length and height rules*).
3. On *corner lots*, the projection of a *building's* front wall beyond the *setback* or *half-setback* [or *ten-foot setback*] *line* on the narrower street shall not count as an *encroachment* except at heights above the maximum height permitted at the *street line* by the *corner lot* provisions in paragraph (b) of Section 81-262 (*Maximum height of front wall at the street line*).

Compensating recess areas are subject to the following limitations:

1. Any required *compensating recess* area shall extend without diminution of dimensions downward at least to the lowest level at which any *encroachment* into *Zone B* or *C* [or beyond the *ten-foot setback line*] occurs and upward to the sky. (See Illustration of Extension Downward of *Compensating Recess Area*.)

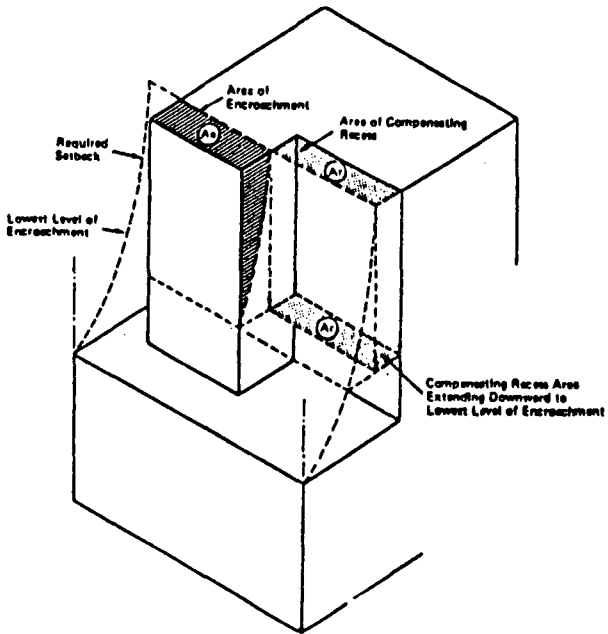
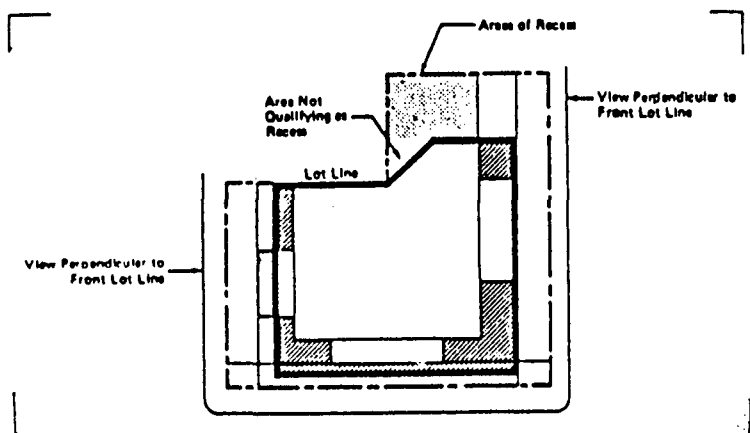


ILLUSTRATION OF EXTENSION DOWNWARD
OF COMPENSATING RECESS AREA

2. *Compensating recess* area shall be visible when viewed from at least one adjacent *street* along a line that intersects the *front lot line* of the zoning lot at right angles. (See Illustration of Visibility of Recess Area.)



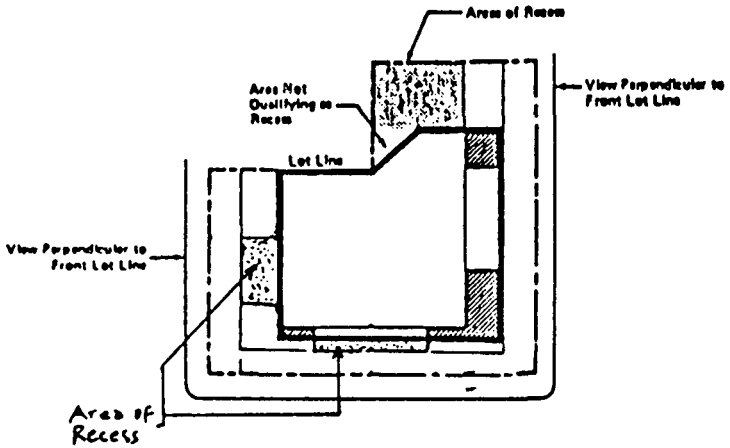
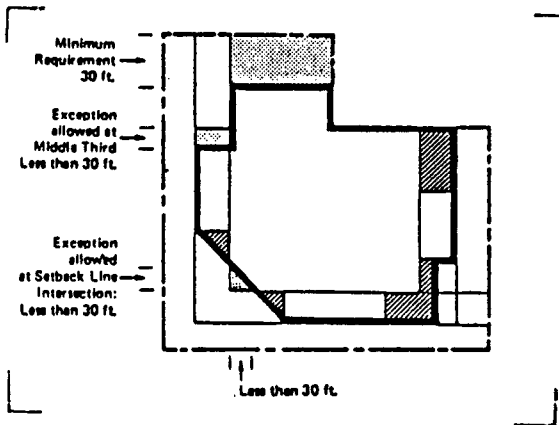


ILLUSTRATION OF VISIBILITY OF COMPENSATING RECESS AREA

3. The minimum length of a *compensating recess*, measured parallel to the *street line*, and behind the *setback line*, is 30 feet, except for any uncovered portion of an area that qualifies as *Zone A* under the *middle one-third rule* or an uncovered area located behind two intersecting *setback lines*. An uncovered area between the *setback* and *half-setback lines* that qualifies as

Zone A under the *middle one-third rule* is not subject to the minimum length requirement. (See Illustration of Minimum Length of Recess.)



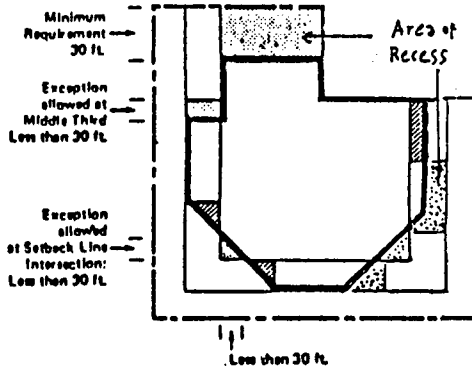


ILLUSTRATION OF MINIMUM LENGTH OF COMPENSATING RECESS

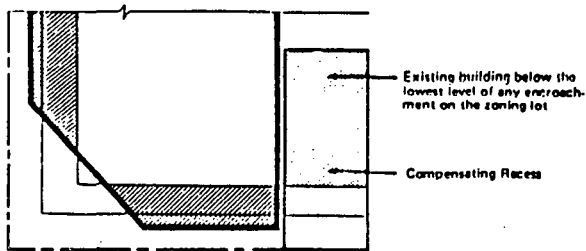
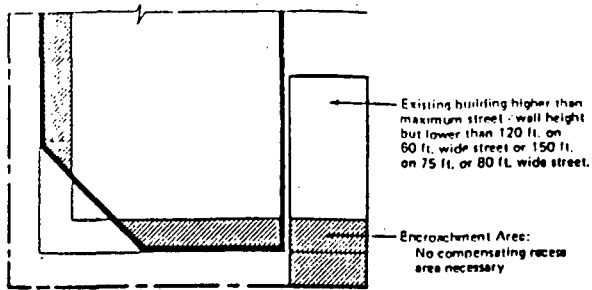
4. *Compensating recess* area shall be within 100 feet of a *front lot line*.

(d) Existing *buildings* on the *zoning lot*

Where a *zoning lot* contains an existing *building* which exceeds a height limit, an *enlargement* or *development* on such *zoning lot* shall comply with the following provisions:

1. For each *street frontage zone*, if the existing *building* is not more than 120 feet in height at any point and encroaches into *Zone B* or *Zone C* or beyond the *ten-foot setback line* along the frontage of a *street* 60 feet wide, or if the existing *building* is not more than 150 feet in height at any point and encroaches into *Zone B* or *Zone C* or beyond the *ten-foot setback line* along the frontage of a *street* 75 or [80 feet wide] **more feet in width**, the new *building* or *enlargement* is not required to compensate for such *encroachment* by the provision of *compensating recess* areas. *Encroachment* by such an existing *building* into *Zone C* or beyond the *ten-foot setback line* will not subject the new *building* or *enlargement* to the provisions of Section 81-265 (Encroachment limitations by length and height rules) unless the new *building* or *enlargement* also encroaches into *Zone C* [or beyond the *ten-foot setback line*].

2. For each *street frontage zone*, space above such existing *building* and within *Zone A* on the *encroachment grid* may count as *compensating recess* area for the new *building* or *enlargement* provided that such space is at or below the lowest level of any compensable *encroachment* by the new *building* or *enlargement*, that it is located within the same *street frontage zone* as that compensable *encroachment* and that it qualifies in all respects under the provisions of paragraph (c) of this Section (Limitations on *compensating recesses*).
3. For each *street frontage zone*, if an existing *building* more than 120 feet in height at any point encroaches into *Zone B* or *Zone C* or beyond the *ten-foot setback line* along the frontage of a *street* 60 feet wide, or if an existing *building* more than 150 feet in height at any point encroaches into *Zone B* or *Zone C* or beyond the *ten-foot setback line* along the frontage of a *street* 75 or more feet in width, the *encroachment* of such *building* into *Zone B* or *Zone C* or beyond the *ten-foot setback line* at any height shall be subject to the requirements for *compensating recess* areas set forth in paragraph (b)(1), as if it were a new *building*. Where such an existing *building* encroaches into *Zone C* or beyond the *ten-foot setback line* the provisions of paragraph [(g)] (f)(2) in Section 81-265 (Encroachment limitations by length and height rules) shall apply in addition to the provisions of this Section. (See Illustration of Existing *Buildings* on the *Zoning Lot*.)



ILLUSTRATIONS OF EXISTING BUILDINGS ON THE ZONING LOT

81-265

Encroachment limitations by length and height rules

Above the maximum height of a front wall at the *street line* as set forth in Section 81-262 (Maximum height of front wall at the street line), a *building* may only encroach beyond the *half-setback line* [or the *ten-foot setback line*] if it complies with the provisions of this Section and if the area of *compensating recess* equals or exceeds the area of *encroachment* in *Zones B* and *C* [or beyond the *ten-foot setback line*] in accordance with the provisions of Section 81-264 (Encroachments and compensating recesses).

(a) Special limitations

No *encroachment* beyond the *half-setback line* [or *ten-foot setback line* along a *narrow street*] shall be within 30 feet of a *side lot line*. (See Illustration of Prohibited and Allowed *Encroachment Beyond Half-Setback Line*.)

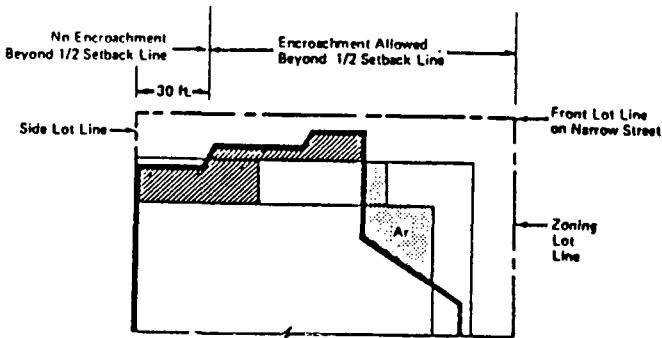


ILLUSTRATION OF PROHIBITED AND ALLOWED ENCROACHMENT BEYOND HALF-SETBACK LINE

(b) General provisions

The length, depth, height and area of *encroachments* along any *street* frontage all contribute to a *building's* impact on daylight access. In order to determine whether the depth of a *building's* *encroachment* into *Zone C* [or beyond the *ten-foot setback line*] is justified, the length of the *encroachment*, measured parallel to the *street line*, and its height above *curb level* must also be evaluated. The extent of *encroachment* also must be considered in relation to the extent of the area of *compensating recess* [along] in the *same street frontage zone*. The purpose of the length and height rule is to ensure, in the case of *encroachments* beyond the *half-setback line* [or the *ten-foot setback line*], that the closer a *building* comes to the *street line*, the less will be the length of its *encroachment*, its height or both. (See Illustration of Elements Analyzed.)

The elements comprising this analysis are represented by symbols and are as follows:

1. de depth of *encroachment*

$$\text{---} = \text{-----}$$

d depth of *setback line*

de (depth of *encroachment*) means depth of *encroachment* beyond the *setback line* [or the *ten-foot setback line*, whichever line is the greater distance from the *street line*]. Depth of *encroachment* is measured perpendicularly to the *setback line* [or *ten-foot setback line*].

d (depth of *setback line*) means depth of *setback line* from the *street line* or depth of *ten-foot setback line* from the *street line* whichever depth is greater.

2. le length of *encroachment*

$$\text{---} = \text{-----}$$

L length of *front lot line*

le (length of *encroachment*) means total length of *encroachment* outside the *half-setback line* [or the *ten-foot setback line*, whichever line is the greater distance from the *street line*]. Length of *encroachment* is measured as the total length of the *encroachments'* projections on the *street line*.

L (length of *front lot line*) means the length of the *front lot line* along the particular *street*. However, the length of the *front lot line* for the purposes of this Section shall not exceed 300 feet, irrespective of the actual *lot line* length.

3. le length of *encroachment*

$$\text{---} = \text{-----}$$

lr length of recess

le (length of *encroachment*) as defined in subparagraph 2 above.

lr (length of recess) means total length of *setback line* not encroached upon by a *building*.

4. H height of *encroachment*

$$\text{---} = \text{-----}$$

L length of *front lot line*

H (height of *encroachment*) means the height of the *encroachment* above *curb level*.

L (length of *front lot line*) as defined in subparagraph 2 above.

5. Ar area of *compensating recess*

$$\text{---} = \text{-----}$$

Ae area of *encroachment*

Ar (area of *compensating recess*) means area of *compensating recess* [along] in the particular *street frontage zone*. Area of *compensating recess* is calculated to a depth of 100 feet from the *street line*.

A_e (area of *encroachment*) means area of *encroachment* beyond the *setback line*. Area of *encroachment* is calculated to a depth of 100 feet from the *street line*.

Values for the above elements 1 through 5 shall be found for each *street frontage zone* on which there is any *encroachment* beyond the *half-setback line* [or *ten-foot setback line*].

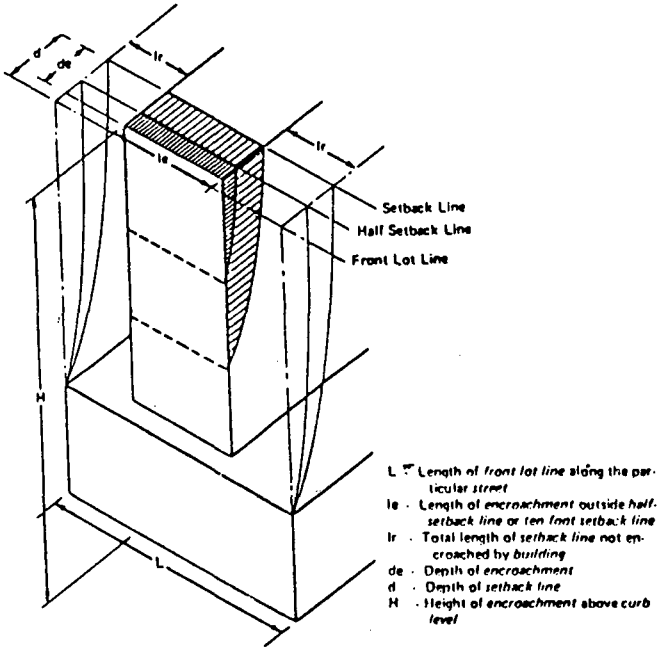


ILLUSTRATION OF ELEMENTS ANALYZED

The elements, weighted according to their effects on daylight access, are represented in the formulas and charts that control the depth, length and height of *encroachments*, as set forth in paragraph (c) (Encroachment limitations by Formulas 1 and 2) [and paragraph (d) (Encroachment limitations by Charts 1 and 2)]. Applicants may elect to have their *buildings* regulated by either the formulas or the charts, but not by a combination of the two].

Encroachments of proposed *buildings* or *enlargements* beyond the *half-setback line* [or *ten-foot setback line*] are permitted only if in compliance at every point with the formulas in paragraph (c) [or the charts in paragraph (d)] of this Section. Aside from this general requirement, specified points at which the length, depth, height and area rules shall be applied are presented in paragraph [(e)] (d) (Measurement of

encroachments) and paragraph [(f)] (e) (Heights and depths at which formulas [or charts] are applied).

(c) *Encroachment* limitations by Formulas 1 and 2

Where applicants elect to have their *buildings* regulated by the formulas, *buildings* shall comply with both Formula 1 and Formula 2 as set forth in this paragraph. Elements of the formulas and the symbols by which they are represented are as set forth in paragraph (b).

FORMULA 1:

$$\text{Maximum } \frac{H}{L} = 5.5 - 4 \frac{de}{d} - 2.5 \frac{le}{L}$$

FORMULA 2:

$$\left[\text{Maximum } \frac{le}{lr} = \frac{3.5 le}{L} \right]$$

$$\text{Minimum } lr = \frac{L}{3.5}$$

The maximum height of *encroachment* (H) allowed by Formula 1 may be modified for certain conditions, as follows:

1. For short frontages

For any frontage less than 200 feet in length, the maximum $\frac{H}{L}$ found by applying Formula 1 may be increased by the following multiplier:

$$2 - \frac{L}{200}$$

2. For large areas of *compensating recess*

To the extent that the aggregate area of *compensating recess* (Ar) exceeds the aggregate area of *encroachment* (Ae), the maximum $\frac{H}{L}$ found by applying

Formula 1 may be increased by the following multiplier:

$$1 + \frac{.067 Ar}{Ae}$$

For the purposes of this modification, the measurement of the area of *compensating recess* (A_r) and the area of *encroachment* (A_e) [along the] in each particular *street frontage zone* shall be made on the *encroachment grid* at the height level for which *encroachments* beyond the *half-setback line* [or *ten-foot setback line*] are checked. The *encroachment grid* shall include all *street frontage zones*. A_r shall include all areas of *compensating recess* [along] in the particular *street frontage zone*, whether or not connected, and A_e shall include all *encroachments* in both *Zone B* and *Zone C* [or beyond the *ten-foot setback line* along] in the same *street frontage zone*, whether or not such *encroachments* are connected.

[(d) *Encroachment* limitations by Charts 1 and 2

Where applicants elect to have their *buildings* regulated by the charts, *buildings* shall comply with both Charts 1 and 2 as set forth in this paragraph. The elements represented by the symbols on the charts are defined in paragraph (b)]

CHART 1
MAXIMUM $\frac{H}{L}$
RELATED TO $\frac{d_e}{d}$ AND $\frac{l_e}{L}$
 l_e/L

d_e/d	0-.10	.11-.20	.21-.30	.31-.40	.41-.50	.51-.60	.61-.70
.91-1.00	1.25	1.00	0	0	0	0	0
.81- .90	1.50	1.25	1.00	1.00	1.00	0	0
.71- .80	2.00	1.75	1.50	1.25	1.00	0	0
.61- .70	2.50	2.25	2.00	1.75	1.50	1.25	1.00
.51- .60	3.27	3.00	2.75	2.50	2.25	2.00	1.75

CHART 2 MAXIMUM $\frac{le}{r}$ RELATED TO $\frac{le}{L}$	
le/L	Max le/r
0-.10	.25
.11-.20	.50
.21-.30	1.00
.31-.40	1.25
.41-.50	1.50
.51-.60	2.00
.61 and above	2.50

[(e)](d) Measurement of *encroachments*

The points at which the formulas [or charts] are applied will depend upon the shape and dimensions of the *encroachments* beyond the *half-setback line* [or *ten-foot setback line*] and shall be in accordance with the provisions of this paragraph and paragraph [(f)](e).

Where the *encroachments* along a single *street* frontage are not connected outside the *half-setback line* [or *ten-foot setback line*], each *encroachment* shall be measured separately in accordance with the provisions of paragraph [(f)] (e). However, at any given height, where such non-contiguous *encroachments* occur, the *encroachments* shall be examined together, and the length of the *encroachment* (*le*) shall be the total of the *le*'s for the individual *encroachments*. (See illustration of Noncontiguous *Encroachments*.)

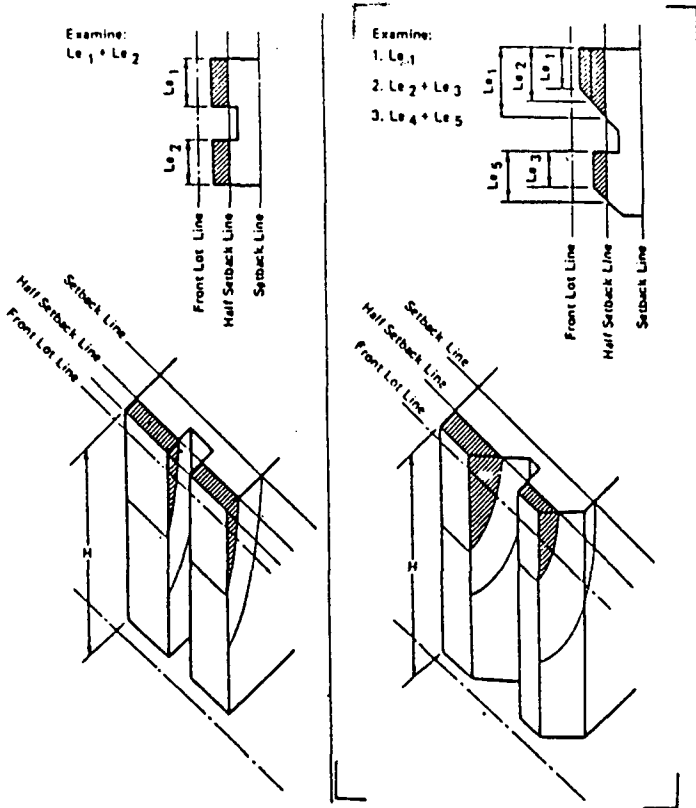


ILLUSTRATION OF
 NONCONTIGUOUS ENCROACHMENTS

[(f)](e) Heights and depths at which formulas [or charts] are applied.

Heights and depths at which the formulas [or charts] shall be applied are set forth in this paragraph. In addition to meeting the requirements of subparagraphs 1 and 2, the applicant shall demonstrate that there is no height at which the proposed *building* or *enlargement* fails to comply with the formulas in paragraph (c) [or the charts in paragraph (d) of this Section].

(1) Standard requirement where length of *encroachment* is uniform

Where the length of the *encroachment* (le) is uniform for the entire height of the *encroachment* (H) and the entire depth (de) at every height, the length, depth and height rules expressed in the formulas [or charts] shall be applied only at the height where de/d is greatest and the

outermost edge of the *encroachment*. (See Illustration of Uniform Length of *Encroachment*.)

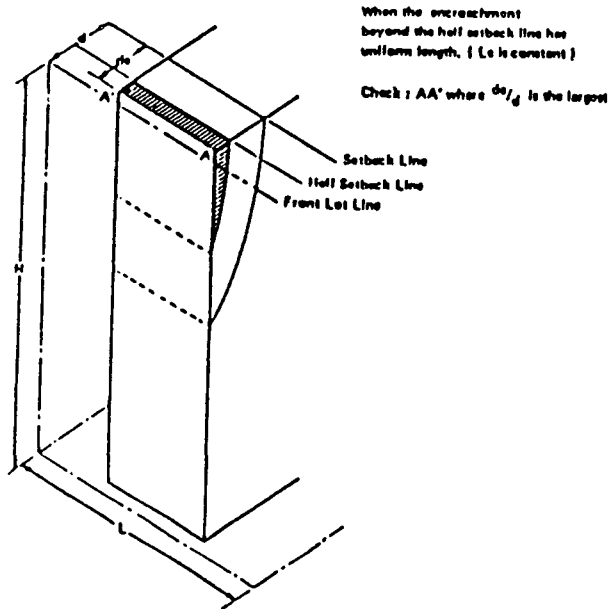
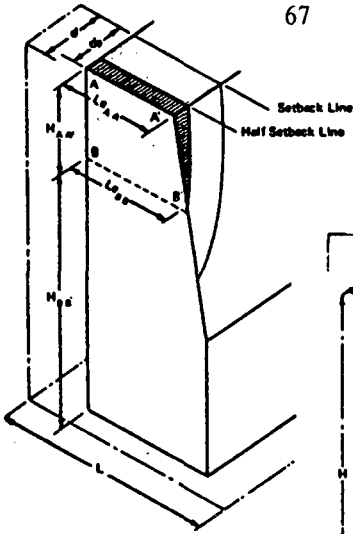


ILLUSTRATION OF UNIFORM LENGTH
OF ENCROACHMENT

(2) Standard requirement where length of *encroachment* is not uniform

Where the length of the *encroachment* (le) is not uniform, the rules shall be applied at the height level where de/d is greatest and also at the height level where the length of *encroachment* (le) is greatest. If the greatest length of *encroachment* is uniform for part of the *building's* height, the rules shall be applied at the highest level at which such greatest length of *encroachment* occurs. (See Illustration Where Length of *Encroachment* is Not Uniform.)

If for a particular height level, the length of the *encroachment* (le) varies with the depth of the *encroachment* (de), the largest le of this *encroachment* shall be used together with the largest de in applying the rules as if the *encroachment* were of uniform length as provided in subparagraph (1) of this Section.



When the encroachment beyond half setback line has variable lengths

Check: AA' where $d_{0.5} / L_0$ is largest
BB' where $L_{0.5} / L_0$ is largest

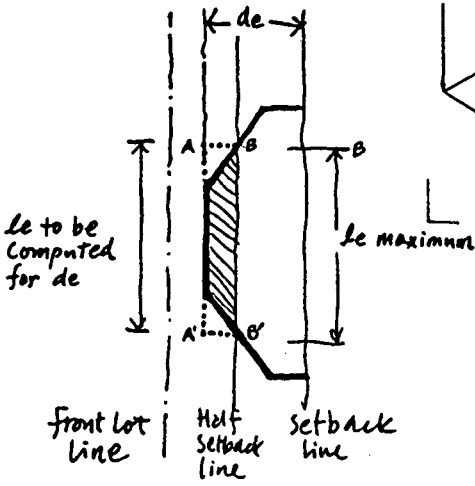
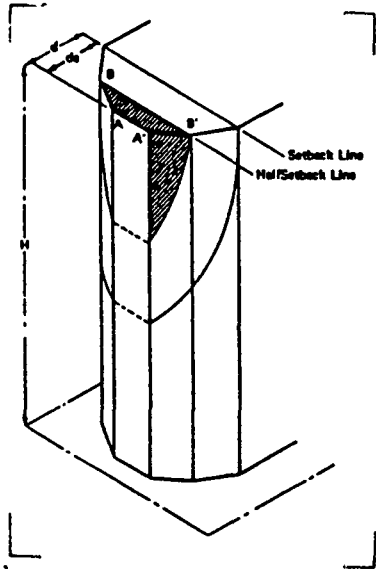


ILLUSTRATION WHERE LENGTH OF ENCROACHMENT IS NOT UNIFORM

[For each height level at which the formulas or charts are applied in accordance with the provisions of this subparagraph, the length and depth of *encroachment* (l_e and d_e) shall be measured at the depths indicated in the following table:]

<u>Depth at Which Encroachment is Measured</u>	
Where $\frac{d_e}{d}$ not exceed .70	<ol style="list-style-type: none"> 1. Outermost edge of <i>encroachment</i> 2. <i>Half-setback line</i> or <i>ten-foot setback line</i>, whichever line is the greater distance from the <i>street line</i>.
Where $\frac{d_e}{d}$ exceeds .70	<ol style="list-style-type: none"> 1. Outermost edge of <i>encroachment</i> 2. <i>Half-setback line</i> or <i>ten-foot setback line</i>, whichever line is the greater distance from the <i>street line</i>. 3. The point midway between 1 and 2.

(See Illustration of Depth at Which *Encroachment* is Measured.)

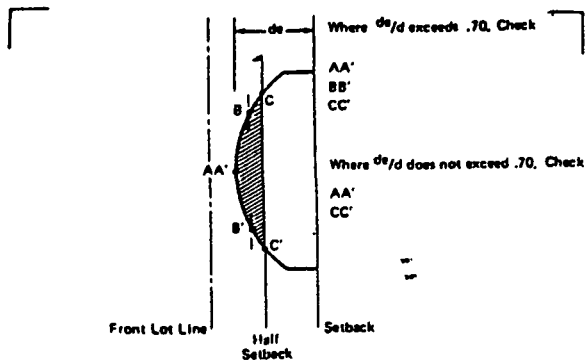


ILLUSTRATION OF DEPTH AT WHICH
ENCROACHMENT IS MEASURED

[(g)](f) Encroachments by existing buildings

Where a *zoning lot* contains an existing *building* which encroaches beyond a *half-setback line* or a *ten-foot setback line*, an *enlargement* or *development* on such *zoning lot* shall comply with the following provisions:

1. Existing *buildings* below specified heights
- (a) Except as provided in subparagraph (b), an existing *building* less than 120 feet in height shall not be considered in applying the length and height rules even though a portion of such *building* encroaches beyond the *half-setback line* or

ten-foot setback line along a 60 foot wide *street* and an existing *building* less than 150 feet in height shall not be considered in applying the length and height rules even though a portion of such *building* encroaches beyond the *half-setback line* or *ten-foot setback line* along a *street* 75 [foot wide *street* or an 80 foot wide *street*] or more feet in width.

- (b) However, the area occupied by the existing *building* shall be included in the calculation of A_r/A_e for the modification of Formula 1 allowed in the case of large areas of *compensating recess*, as set forth in paragraph (c), subparagraph 2 of this Section.

2. Existing buildings above specified heights

Where an existing *building* 120 feet or more in height encroaches beyond the *half-setback line* or *ten-foot setback line* along a 60 foot wide *street* or where an existing *building* 150 feet or more in height encroaches beyond the *half-setback line* or *ten-foot setback line* along a *street* 75 [foot wide *street* or an 80-foot wide *street*] or more feet in width, the following provisions, in addition to those of paragraph (d) 3. of Section 81-264 (Encroachments and Compensating Recesses), shall apply:

- (a) No new construction on the *zoning lot* shall encroach beyond the *half-setback line* [or *ten-foot setback line*] along [such] any *street*, and
- (b) The length and height rules of this Section shall not apply.

81-266

Special permit for height and setback modifications

In C5-3, C6-6 or C6-7 [C5-3.5, C6-6.5, or C6-7.5] Districts, where a special permit application is made pursuant to Section [74-712 (Developments or enlargements on landmark sites in certain districts)] 74-71 (Landmark preservation) for modification of *bulk* regulations on a *zoning lot* containing a landmark, or where a special permit application is made pursuant to Section 74-79 (Transfer of Development Rights from Landmark Sites) for transfer of development rights from a landmark site and the *floor area* represented by such transferred development rights exceeds 20 percent of the basic maximum *floor area* permitted on the *zoning lot* receiving the development rights, such application may include a request for modification of the height and setback regulations set forth in Sections 81-261 to 81-265, inclusive, relating to Height and Setback Regulations—Daylight Compensation. The City Planning Commission may authorize such height and setback modifications subject to the following conditions:

- (a) The applicant shall demonstrate to the satisfaction of the Commission that a feasible design for the proposed *development* or *enlargement* which accommodates the permitted *floor area* is not possible under the provisions of Sections 81-261 to 81-265, inclusive, and shall further

indicate for the proposed design where and to what extent [a] deficiencies of *compensating recess* are necessary or compliance with the length and height rules is not possible. Scale drawings shall be used in presenting the analyses required herein, and,

- (b) The Commission shall make the following findings in addition to any required under the applicable provisions of Section [74-712] 74-71 or Section 74-79:
1. That the requested departure from the height and setback regulations is the minimum amount necessary to achieve a feasible *building* design.
 2. That the disadvantages to the surrounding area resulting from reduced light and air access will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole.
 3. That where the landmark is located on the *zoning lot* proposed for *development* or *enlargement* or on a lot contiguous thereto or directly across a *street* therefrom, the modification of height and setback regulations will adequately protect the setting for the landmark.

81-27

Alternate Height and Setback Regulations—Daylight Evaluation

* * *

81-274

Rules for determining the daylight evaluation score

A *building* is scored by determining the number and the value of the daylight squares it blocks when viewed from the *vantage point*, compared to the total number of daylight squares available within the daylight boundaries as determined in paragraph (f) of Section 81-273 (Rules for plotting buildings on the daylight evaluation chart) and above an elevation angle of 70 degrees.

(a) Assign Daylight Values

The daylight squares on the *daylight evaluation chart* are each assigned a value.

- (1) Except along *vantage streets* designated for *street wall* continuity (see Section 81-43), each unblocked daylight square below the curved line representing an elevation of 70 degrees has a positive value of 0.3 and each unblocked subsquare below the same curved line has a positive value of 0.03.
- (2) Each blocked daylight square above the curved line representing an elevation of 70 degrees has a negative value of 1.0.

- (3) Where a *building* blocks any portion of a subsquare the *building* is charged with blocking the entire subsquare in computing the daylight evaluation score. Each blocked subsquare has a negative value of 1.0/10 or 0.1.
- (4) The daylight squares and subsquares which are on the far side of the *profile curve* are assigned additional weighted values set forth on the chart below. (See Illustration of Profile Encroachment Incurring Profile Penalty.)

Degrees of Elevation	DISTANCE FROM FAR LOT LINE							Eight 25 feet
	First 25 feet	Second 25 feet	Third 25 feet	Fourth 25 feet	Fifth 25 feet	Sixth 25 feet	Seventh 25 feet	
88°-90°	8.6	8.0	7.6	7.0	6.6	6.0	5.6	5.0
86°-88°	7.5	7.0	6.6	6.0	5.6	5.0	4.6	4.0
84°-86°	6.6	6.0	5.6	5.0	4.6	4.0	3.5	
82°-84°	6.6	5.0	4.6	4.0	3.6	3.0	2.5	
80°-82°	4.5	4.0	3.6	3.0	2.6	2.0	1.5	
78°-80°	3.5	3.0	2.6	2.0	1.6	1.0		
76°-78°	2.5	2.0	1.6	1.0	.5			
74°-76°	1.6	1.0	.6	.5				
72°-74°	.6	.5	.5					

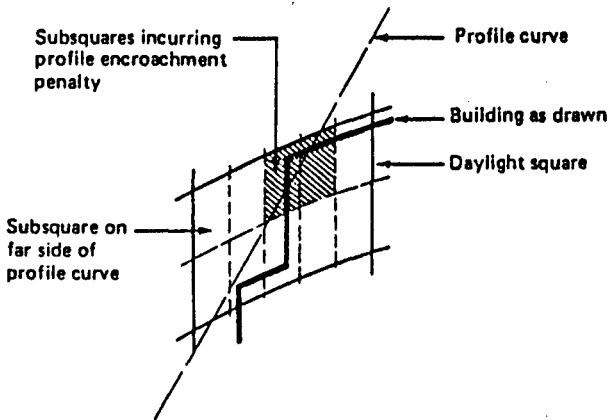


ILLUSTRATION OF PROFILE ENCROACHMENT
INCURRING PROFILE PENALTY

(5) If the *building* encroaches beyond the *profile curve*, the entire subsquare in which the encroachment is located is given an additional weighted value. The total penalty is the additional weighted value of the daylight square multiplied by the negative value of the subsquare. The penalty is applied even if the subsquare does not lie entirely beyond the *curve*.

(b) Calculate Daylight Blockage

Count the number of blocked daylight squares and subsquares which are above the curved line representing an elevation of 70 degrees. A negative sign is to be given to this number. Total value of daylight blockage in the example is -20.5 .

(c) Calculate Unblocked Daylight Credit

Count the number of unblocked daylight squares which are below the curved line representing an elevation of 70 degrees and within the area defined by the intersection of the *far lot line* with the *vantage street line* and the intersection of the *near lot line* with the *vantage street line*. The total is given a positive value and multiplied by 0.3, the value of these daylight squares. This provision is not applicable where the *vantage street* is a designated *street* on which *street wall* continuity is required by the provisions of Section 81-43 (Street Wall Continuity along Designated Streets). In the example, the number and value of squares unblocked below 70 degrees = $+0.0$.

(d) Calculate Profile Daylight Blockage

Count the number of blocked daylight squares which are entirely on the far side of the *profile curve* when viewed from the *vantage point* and the number of blocked or partially blocked subsquares which are on the far side of the *profile curve*. All of these daylight squares and subsquares are given a negative sign, multiplied by their respective weighted values in the table in paragraph (a) (4) above and the products added. Subsquares are counted as one tenth of a daylight square. In the example, the total value of profile daylight blockage = -0.45 .

(e) Calculate Available Daylight

Count the number of daylight squares available to the site. This is the total number of daylight squares and subsquares, calculated to the nearest tenth, which are above the curved line representing an elevation of 70 degrees and within the boundaries of the potential sky area available to the site, said boundaries being delineated in accordance with the provisions of paragraph (f) of Section 81-2273 (Rules for plotting buildings on the daylight evaluation chart). Available daylight in the example is 89.9.

(f) Calculate Daylight Remaining

Calculate the remaining or unblocked daylight by adding the results of paragraphs (b) through (e). Daylight remaining in the example is $(-20.5) + (0.0) + (-0.45) + (89.9) = 68.95$.

(g) Calculate Daylight Score

Compute the remaining daylight score from (f), as a percentage of the available day from (e). The percentage is the daylight score for the proposed *building* from that *vantage point*. In the example, the daylight score is $68.95/89.9 = 76.70\%$ for *vantage point* one.

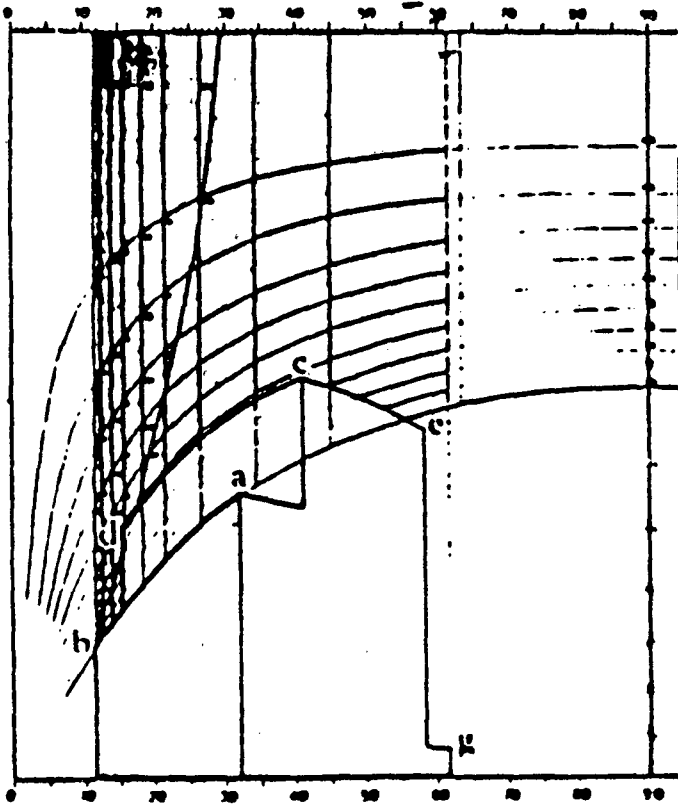
(h) Calculate Overall Daylight Score

- (1) The street score is the arithmetic mean of all the scores from all *vantage points* along a *vantage street*. When a *zoning lot* fronts on only one *street*, the street score is also the overall score. **Where a *zoning lot* has more than one *street* frontage along any one *vantage street*, the street score is the average of all those individual *street* frontage scores computed pursuant to Subsection (b) of Section 81-275 (Special conditions), weighted by the lengths of all those *street* frontages.**
- (2) Where a *zoning lot* fronts on more than one *street*, the overall score is the average of the street scores, weighted by the length of their respective *vantage street* frontages.

(i) The Passing Score

To be in compliance with these regulations, a *development* or *enlargement* must have an overall score of not less than 75 percent, with no single *street* frontage having a street score of less than 66 percent. If a *development* or *enlargement* fronts only on one *street*, a daylight evaluation score of not less than 75 percent is required for that *street* frontage. If a street score is less than 66 percent, or if the overall daylight score is less than the passing score of 75 percent, a modest improvement in either the street score or the overall score may be obtained by scoring the relative reflectivity of the *building's* surface as specified in Section 81-276 (Modification of score for reflectivity). The passing daylight score of 75 percent is equivalent to the average daylight levels of Midtown *buildings* built as-of-right under the 1916 and 1961 Zoning Resolutions. The minimum requirement to the daylight level of any *interior lot building* built in Midtown under the 1916 Zoning Resolution in a two-times height district. However, if any one frontage is less than 75 percent, other frontages must be greater than 75 percent to reach the passing overall daylight score. This allows flexibility in *building* design while maintaining daylight standards within the levels established by *buildings* built as-of-right under the 1916 and 1961 Zoning Resolutions. (See Illustration of Daylight Evaluation Score Results.)

DAYLIGHT EVALUATION CHART



SCORING SUMMARY
 (Vantage point one)

Section No.	Description	Score
01-2741(f)	Squares above 70° blocked	-20.5
01-2741(e)	Squares below 70° open	+0.0
01-2741(d)	Profile overachievement penalty	
	1 x 1.5 = 15	
	3 x 1 = 45	<u>-45</u>
	Total blockage	-20.50
01-2741(c)	Available daylight squares	<u>99.9</u>
01-2741(f)	Remaining daylight	68.95
01-2741(g)	DAYLIGHT SCORE	
	$\frac{68.95}{99.9} = .7070$	<u>70.70%</u>
	68.95	

ILLUSTRATION OF DAYLIGHT EVALUATION
 SCORE RESULTS

81-276

Modification of score for reflectivity

Where *buildings* have utilized the *daylight evaluation chart* but a street score along one frontage is less than 66 percent or the overall score is less than 75 percent, a modest improvement in either the street score or the overall score of a *building* which reflects more light than a medium gray or glass *building* may be obtained by scoring the relative reflectivity of the *building's* surface. The use of reflectivity is optional and not necessary if a passing score can be obtained under Subsection 81-274 (Rules for determining the daylight evaluation score). Reflectivity scoring permits greater design flexibility for a light colored *building* than a dark one. Because the greatest reflectivity comes from the upper portions of *buildings*, the value of reflected light is credited against the amount of daylight blocked by the portions of the *building* above an elevation angle of 70 degrees from the *center line of the street*.

Reflectivity has two components: the reflectance of the surface material and the orientation of the material to the sun.

(a) Reflectance

Reflectance values of materials will be determined by the Department of Buildings after the submission of samples of proposed surface materials by the applicant.

(1) Mixed reflectance

A *building* of several surface materials will have a reflectance value determined by multiplying each material's reflectance value by its percentage of the total wall surface and adding the products. For example, a *building* that is 60 percent limestone and 40 percent clear glass would have a reflectance of $.60 \times .45$ (the reflectance of limestone) plus $.40 \times .15$ (the reflectance of clear glass) or an overall reflectance of .33.

(2) Relative reflectance

In order to be included in the reflectivity score of a *building*, the material must reflect more light than a medium gray or glass *building*. The reflectance value of a medium gray or glass *building* in Midtown is .15 so that the *building* with an overall reflectance of .33 given in the example above would be increasing the expected reflectance by .33 minus .15 which equals .18.

Examples of potential reflectance values for different types of surface finishes are shown on the chart.

REFLECTANCE VALUES—EXAMPLES OF
BUILDING MATERIALS

White plaster or paint or glaze	.80 to .90
Aluminum paint	.55

Green paint	.50
Red paint	.26
Light gray paint	.25
Flat black paint	.06
Polished aluminum, stainless steel	.85
Polished light marble	.40 to .50
Light granite, limestone	.45
Copper, brass, lead	.60 to .80
Smooth concrete	.45 +
Rough concrete	.40 -
Asbestos cement	.31
Light buff brick	.48
Dark buff brick	.40
Light red brick	.45
Dark red glazed brick	.30
Dark red brick	.12
Slate	.11
Wood	.22 +
Glass: double glazing with reflective coating*	
Solarcool* bronze or gray	.35 to .36
Solarban* clear	.36 to .44
Solarban* bronze	.18
Solarban* gray	.14
Glass: tinted double glazing	
Gray	.08
Bronze	.09
Solex* (green or blue)	.12
Glass:	
clear double glazing	.15
Glass:	
clear single glazing	.08

* Reflectance varies according to which layer the reflective coating is placed on, but can be precisely determined for each position.

Sources: Anderson, Bruce *Solar Energy: Fundamentals in Building Design*, (McGraw Hill, New York, 1977)

Callender, John Hancock *Time Saver Standards: A Handbook of Architectural Design*, (McGraw Hill, New York, 4th Edition, 1964).

PPG Industries, Inc., *Architectural Glass Products (G 702)*.

PPG, Pittsburgh, PA., 1977.

(b) Facade orientation

Orientation of the facade of the *building* is the second component required for measurement of reflectivity. Because reflectivity varies according to the orientation of the facade, the orientation value for a particular surface from the chart below is multiplied by the reflectance of the surface to ascertain the amount of daylight reflectivity.

The orientation values are shown on the following reflectivity chart.

Orientation angles shall be rounded to the nearest 22.5°.

ORIENTATION BASED ON TRUE NORTH		ORIENTATION VALUE
(N)	0°	.09
	22.5°	.15
	45.0°	.22
	67.5°	.40
(E)	90.0°	.57
	112.5°	.72
	135.0°	.87
	157.5°	.93
(S)	180.0°	1.00
	157.5°	.93
	135.0°	.87
	112.5°	.72
(W)	90.0°	.57
	67.5°	.40
	45.0°	.22
	22.5°	.15

(c) Reflectivity Score

In order to obtain the reflectivity score for each view of the *building*, first count the daylight squares and subsquares which are blocked by the *building* on the *daylight evaluation chart* above an elevation angle of 70°. This number shall be calculated separately for every orientation of each facade and multiplied by the relative reflectance of that portion of the *building* and the orientation value.

$$\text{Reflectance} = (\% \text{ material A} \times \text{reflectance material A}) + (\% \text{ material B} \times \text{reflectance material B})$$

Relative reflectance = reflectance minus .15

Reflectivity score = RR x facade orientation value x daylight squares blocked above 70°.

The reflectivity scores for the several orientations are then added together to give the reflectivity score for that view of the *building* as a whole from the *vantage point* represented on the *daylight evaluation chart*.

The reflectivity score is added to the daylight remaining after accounting for daylight blockage as calculated in paragraph (f) of Section 81-274 (Rules for determining the daylight evaluation score).

The sum is then calculated as a percentage of the available daylight squares calculated in paragraph (e) of Section 81-274 to give the adjusted daylight score for the *building* from the *vantage point* represented on the *daylight evaluation chart*.

The adjusted street score along a particular *vantage street* is obtained by calculating the mean average of the adjusted daylight scores from all *vantage point* along the *vantage street*.

The adjusted overall score for the *building* is obtained by calculating the average of the adjusted street scores weighted by the lengths of their respective *vantage street* frontages.

(d) Limits on adjusted scores

1. Adjusted street score

The adjusted street score shall not be more than six percentage points higher than the street score not adjusted for reflectivity.

If reflectivity scoring is used to bring the adjusted overall score for the *building* above 75 percent (the passing overall score), the street score for each *street* frontage without adjustment for reflectivity shall be not less than 66 percent.

2. Adjusted overall score

The adjusted overall score shall not be more than six percentage points higher than the overall score not adjusted for reflectivity.

If the reflectivity scores for any single *street* frontage are used to bring the adjusted street score for that frontage above 66 percent (the passing score for a single *street* frontage), the *building's* overall score without adjustment for reflectivity shall be not less than 75 percent.

81-277

Special permit for height and setback modifications.

In C5-3, C6-6 or C6-7 [C5-3.5, C6-6.5, or C6-7.5] Districts, where a special permit application is made pursuant to Section [74-712 (Developments or enlargements on landmark sites in certain districts)] 74-71 (Landmark preservation) for

modification of *bulk* regulations on a *zoning lot* containing a landmark, or where a special permit application is made pursuant to Section 74-79 (Transfer of Development Rights from Landmark Sites) for transfer of development rights from a landmark site and the *floor area* represented by such transferred development rights exceeds 20 percent of the basic maximum *floor area* permitted on the *zoning lot* receiving the development rights, such application may include a request for modification of the height and setback regulations set forth in Sections 81-261 to 81-265, inclusive, relating to Height and Setback Regulations—Daylight Compensation. The City Planning Commission may authorize such height and setback modifications subject to the following conditions:

- (a) The applicant shall demonstrate to the satisfaction of the Commission that a feasible design for the proposed *development* or *enlargement* which accommodates the permitted *floor area* is not possible under the provisions of Sections 81-271 to 81-276 inclusive, and shall further present for the proposed design a complete daylight evaluation with an explanation of street score or overall daylight score deficiencies.
- (b) The Commission shall make the following findings in addition to any required under the applicable provisions of Section [74-712] 74-71 or Section 74-79:
 1. That requested departure from the alternate height and setback regulations is the minimum amount necessary to achieve a feasible building design.
 2. That the disadvantages to the surrounding area resulting from reduced light and air access will be more than offset by the advantages of the landmark's preservation to the local community and the City as a whole.
 3. That where the landmark is located on the *zoning lot* proposed for *development* or *enlargement* or on a lot contiguous thereto or directly across a *street* therefrom, the modification of the alternate height and setback regulations will adequately protect the setting for the landmark.

81-42

Retail Continuity along Designated Streets

On designated retail *streets* (see Map [3] 2), for any *developments* or *enlargements* fronting on such *streets*, *uses* located on the ground floor level or within 5 feet of *curb level* shall be limited to retail, personal service or amusement *uses* permitted by the underlying zoning district regulations but not including *uses* in Use Groups 6-B, 6-E, 7-C, 7-D, 8-C, 8-D, 9-B, 10-B, 11 and 12-D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Museums and libraries shall be permitted. A *building's street* frontage shall be allocated exclusively to such *uses* except for lobby space or entrance space, entrance areas to subway station improvements for which bonus *floor area* is granted and *street wall* continuity restrictions waived pursuant to the provisions of Section 81-53, or one

or more of the following pedestrian circulation spaces subject to the *street wall* continuity requirements of Section 81-43: relocated subway stairs conforming to the requirements and standards of Section 81-47 [, corner circulation spaces, corner arcades or building entrance recess areas conforming to the requirements and design standards of Section 81-45, or] and through block connections conforming to the provisions of Section 81-46[, paragraph (b)].

In no event shall the amount of *street* frontage occupied by lobby space [or], entrance space and/or a *building* entrance recess exceed in total 40 feet or 25 percent of the *building's* total *street* frontage exclusive of any frontage occupied by a relocated subway stair, [a corner circulation space, a corner arcade,] a through block connection, or the entrance area to a bonused subway station improvement. Store fronts for the permitted ground floor *uses* shall be not more than 10 feet from the *street line* or, where an arcade is provided with supporting columns at *street line*, not more than 10 feet from the supporting columns.

Access to each retail, personal service or amusement establishment required under this Section shall be provided directly from the designated retail *street*. Where more than one entrance is provided to the establishment, direct access from the designated retail *street* shall be provided via the entrance with the greatest aggregate clear opening width. At least 50 percent of the *street wall* surface of each required establishment shall be glazed with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with *signs*. For the purpose of this glazing requirement, the establishment's *street wall* surface shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less.

Developments or *enlargements* on designated retail *streets* located within the boundaries of the Theatre Subdistrict or the Fifth Avenue Subdistrict shall be subject to the respective subdistrict retail requirements (Section 81-72 and Section 81-82).

All *street* frontages of *developments* or *enlargements* on *zoning lots* located within [that portion of the Theatre Subdistrict bounded by 43rd Street, a line 100 feet east of Eighth Avenue, 50th Street and a line 200 feet west of Avenue of the Americas] the Theatre Subdistrict Core as defined in Section 81-71 (General Provisions) shall meet the ground level and entertainment-related *use* requirements of Section 81-72 (Use Regulations Modified).

81-43

Street Wall Continuity Along Designated Streets

On designated *streets* where *street wall* continuity is required (See Map [3] 2) and, between 43rd and 50th Streets, on the *narrow street* frontages of *zoning lots* with *street* frontage on Seventh Avenue and/or Broadway, the surface of the *street wall*

of a new *development* or *enlargement*, for the minimum length and height set forth in this Section, shall be within 10 feet of the *street line* or within 10 feet of a permitted arcade's supporting columns at the *street line*, except that on 57th Street, 42nd Street, 34th Street and Fifth Avenue, no *street wall* setback below a height of 85 feet is permitted. The length of the *street wall* subject to setback restrictions shall be at least 80 percent of the length of the *front lot line* along the specified *street*, measured at the specific heights or anywhere above the specific heights indicated on the following table. At those specific heights, the *street wall* must extend continuously without any recesses for all of its required length.

The minimum height of a *street wall* subject to the setback restriction shall be as follows:

Length of Zoning Lot Frontage	Minimum Height of a <i>Street Wall</i> Subject to the Setback Restrictions
For <i>zoning lots</i> with frontages of 50 feet or less on the designated <i>street</i> .	Four <i>stories</i> or 50 feet above <i>curb level</i> , whichever is less.
For <i>zoning lots</i> with frontages of more than 50 feet on the designated <i>street</i> .	Six <i>stories</i> or 85 feet above <i>curb level</i> , whichever is less.

Developments which are in their entirety no more than two *stories* in height shall be exempt from the minimum *street wall* height requirements.

Pedestrian circulation spaces may be provided to meet the requirements of Section 81-45, 81-46 or 81-47 subject to the setback restrictions of this Section and to the minimum length of the *street wall* subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station improvement for which bonus *floor area* is granted, in accordance with the provisions of Section 81-53 (Subway Station Improvements).

Below the minimum height of a *street wall* subject to the setback restriction, [no recesses of greater than 10 feet in depth are permitted. Recesses of between 2 feet and 10 feet in depth shall be limited in their aggregate area to no more than 30 percent of the area of the *street wall* below the minimum required street wall height. The aggregate area of recesses of up to 2 feet in depth shall not exceed 50 percent of the area of the *street wall*] no recesses shall be permitted within 5 feet of the perimeter of the *street wall* area subject to setback restrictions. Recesses are permitted elsewhere within the required *street wall* area, provided that no point of any recess is further than 15 feet from the *street line* and the aggregate surface area of recesses does not exceed 20 per cent of the area of the *street wall* subject to setback restrictions. The restrictions on recesses shall not apply to arcades, corner arcades, subway stairs relocated within the *building*, through block connections within the *building* or *building* entrance recess areas within the *building*, where

such spaces are provided in accordance with the requirements and design standards of Section 81-45, 81-46 or 81-47 and provided that such spaces shall be subject to a maximum height limit of 30 feet. Any recesses in the *residential* portion of a *building* shall comply with the *outer court* regulations of Section 23-84 (Outer Court Regulations).

No arcades, sidewalk widenings or *urban plazas* shall be permitted on Fifth Avenue, 42nd Street, 34th Street or 57th Street frontages. Between 43rd and 50th Streets, no arcades or *urban plazas* shall be permitted on Seventh Avenue or Broadway and, with the exception of marquees and *signs*, any area between the Seventh Avenue or Broadway *street line* and any required *street wall* below the height of the first required setback, including permitted recesses, shall be open from *curb level* to the sky in its entirety. Any such area shall be at the same elevation as the adjoining sidewalk, directly accessible to the public at all times and free of all obstructions at ground level, including *street trees*. On the remaining *streets* designated for *street wall* continuity, arcades, if provided, shall be not less than 10 feet in depth and not more than 30 feet high. Arcades shall not be counted towards the recess allowances.

For *zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway the minimum and maximum required *street wall* heights without setback on all *street* frontages shall be in accordance with Section 81-75 (Special Street Wall and Setback Requirements).

On Fifth Avenue, the minimum required *street wall* height without setback shall be 85 feet and the maximum allowable *street wall* height without setback shall be 125 feet. Above the maximum *street wall* height, a setback of at least 10 feet shall be required. (See Section 81-83.)

Existing *buildings* on a *zoning lot* shall be included in measurements of the *street wall*. No existing *building* shall be altered such that a *non-compliance* with the provisions of this Section is created, nor shall an existing degree of *non-compliance* with these provisions be increased.

81-45

Provision of Pedestrian Circulation Space

Within the boundaries of the *Special Midtown District*, except as provided in Section 81-453 (Exemptions from the pedestrian circulation space requirements), all new *developments* or *enlargements* on *zoning lots* of 5,000 square feet or larger and providing more than 70,000 square feet of new *floor area*, shall provide a minimum amount of pedestrian circulation space at the rate provided in Table 1.

TABLE 1
Minimum Pedestrian Circulation Space Requirements

Lot Size in Square Feet	Minimum Area of Pedestrian Circulation Space
5,000-20,000	1 square foot per 350 square feet of new floor area
Above 20,000	1 square foot per 300 square feet of new floor area

The pedestrian circulation space provided shall be of one or more of the following types: sidewalk widening, arcade, corner arcade, corner circulation space, *building* entrance recess area, through *block* connection or subway stair relocation.

Each *zoning lot* shall be categorized as either a *corner lot*, *through-lot* or *interior lot*, and pedestrian circulation space shall be provided on each *zoning lot* in at least one of the applicable types or combinations of types outlined in Table 2.

Such pedestrian circulation spaces shall meet the requirements set forth in Section 81-451 (Design standards for pedestrian circulation spaces), Section 81-46 (Through Block Connection) or Section 81-47 (Off-Street Relocation of a Subway Stair). Sidewalk widenings, arcades and corner arcades shall not be subject to the standards set forth in Section 12-10 (DEFINITIONS).

In addition, certain amenities for which bonuses are granted may count toward the minimum area of pedestrian circulation space in accordance with the provisions of Section 81-452 (Bonused amenities qualifying as pedestrian circulation spaces).

Any area of permitted overlap between pedestrian circulation spaces or amenities shall be counted only once toward the minimum area of pedestrian circulation space. Unobstructed access shall be provided between overlapping spaces.

TABLE 2
Lot Type Where Circulation Space May be Provided

Type of Circulation Space (Section 81-45)	Corner Lot	Through Lot	Interior Lot
Sidewalk Widening	X	X	X
Corner Circulation Space	X		
Arcade	X	X	X
Corner Arcade	X		
<i>Building</i> Entrance Recess Area	X	X	X
Through <i>Block</i> Connection	X	X	
Subway Stair Relocation	X	X	X

No arcades or sidewalk widenings shall be permitted on Fifth Avenue, 42nd Street, 34th Street, or 57th Street frontages or on any *street* frontage within the Preservation Subdistrict. Between 43rd and 50th Streets, no arcades shall be

permitted parallel to and along Seventh Avenue or Broadway and where pedestrian circulation space is provided along such *street* frontages, *signs* and *marquees* shall be permitted as exceptions to the requirements related to obstructions or permitted obstructions of Sub-section 81-451 (Design standards for pedestrian circulation spaces). Special dimensional requirements for arcades and sidewalk widenings along designated *streets* are set forth in Section 81-43 (Street Wall Continuity along Designated Streets).

New developments or enlargements on a zoning lot having a full block frontage on a wide street other than 5th Avenue, 42nd Street, 34th Street, or 57th Street shall provide a minimum of 50 percent of their required pedestrian circulation space on the wide street. In the case of a zoning lot having two full block frontages on wide streets this minimum amount may be allocated on either one or both wide streets.

81-451

Design standards for pedestrian circulation spaces

(a) Sidewalk Widening

A sidewalk widening is a continuous paved open area along the *front lot line* of a *zoning lot* at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. A sidewalk widening shall be provided on the *wide street* frontage of a *zoning lot* of a new *development* or *enlargement* where the *zoning lot* directly adjoins an existing sidewalk widening on the same *wide street* or an existing *building* on the *zoning lot* provides a sidewalk widening. A sidewalk widening shall meet the following requirements:

- (1) Dimensions: a sidewalk widening shall have a width no less than 5 feet nor greater than 10 feet measured perpendicular to the *street line*, and shall be contiguous along its entire length to a sidewalk. Except for the permitted interruptions, as set forth in subparagraph (2), a sidewalk widening is permitted on a *narrow street* only if it has a length of at least 100 feet. It shall extend along the full length of the *front lot line* except for the portion of the *front lot line* interrupted by an existing *building* which is located at a *side lot line*, or in the case of a full block frontage, located at the intersection of two *streets*. In all cases the minimum length of the sidewalk widening on a *narrow street* must be 100 feet. A required sidewalk widening on a *wide street* shall connect directly to the adjoining sidewalk widening and shall extend the entire length of the new *front lot line* and shall be equal in width to the existing adjacent sidewalk widening. A sidewalk widening is permitted on a wide street when not adjacent to an existing sidewalk widening only if the sidewalk widening extends along the full length of the *street line* between intersecting *streets*. [A sidewalk widening is permitted on a *wide street* only if it extends along the full length

of the *street line* between intersecting streets, except where an existing sidewalk widening with which the new sidewalk widening connects is already provided on an adjacent *zoning lot* and the width of the new sidewalk widening matches that of the existing sidewalk widening and the new and existing sidewalk widenings together extend along the full length of the *street line* between intersecting *streets*.]

(2) Permitted interruptions:

Only under the following conditions shall any interruptions of the continuity of a qualifying sidewalk widening be permitted:

- (a) A sidewalk widening may be interrupted by an arcade which has a width equal to or greater than the width of the sidewalk widening and which is directly connected to the sidewalk widening.
- (b) A sidewalk widening may be overlapped by a corner circulation space or a *building* entrance recess area which permits uninterrupted pedestrian flow.
- (c) A sidewalk widening may be overlapped by an *urban plaza* (see Section 81-23) provided that the overlapping portion of such *urban plaza* conforms to the design standards of a sidewalk widening.
- (d) An off-*street* subway entrance may interrupt a sidewalk widening provided such an entrance is located at a *side lot line* or is located at the intersection of two *street* lines.
- (e) A sidewalk widening may be overlapped by the queuing space of a relocated subway entrance provided that the queuing space for the entrance leave at least a 5 foot uninterrupted width of sidewalk widening along the entire length of the queuing space.
- (f) A sidewalk widening may be interrupted by a driveway which is located at a *side lot line*; however, where the *zoning lot* has a through *block* connection, or a through *block urban plaza*, or a through *block galleria* at such a *side lot line*, the location of its driveway is not restricted. The area occupied by the driveway, up to the width of the sidewalk widening, may be counted towards meeting the pedestrian circulation space requirement, provided that there shall be no change of grade within the area of the sidewalk widening.

(3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for those obstructions permitted under Subparagraph (5) of this Subsection and for temporary elements of weather protection, such as awnings or canopies, provided that the total area (measured on the plan) of such elements does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least 8 feet

above the *curb level* [, and that any post or other support for such element or any attachment to the support has a maximum horizontal dimension of 6 inches].

(4) Specific prohibitions

No street trees are permitted on a sidewalk widening. No vehicle storage, parking or trash storage is permitted on a sidewalk widening. Gratings may not occupy more than 50 percent of the sidewalk widening area nor be wider than one half the width of the sidewalk widening.

(5) Special design treatment

When one end of the sidewalk widening abuts an existing *building* on the *zoning lot* or an existing *building* on the *side lot line* of the adjacent *zoning lot*, design treatment of the termination of the sidewalk widening is required to smooth pedestrian flow. The portion of the sidewalk widening subject to design treatment, hereinafter called the transition area, shall not extend more than 10 feet [along the sidewalk widening from its termination. The transition area shall be landscaped and the paved portion shall have a curved or diagonal edge effecting a gradual reduction of its width over the length of the transition area to no width at the point of the sidewalk widening's termination. The unpaved portion of such landscaped treatment shall not exceed 50 percent of the transition area and shall be considered a permitted obstruction.] **nor less than 5 feet along the sidewalk widening from its termination. The transition area shall receive special design treatment which may include, but is not limited to, landscaping, sculpture, or *building* transparency. The transition area shall be designed to effect a gradual change of the sidewalk widening width to match the *street wall* line of the existing *building* at the sidewalk widening's termination. This may be accomplished by a curved or diagonal edge of paving along a landscaped bed, the use of stepped edges of the *building*, or other architectural treatment of the *building* or paving which avoids an abrupt visual termination of the sidewalk widening. Such special design treatment may be considered a permitted obstruction.**

(b) Corner Circulation Space

A corner circulation space is a small open space on the *zoning lot* of a *development* or *enlargement*, adjoining the intersection of two *streets*, at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times. A corner circulation space shall meet the following requirements:

- (1) Dimensions: A corner circulation space shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting *street lines*, and shall extend along both *street lines* for at

least 15 feet but not more than 40 feet from the intersection of the two *street lines*.

- (2) **Obstructions:** A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies; provided that the total area of such elements does not exceed 20 percent of the corner circulation space area; that such elements and any attachments thereto are at least 8 feet above *curb level*; and that any post or other support for such element or any attachment to the support (such as banners, flags or signs) has a maximum horizontal dimension of 6 inches]. A corner circulation space shall be clear of all other obstructions, including, without limitation, door swings, *building* columns, street trees, planters, vehicle storage, parking or trash storage. No gratings except for drainage are permitted.
- (3) **Building entrances:** Entrances to ground level *uses* are permitted from a corner circulation space. An entrance to a *building* lobby is permitted from a corner circulation space, provided that the entrance is at no point within 20 feet of the intersection of the two *street lines* which bound the corner circulation space.
- (4) **Permitted overlap:** A corner circulation space may overlap with a sidewalk widening.

(c) **Arcade**

An arcade is a continuous covered space which adjoins and extends along a *front lot line*, is at the same elevation as the adjoining sidewalk, is open for its entire length to the sidewalk except for columns and is accessible to the public at all times. An arcade shall be provided on the *wide street* frontage of a *zoning lot* of a new *development* or *enlargement* where the *zoning lot* lies directly adjacent to an existing arcade on a *wide street*, except where an existing *building* without an arcade extends along a portion of the *wide street front lot line* of the *zoning lot* containing the new *development* or *enlargement*. An arcade shall meet the following requirements:

- (1) **Dimensions:** An arcade with columns shall have a minimum clear width of 10 feet exclusive of all columns and a maximum width of 15 feet inclusive of columns. No column width shall be greater than 5 feet. Columns shall be spaced along the *street* with a minimum clear width between columns of 15 feet. An arcade shall have a clear height of not less than 12 feet.
On an *interior lot* or a through *lot* fronting on a *narrow street*, an arcade without columns is permitted only if: (a) it has a continuous unobstructed minimum length of 100 feet, or with the exception of the width of driveways for the required loading berths located at the *side lot line* of the *zoning lot*, the full length of the new *building* frontage, whichever is greater, and (b) the

entire *front lot line* shall be unobstructed for the same depth of the arcade, except for that portion of the *front lot line* occupied by an existing *building*. On an *interior lot* or on a *through lot* fronting on a *narrow street*, an arcade with columns is permitted only if it connects directly to an existing arcade on an adjacent lot matching it in width and alignment and has a continuous, unobstructed minimum length beyond the existing adjacent arcade of 100 feet, or with the exception of the width of driveways for the required loading berths located at the *side lot line* of the *zoning lot*, the full length of the new *building* frontage, whichever is greater.

On a *narrow street* frontage of a *corner lot*, an arcade is permitted only if it extends for the full length of the *street* frontage, with the exception of a driveway for a required loading berth located at the *side lot line* of the *zoning lot*, or provides unobstructed pedestrian flow along such entire frontage in combination with one or more of the following other spaces with which it connects at one or both ends: an intersecting *street*, or an intersecting sidewalk widening, a corner arcade, a *plaza*, an *urban plaza*, a through *block* connection, a through *block* galleria or a relocated subway entrance.

On a *wide street*, an arcade is permitted only if:

- a. the arcade extends along the full length of the *street line* between intersecting *streets*, or
 - b. in the case of a *building* that occupies less than the entire *street* frontage between intersecting *streets*, on a **full block front zoning lot**, unobstructed pedestrian flow along [such] the entire frontage is provided on the *zoning lot* by the arcade in combination with one or more of the following open spaces with which the arcade connects at one or both ends: an intersecting sidewalk widening, a corner circulation space, a *plaza* or an *urban plaza*, or
 - c. in the case of a *building* whose *zoning lot* occupies less than the entire *street* frontage between intersecting *streets*, the arcade connects with an existing arcade of matching width and alignment as required in this Subsection (c), a *plaza* or an *urban plaza* on an adjacent *zoning lot*, so that unobstructed pedestrian flow along the entire *block* front is provided by the arcade in combination with such existing spaces.
- (2) Full block front arcade: When a *zoning lot* occupies a full *block* front, both ends of the arcade on that *street* frontage shall be open and accessible directly from the sidewalk of the intersecting *street* or any other qualifying pedestrian circulation space.
 - (3) Permitted obstructions: Except for *building* columns, an arcade shall be completely free from obstruction of any kind.

- (4) Specific prohibitions: No vehicular driveways, except as permitted under Section 81-451(c)(1), parking spaces, passenger drops-offs, loading berths or trash storage facilities are permitted within an arcade, or shall such facilities be permitted immediately adjacent to an arcade.
- (5) In the Theatre Subdistrict, where a new *building* or enlarged portion of an existing *building* provides an arcade, no obstructions, including columns, are permitted within such arcade, and the height and width of such arcade shall be limited to a maximum of 20 feet and 10 feet respectively.
- (6) All existing and new arcades shall maintain a minimum level of illumination of not less than five horizontal foot candles between [the hours of 5:00 P.M. and 7:00 A.M.] **sunset and sunrise**.

(d) Corner Arcade

A corner arcade is a small covered space adjoining the intersection of two *streets* at the same elevation as the adjoining sidewalk or sidewalk widening, and directly accessible to the public at all times. A corner arcade shall meet the following requirements:

- (1) Dimensions: A corner arcade shall have the same minimum dimensions as a corner circulation space and in addition shall have a height of not less than 12 feet and shall provide a clear path at least 12 feet wide from one *street line* to another *street line*.
- (2) Permitted obstructions: Except for *building* columns a corner arcade shall be free of obstructions of any kind.
- (3) Specific prohibitions: Same as for an arcade.
- (4) Permitted overlap: A corner arcade may overlap with an arcade; however, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

(e) Building Entrance Recess Area

A *building* entrance recess area is a space which adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the *building's* lobby entrance **or to a ground floor use entrance**. A *building* entrance recess area shall meet the following requirements:

- (1) Dimensions: A *building* entrance recess area shall have a minimum length of 15 feet and a maximum length of [40] 50 feet measured parallel to the *street line* **at a building's lobby entrance and a maximum length of 30 feet parallel to the street line at a ground floor use entrance**. It shall have a maximum depth of 15 feet measured from the *street line*, and [if it adjoins a sidewalk widening] shall have a minimum depth of 10 feet measured from the *street line*.
- (2) Obstructions: [A] **Any portion of a building** entrance recess area [shall either be completely open to the sky or completely under an overhanging

portion of the *building*, with] **under an overhanging portion of the *building* shall have** a minimum clear height of 15 feet. It shall be free of obstructions except for *building* columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the *street line*. Between a *building* column and a wall of the *building*, there shall be a clear path at least 5 feet in width.

- (3) Permitted overlap: A *building* entrance recess area may overlap with a sidewalk widening, an arcade, a corner arcade, or a corner circulation space and may be connected to an adjacent *building* entrance recess area.
- (f) Through *Block* Connection
The design standards for a through *block* connection are set forth in Section 81-46 (*Through Block Connection*).
- (g) Off-Street Relocation of a Subway Stair
The design standards for a relocated subway stair are set forth in Section 81-47 (*Off-Street Relocation of a Subway Stair*).

* * *

81-454

Modification of design standards of pedestrian circulation spaces within existing buildings.

The City Planning Commission may authorize a modification of the **minimum amount of pedestrian circulation space to be provided on *wide street* frontages as required in Section 81-45 (*Provision of Pedestrian Circulation Space*) and [certain]** design standards, as indicated, for the required pedestrian circulation spaces listed below, to be provided within or under an existing *building* to remain on a *zoning lot*.

- (a) Arcade: Minimum width, minimum height, **minimum clear width between columns, minimum length, column sizes.**
- (b) Corner circulation space or corner arcade: Minimum depth, minimum width of clear path, minimum height.
- (c) Entrance recess area: Minimum length, minimum depth from *street line*, minimum height, clear space between *building* columns and **clear space between *building* wall and *building* columns.**
- (d) Through *block* connection: Minimum width of unobstructed path, minimum height, *curb level* relationship.

The Commission may authorize a modification of the above design standards [only] when the following conditions are met:

- (a) a modification is needed because of the inherent [structural] constraints of the existing *building*;

- (b) the modification is limited to the minimum needed because of the inherent [structural] constraints of the existing *building*; and
- (c) the pedestrian circulation space being modified shall be equal in area, and substantially equivalent in quality [and], effectiveness [to the required space] and suitability for public use.

81-46

Through Block Connection

[(a) Mandatory Provision in Mapped Areas

In mapped through *block* corridors (see Map 4), a through *block* connection is required for all *developments* or *enlargements* on *zoning lots* with an area of greater than 5,000 square feet and having frontage on two east-west *streets* within the mapped corridors, subject to the conditions set forth in Section 81-461 (Locational standards). In the case of a *development* or *enlargement* with an existing *building* on the same *zoning lot*, the location of the existing *building* shall not affect the applicability of the requirements of this Section. All qualifying through *block* connections shall meet the standards set forth below in Section 81-461 (Locational standards) and Section 81-462 (Design standards for a through block connection).

(b) As Pedestrian Circulation Space]

A through *block* connection between two parallel or nearly parallel east-west *streets* may be provided for a *development* or *enlargement* on any *through lot* or *through lot* portion of a *corner lot* and may count toward the pedestrian circulation space requirements of Section 81-45 (Provision of Pedestrian Circulation Space) provided that it shall be located at least [100] 200 feet from a north-south *street* and shall meet the [design] standards set forth below in Section 81-461 (Locational standards) and in Section 81-462 (Design standards for a through block connection).

81-461

Locational Standards

[For the purposes of this Section the following terms shall be interpreted as follows:

Mapped corridor - the corridor area is the area shown on Map 4 between two *wide streets* running north and south and not less than 100 feet distance from both such *streets*.

Block center line - the center line running north and south and dividing the block into equal portions east and west. The *block* center line does not apply in the case of trapezoidal shaped *blocks*.

Block center band - an area along the center line of a designated *block* which has the following dimensions:

<i>Block Length</i>	<i>Block Center Band Width</i>
greater than 600 feet	extends 150 feet on both sides of the <i>block</i> center line
600 feet or less	extends 100 feet on both sides of the <i>block</i> center line

In the case of trapezoidal-shaped *blocks*, the *block center band* is located as shown on Map 4.]

- (a) A through *block* connection shall count as pedestrian circulation space meeting the requirements of Section 81-45 (Provision of Pedestrian Circulation Space) only if it is located not less than 200 feet from a north-south *wide street*.
- (b) [On *zoning lots* located within through *block* corridors] A qualifying through *block* connection[s] shall meet the following additional locational requirements [outlined below]:
- [(a)](1) Where the *zoning lot* or a portion thereof is directly across a *street* from and opposite to an existing through *block* connection on an adjacent *block* to the north or south and the existing connection is at least 200 feet from a north-south *wide street*, the alignment of the new through *block* connection shall overlap with that of the existing connection. Such existing connection may also be a through *block* galleria, through *block urban plaza* or any through *block* circulation area with a minimum width of 12 feet, which is located within a *building*.
- [(b)] Where such an alignment as set forth in paragraph (a) is not possible due to the *zoning lot's* location or configuration, the new through *block* connection shall be located within the *block center band* if the *zoning lot* has a through *block* portion with a *street* frontage of at least 25 feet on both *streets* within the *block center band*.
- (c) Where there is no existing through *block* connection on either of the adjacent *blocks*, the through *block* connection shall be entirely located within the *block center band* if the *zoning lot* has a through *block* portion with a *street* frontage of at least 25 feet on both *streets* within the *block center band*.
- (d) Where there is an existing through *block* connection, a new through *block* connection on the same *block* shall be required only if the new connection aligns with an existing through *block* connection on an adjacent *block*.]
- [(e)](2) Where there are already two through *block* connections located on the same *block*, a new through *block* connection shall not count as pedestrian circulation space meeting the requirements of Section 81-45 (Provision of Pedestrian Circulation Space). [is not required, but construction of a new through *block* connection is not prohibited.]

[(f)](3) Notwithstanding the provisions of paragraphs [(a) to (e) inclusive] (1) and (2) above, no through *block* connection shall be [required or] permitted on any portion of a *zoning lot* occupied by a landmark or interior landmark so designated by the Landmarks Preservation Commission or occupied by a *building* whose designation as a landmark or interior landmark has been calendered for public hearing and is pending before the Landmarks Preservation Commission.

81-462

Design standards for a through block connection

A through *block* connection is a paved open or enclosed space providing unobstructed access to the *building's* main lobby and connecting, in a straight continuous unobstructed path, two parallel or nearly parallel *streets*. A through *block* connection shall meet the following requirements:

- (a) A through *block* connection shall provide a straight continuous unobstructed path at least 15 feet wide.
If covered, the clear unobstructed height of a through *block* connection shall not be less than 15 feet.
- (b) At no point shall the level of a through *block* connection be more than 5 feet above or below *curb level*. In all cases, the through *block* connection must provide through its entire length a clear path accessible to the handicapped.
- (c) A through *block* connection may be located inside or outside of a *building*. The area of a through *block* connection located within a *building* shall be counted as *floor area*.
- [(d)] A through *block* connection may be part of a bonused *urban plaza* or through *block* *galleria*, provided it also meets the design standards of those spaces, as set forth in Section 81-231 (Standards for urban plazas) or Section 81-748 (Floor areas bonus for through block gallerias.)
- (d) A through *block* connection located partially or wholly within a *building* shall adjoin and connect directly to the *building's* main lobby via unobstructed openings with an aggregate width exceeding that of any other entrances to the lobby.
- (e) A through *block* connection located wholly or partially outside a *building* shall provide unobstructed access directly to the *building's* main lobby through the major entrance. For the purposes of this Section, the major entrance shall be that entrance to the main lobby which has the greatest aggregate width of clear openings for access.
- (f) Any portion of a through *block* connection located outside a *building* shall be illuminated throughout with a minimum level of illumination of not less than 5

horizontal foot candles (lumens per candle). Such illumination shall be maintained throughout the hours of darkness.

[(e)](g) A through *block* connection shall at a minimum be accessible to the public from 8:00 A.M. to 7:00 P.M. on the days the *building* or *development* is open for business and shall have posted in prominent, visible locations at its entrances *signs* meeting the standards set forth in Subsection (h) below.

(h) A through *block* connection shall provide the following information for public access at each public entry to the through *block* connection:

(1) For an unenclosed through *block* connection, the public access information shall be an entry plaque located at the entrance to the through *block* connection at each *street* frontage. The entry plaque shall contain:

(i) a public space symbol which is at least 14 inches square in dimension; has a white background; has a grid of four (4) straight lines no greater than one-eighth inch wide and green in color; and has a tree-shaped symbol as shown:



(ii) Lettering at least two inches in height stating “OPEN TO PUBLIC”. This lettering shall be located within nine (9) inches of the public space symbol; and

(iii) An international Symbol of Access for the physically handicapped at least three (3) inches square.

The entry plaque shall be mounted with its center five (5) feet above the elevation of the nearest walkable pavement on a wall or a permanent free standing post. It shall be placed so that the entire entry plaque is obvious and directly visible without any obstruction, along every line of sight from all paths of pedestrian access to the through *block* connection, in a position that clearly identifies the entry to the connection.

(2) For an enclosed through *block* connection or a portion thereof:

(i) a public space symbol as described in subparagraph (1)(i) above not less than six (6) inches square shall be mounted with its center five (5) feet above the elevation of the nearest walkable pavement.

(ii) lettering stating “PUBLIC ACCESS TO _____ STREET”, indicating the opposite *street* to which the through *block* connection passes. This lettering shall not be less than three (3) inches in height and

- located not more than three (3) inches away from the public space symbol and
- (iii) lettering not more than two (2) inches or less than one and a half (1½) inches in height stating "OPEN TO PUBLIC" with the hours and days of operation of the through *block* connection. This lettering shall be located not more than three (3) inches from the public space symbol.
 - (iv) the above required information shall be permanently affixed on the glass panel of the entry doors of the through *block* connection clearly facing the direction of pedestrian flow; the information shall be located not higher than six (6) feet or lower than three (3) feet above the level of the pedestrian path at the entry, and shall be in a format and color which will ensure legibility.

81-47

Off-Street Relocation of a Subway Stair

Where a *development* or *enlargement* is constructed on a *zoning lot* which fronts on a sidewalk containing a stairway entrance or entrances into a subway and such *zoning lot* contains 5,000 square feet or more of *lot area*, 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 New York City Transit Authority's Station Planning Guidelines (Revised, 1975 and as may subsequently be revised).]

81-471

Standards for location and design

(a) Location

The relocated entrance shall be immediately adjacent to, and accessible without any obstruction from a public sidewalk or at least one of the following public spaces, which shall have a minimum horizontal dimension equal to the width of the relocated stairs:

- sidewalk widening (Section 81-45)
- corner circulation space (Section 81-45)
- arcade (Section 81-45)
- corner arcade (Section 81-45)
- building entrance recess area (Section 81-45)
- *urban plaza* (Section 81-23)

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 *development* or *enlargement*.

(b) Design Standards

The following standards are taken from the current New York City Transit Authority's station planning guidelines [Revised, 1975]:

The relocated entrance shall have a stair width of at least 8 feet for each run. No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of 5 feet.

Throughout the entire stairway entrance, including passageways, the minimum clear, unobstructed height shall be at least 7 feet 6 inches from finished floor to finished ceiling, including all fixtures and *signs*.

The relocated stairway entrance shall meet Transit Authority standards and requirements for all of the following: riser and tread relationship, handrails, passageways, ramps, lighting, finish material, ventilation, information signage, and (where provided) weather protection.

In addition, the following standards shall apply: the relocated entrance shall have a queuing space at the top and bottom of the stairs at least 8 feet wide and 15 feet long. The queuing space may overlap with a sidewalk widening, or an arcade, or an *urban plaza*.

Where two or more existing stairway entrances are being relocated as part of the same *development*, 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. The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.

The relocated entrance may be located within an *urban plaza*, provided that the minimum width of the stairs is 10 feet and the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a sidewalk widening. A relocated entrance within an *urban plaza* is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for an *urban plaza*.

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.

The below-grade portion of a relocated entrance may be constructed within the *street*.

These standards may be modified or waived by the City Planning Commission upon a finding that their enforcement would not contribute to good site planning.

(c) Hours of Public Accessibility

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.

81-472

Relocated subway stair as a pedestrian circulation space

One and a half times the area of the new stair entrance measured at *street* level shall count toward the minimum area of pedestrian circulation space set forth in Section 81-45 (Provision of Pedestrian Circulation Space)

81-473

Administrative procedure for 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 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;
 - c. seal the existing entrance at the sidewalk level;
 - d. maintain the work performed on the stair.**
 - (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.
- (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 the requirement. In such event, the stair relocation requirement shall be satisfied by retention of the existing stair and provision on the *zoning lot* of a pedestrian circulation space qualifying under the provisions of Section 81-45 (Provisions of Pedestrian Circulation Space) and which accommodates pedestrian traffic passing the existing stair 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) No certificate of occupancy shall be issued for any *development* or *enlargement* subject to the subway stair relocation requirement unless and until the required construction and the sealing of the replaced entrance or entrances has been completed.

81-48

Major Building Entrances

[For the purpose of limiting] **In order to limit** pedestrian traffic congestion on *zoning lots* with at least 20,000 square feet of *lot area*, the following restrictions apply to developments described in paragraphs (a) and (b), except as provided in paragraph (c)[:]. **For the purpose of this Section, the major entrance to a *building* shall be that entrance to the main lobby of the *building* which has the greatest aggregate width of clear openings for access.**

- (a) When the *zoning lot* contains an *urban plaza* or an open through *block* connection located entirely outside of the *building*, the major entrance to the *building* shall open on the *urban plaza* or the open through *block* connection.
- (b) Where there is no *urban plaza* or open through *block* connection on the *zoning lot*, the following restrictions on major entrances shall apply to *corner lots* or *block front lots*:

(1) Corner lots

On a *corner lot* with frontage on no more than one *narrow street*, the major entrance shall be located on the *narrow street*. On a *corner lot* with frontage on two *wide streets*, the major entrance shall be located on either *wide street*.

(2) Block front lots

On a full block front lot with one or more *narrow street* frontages, a major entrance shall be located on at least one *narrow street*, except that this requirement shall not apply if the *zoning lot* contains a permitted sidewalk widening with a width of 10 feet along a *wide street*.

(c) Exceptions to requirements

Under the following conditions *developments* shall not be subject to the locational requirements of this section:

- (1) Where the location of an existing *building* on the *zoning lot* precludes compliance with the regulations of this section, or
- (2) Where the *zoning lot* is located on a *block* where the distance between two intersections of *street lines* is less than 150 feet.

81-50

INCENTIVES BY SPECIAL PERMIT FOR PROVISIONS OF PUBLIC AMENITIES

81-51

General Provisions and Procedures

Except in the Preservation Subdistrict, the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing, for non-*residential* or *mixed buildings, floor area* bonuses [or the transfer of development rights] in accordance with the provisions of [Section 81-52 (Urban Parks) or] Section 81-53 (Subway Station Improvements). However, in the Theatre Subdistrict, no special permit shall be issued pursuant to the provisions of [Section 81-52 or] Section 81-53 without prior certification by the City Planning Commission that either:

- (a) There is not available to the applicant any feasible alternative involving the preservation or rehabilitation of an existing theatre [or the construction of a new theatre] for which bonus *floor area* [or transfer of development rights] may be authorized by special permit or certification, or
- (b) The amenity for which the special permit is requested, because of its importance to the surrounding area, has priority over any feasible alternative involving the preservation or rehabilitation of an existing theatre [or the construction of a new theatre].

The total additional *floor area* permitted on the *zoning lot* by such special permit shall in no event exceed the amount permitted in the underlying district by the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings).

Within the *Special Midtown District* certain special permit provisions of Article VII, Chapters 3, 4, 8 and 9 are inapplicable or subject to modification, as set forth in Section 81-60 (APPLICABILITY OF ARTICLE VII PROVISIONS).

Failure to comply with the conditions or restrictions of the bonused amenity shall constitute a violation of this resolution and shall constitute the basis for denial or revocation of a building permit or certificate of occupancy and for all other applicable remedies.

81-52

Urban Park

This Section was repealed

[Within the *Special Midtown District*, except in the Preservation Subdistrict, the City Planning Commission by special permit after public notice and hearing and subject to Board of Estimate action may authorize development rights to be transferred from an urban park to the *zoning lot* on which a non-*residential* or

mixed building development or *enlargement* is to be located, hereafter called the receiving site, in accordance with the provisions of this Section.

An urban park is an open space designed for public use and enjoyment and fronting on one or two *narrow streets*.

The purpose of these regulations relating to urban parks is to provide landscaped retreats in midblock locations removed from the busy activity associated with the intensively developed frontages of the avenues and wide cross-town *streets*.]

[81-521

Requirements for urban park sites

(a) Location

An urban park shall front on the north side of a *narrow street* and be located at least 150 feet from an intersecting *wide street*. The park in its entirety shall be located not less than 50 feet nor more than 1,000 feet from the nearest *lot line* of the receiving site. An open space amenity on a site contiguous to a *development* may qualify only as an urban plaza subject to the provisions of this Chapter. There shall be adequate access of sunlight, satisfying the criteria set forth in Section 81-524 (Commission review of plans), paragraph (a).

(b) Size

The minimum area of an urban park shall be 4,000 square feet, the minimum width 40 feet and the minimum depth 60 feet.

(c) Prior use of urban park site

The *zoning lot* for an urban park shall have been, as of June 1, 1981, vacant or occupied by a *building* or *buildings* not more than two *stories* in height, and shall have continued vacant or so occupied up to the date of the application.

(d) *Zoning lot* for urban park

The *zoning lot* for the urban park as developed pursuant to the provisions of this Section shall be used and occupied exclusively for an urban park.

(e) Existing parks not eligible

Existing open spaces serving the purpose of an urban park are not eligible for development rights transfer under the provisions of this Section.]

[81-522

Limits on transferable development rights

Development rights may not be transferred from an urban park to more than one receiving site. Both the urban park and its receiving site must be within the *Special Midtown District*.

Transferable development rights shall be limited as follows:

- (a) They shall not exceed the floor area allowed by the basic maximum *floor area ratio* applicable to the *zoning lot* of the urban park, and

- (b) The *floor area ratio* on the receiving site shall not exceed the applicable basic maximum *floor area ratio* set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings) by more than 20 percent.]

[81-523

Standards for urban parks

(a) Perimeter enclosure

On all boundaries except the *street* frontage an urban park shall be enclosed by walls or dense planting. The walls or planting shall have a height of at least 10 feet above grade.

(b) Access and circulation

- (1) An urban park shall be for public access and use not less than six days a week, from 8:00 A.M. to 7:00 P.M.
- (2) The park shall be accessible along at least 50 percent of its frontage and along such portion shall have no obstructions for a depth of at least 20 feet from the *street line*.
- (3) The floor elevation of the park shall be not higher than 3 feet above, nor lower than 3 feet below, the adjacent *curb level*.
- (4) At least 60 percent of the area of the urban park shall be accessible to the handicapped. To effect changes in grade for wheelchair users, ramps shall be provided at least 3 feet wide and with a maximum grade of one to twelve.
- (5) The paving materials of the adjacent sidewalk shall be the same as those of the park in the area immediately adjacent to the sidewalk.
- (6) No driveways, parking spaces or loading berths are permitted within the park area.

(c) Uses

An outdoor eating service is required in the urban park and may be located in a kiosk, notwithstanding provisions of Section 32-41 (Enclosure Within Buildings). Waiter service is not permitted. A drinking water fountain shall be provided.

(d) Sitting area

Sitting areas shall be provided, with benches or other seating arrangements ample for public enjoyment of the park and relaxation.

(e) Permitted obstructions

Permitted obstructions, as follows, may occupy up to 66 percent of the urban park's area: fountains, reflecting pools, sculptures or other works of art, arbors, trellises, benches, seats, planting beds, trash receptacles, public telephones, drinking fountains, bicycle racks, open air cafe tables and chairs, lighting stanchions, flagpoles, awnings, canopies, displays and exhibitions, steps,

ramps and kiosks not more than 300 square feet in area. Trees planted with gratings flush to grade are not counted as obstructions.

(f) Planting

Planting of trees, shrubs and ground cover is required to enhance the aesthetic quality of the park. Trees should be deciduous for the most part, so as to afford shade in summer and sunlight in winter.]

[81-524

Commission review of plans

Applications for approval of an urban park as an amenity warranting transfer of development rights to a receiving site shall be accompanied by plans prepared by a registered landscape architect and all the information necessary to demonstrate compliance with the provisions of the foregoing sections and allow the City Planning Commission to make all of the following determinations:

(a) About the site itself

- (1) The Commission shall find that there is a need for an urban park to serve the surrounding area, a need not satisfied by any existing open space.
- (2) The Commission shall consider the orientation of the site and its relationship to existing and future potential surrounding development in order to determine whether there will be adequate access of sunlight throughout the year. The amount of sunlight penetration shall be graphically specified in the application and accompanied by documentation as necessary.
- (3) The Commission shall determine whether the park site is harmoniously related to adjacent *streets* and surrounding properties.

(b) About the park's design

In evaluating the park's design, the Commission shall consider whether the open space is adequately defined and enclosed by perimeter walls and plantings and how well the design fulfills the purpose of an urban park and accommodates the required facilities.

(c) About maintenance of the park

No application shall be granted without the Commission's approval of a maintenance program submitted by the applicant, the provision by the applicant of a guarantee of its satisfactory execution and the grant by the applicant of the right of the City to perform the maintenance with payment for such maintenance by the City to be secured by a lien running in favor of the City.]

[81-525

Certificate of occupancy for receiving site development

Until *development* of the urban park has been completed in accordance with plans approved by the City Planning Commission and the Board of Estimate, a

certificate of occupancy for the *development* or *enlargement* on the receiving site shall be restricted to that portion of the *building* comprising the amount of *floor area* that may be built without the transferred development rights. Similarly, where violations occur in the maintenance of the urban park, the related certificate of occupancy shall be subject to revocation.]

[81-526

Duration of urban park

Any urban park from which development rights are transferred to a receiving site and utilized thereon in accordance with the provisions of Section 81-52 (Urban Parks) shall be subject to deed restrictions recorded in the Office of the Register of the City of New York (County of New York), binding the owner of the urban park's *zoning lot*, and his heirs and assigns to maintain the site as an urban park throughout the life of the *building* erected on the receiving site.]

81-53

Subway Station Improvements

The City Planning Commission ("**the Commission**"), by special permit after public notice and hearing and subject to Board of Estimate action, may grant *floor area* bonuses and waive or modify *street wall* continuity provisions for *developments* or *enlargements* which provide major improvements for adjacent subway stations in accordance with the provisions of this section. The subway stations where such improvements may be constructed are listed in Section 81-531 (Midtown subway stations) and located as shown on Map [4] 3 (Subway Station Improvement Areas). The *zoning lot* for the *development* or *enlargement* on which such a *floor area* bonus is requested shall be adjacent to [the mezzanine or concourse of] the subway station for which the improvement is proposed. [or an existing connecting passageway to the station.]

In order for the *zoning lot* of the *development* or *enlargement* to qualify as "adjacent," upon completion of the improvement it must physically adjoin a station mezzanine, platform, concourse or connecting passageway.

81-531

Midtown subway stations

59th Street-Eighth Avenue	IRT, IND
Columbus Circle	
50th Street-Eighth Avenue	IND
42nd Street-Eighth Avenue	IND
34th Street-Seventh Avenue	IRT
Penn Station	
42nd Street-Times Square	BMT, IRT, IRT (Flushing)
50th Street-Broadway	IRT

49th Street-Seventh Avenue	BMT
57th Street-Seventh Avenue	BMT
34th Street-Sixth Avenue Herald Square	BMT, IND
42nd Street-Sixth Avenue Fifth Avenue	IND, IRT (Flushing)
47th-50th Street-Sixth Avenue	IND
Seventh Avenue-53rd Street	IND
Fifth Avenue-Madison Avenue-53rd Street	IND
42nd Street-Grand Central Terminal	IRT, IRT (Flushing)
51st Street-Lexington Avenue	IRT

81-532

Selection of Improvements

[Pending the completion of a joint project of the Metropolitan Transportation Authority, the New York City Transit Authority and the Department of City Planning, for the identification of desired improvements to subway stations in Midtown, the] The selection of improvements shall be on a case-by-case basis and shall be subject to the approval of the Metropolitan Transportation Authority (“MTA”), the New York City Transit Authority (“Transit Authority”) and the City Planning Commission (“Commission”).

81-533

Compliance with Transit Authority design standards

The subway station improvements shall comply with all applicable design standards of the **current station planning guidelines of the** [New York City] Transit Authority. [’s “Station Planning Guidelines” (Revised 1975 and as may be subsequently revised).]

81-534

Procedure

(a) Pre-application

The applicant shall submit schematic or concept plans for the proposed improvement to the MTA, Transit Authority and the Commission.

(b) Application—Pre-certification

After review and agreement on concept by the MTA, Transit Authority and the Commission, the applicant shall submit [necessary documentation] **documentation deemed necessary by the reviewing agencies.** [in conformance with New York City Transit Authority “Guidelines for Submission and Approval of Outside Projects.”] Prior to certification by the Commission, the Transit Authority and the MTA shall each provide a letter to the Commission

containing a conceptual approval of the improvement and a statement of any special considerations regarding the Transit Authority's future operation of the improvement. [and a statement that the applicant's submission conforms with the guidelines cited above.]

- (c) The special permit application to the 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, where applicable, assessing the advantages and disadvantages of waiving or modifying the *street wall* continuity provisions of Section 81-43 (Street Wall Continuity along Designated Streets).

(d) **Uniform Land Use Review Procedure—Certification**

The Commission shall not certify an application under the Uniform Land Use Review Procedure until the requisite letters from the Transit Authority and the MTA [has] have been received and [is] are incorporated in the application. Such letters [by the Transit Authority] may be subject to subsequent execution of a final agreement with the developer.

(e) **Prior to the granting of a special permit**

- [(1) The Transit Authority shall transmit a letter of final approval to the City Planning Commission. The letter shall identify the developer's plans as finally approved and note any matters, yet to be finalized, that should be a condition of the special permit.
- (2) The applicant shall sign a declaration of any restrictions, containing complete drawings of the proposed subway station improvements, setting forth the obligations of the owner and developer, their successors and assigns, to construct and maintain the subway station improvement, establishing a construction schedule and providing a performance bond for completion of the improvement.]

The Transit Authority shall have submitted a letter to the 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 conditions as may be appropriate, and
- (2) confirming that the construction of the subway improvement in accordance with such submission is feasible.

The applicant shall sign a legally enforceable instrument running with the land 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.

[(f) Recordation

Any written declaration of restrictions 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 (County of New York), and a certified copy of the instrument shall be submitted to both the City Planning Commission and the New York City Transit Authority.]

(f) 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 New York County and a certified copy of the instrument shall be submitted to the Commission and the Transit Authority. The applicant shall not apply for nor accept a Temporary Certificate of Occupancy for the bonus *floor area*, and the Department of Buildings shall not issue such a Temporary Certificate of Occupancy, until the Transit Authority has determined that the bonused subway improvement is substantially complete, which shall, for this purpose, mean usable by the public.

(g) The applicant shall not apply for or accept a Permanent Certificate of Occupancy for the *development* or *enlargement*, nor shall the Department of Buildings issue such Permanent Certificate of Occupancy until the bonused subway improvement has been completed in accordance with the approved plans and such completion has been certified by the Transit Authority.

81-535

Floor area bonus

The amount of the *floor area* bonus shall be in the discretion of the [City Planning] Commission and may range from no bonus *floor area* to the maximum amount allowable by special permit, as set forth in Section 81-211 (Maximum floor area ratios for nonresidential or mixed buildings), the Commission shall make findings on the following:

- (a) 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;**
- (b) improvements in the station's environment by provision for daylight access, better orientation of riders, or improvements to noise control, air quality, lighting or other architectural treatments;**
- (c) provision of escalators where justified by traffic or depth of mezzanine or platform below *street* level;**
- (d) convenience and spaciousness of *street* level entrance and compatible relationship to the *development's* or the *enlargement's* ground floor uses.]**

- (a) The degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators;
- (b) Significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the *street* level entryway into the *development or enlargement*.

81-536

Waiver or modification of street wall continuity provisions

As a condition for waiving or modifying the *street wall* continuity provisions of Section 81-43 (Street Wall Continuity along Designated Streets), the Commission shall find that the waiver or modifications will permit the proposed design to provide for access of daylight and air to the subway platform, mezzanine or concourse and that the advantages of such access outweigh the disadvantages incurred by the interruption of *street wall* continuity and retail continuity.

The Commission in granting such waiver or modification shall specify the depth of the setback permitted and the amount by which the required length of *street wall* subject to setback restrictions is reduced.

[81-537

Certification of occupancy

No certificate of occupancy for the *development or enlargement* shall be issued by the Department of Buildings until the construction of the subway station improvement has been completed in accordance with the approved plans and has been so certified by the Transit Authority.]

* * *

81-70

Special Regulations for Theatre Subdistrict

81-71

General Provisions

The regulations of Sections 81-72 to 81-75, inclusive, relating to Special Regulations for the Theatre Subdistrict are applicable only in the Theatre Subdistrict [, whose] and in the Theatre Subdistrict Core. The Theatre Subdistrict extends from 40th Street to 57th Street and from Avenue of the Americas to Eighth Avenue. The Theatre Subdistrict Core extends from 43rd Street to 50th Street and from a line 200 feet west of Avenue of the Americas to a line 100 feet east of Eighth Avenue. Their boundaries are shown on Map No. [2] 1 (Special Midtown District and Subdistricts). [They] The regulations of Sections 81-72 to 81-75, inclusive, supplement or modify the regulations of this Chapter applying generally to the *Special Midtown District* of which the Subdistrict [is a part] and its Core are parts.

In order to preserve and protect the character of the Theatre Subdistrict as a cultural, theatrical and entertainment showcase as well as to help insure a secure basis for the useful cluster of shops, restaurants and related amusement activities, special incentives and controls are provided for the preservation and rehabilitation of existing theatres [and the inclusion of entertainment and entertainment-related uses,] and special restrictions are placed on ground floor uses [, signage and *building street wall* heights and setbacks] within the Subdistrict. **In order to preserve and protect the special scale and character of the Theatre Subdistrict Core, which includes Times Square, special building street wall height and setback controls and requirements for the inclusion of illuminated signs and entertainment and entertainment-related uses apply within the Subdistrict Core.**

The Mayor of the City of New York shall appoint a Theatre Advisory Council (the "Council") and name a chairperson. Other members of the "Council" shall include representatives of the performing arts, the theatrical industry and related professions. The "Council" shall advise the City Planning Commission concerning applications for special permits or certification pursuant to Section 81-74.

Applications shall be referred by the Commission to the "Council" for an advisory report prior to certification for ULURP (Uniform Land Use Review Procedure) review. Such advisory report shall assist the Commission in evaluating each special permit application and in making each of the required findings therein concerning demolition pursuant to Section 81-742 or the *floor area* bonus pursuant to Section 81-745. In all special permits or certifications involving the preservation or rehabilitation of existing theatres the "Council" shall advise the Commission on the adequacy of the assurances required by Section 81-743 for continuance of legitimate theatre use.

[On or before May 13, 1988, the City Planning Commission will submit to and the Board of Estimate will act upon further zoning action or actions based upon a comprehensive review undertaken by the City Planning Commission with the full participation and advice of the Theatre Advisory Council authorized herein. Such review will include additional planning proposals to strengthen the long-term viability of the legitimate theatres through alternative accommodations, such as but not limited to, actions of the Landmarks Preservation Commission and consideration of air rights.]

81-72

Use Regulations Modified

* * *

81-721

[Restriction of ground floor uses]

Required use allocation on street frontages

Uses located on the ground floor or entered by stairs from a sidewalk entry, except for [lobby space or] *uses* with no *street* frontage and accessible only through a lobby, shall be limited [to *uses* listed in Use Group T.] as follows:

(a) On any *wide street*, at least 80 percent of any *wide street front lot line* ground level frontage shall be allocated to *uses* indicated in Section 81-722 (Use Group T).

(b) On any *narrow street*, at least 50 percent of any *narrow street front lot line* ground level frontage shall be allocated to *uses* indicated in Section 81-722 (Use Group T).

(c) For *zoning lots* between 43rd and 50th Streets with *street* frontage on Broadway and/or Seventh Avenue, at least 50 percent of any length of *narrow street front lot line* ground level frontage within 100 feet of Broadway or Seventh Avenue shall be allocated to *uses* permitted only on *wide street* frontages in Section 81-722 (Use Group T).

Where a stairway entrance into a subway is relocated onto a *zoning lot* in accordance with the requirements of Section 81-47 (Off-Street Relocation of a Subway Stair), up to, but not more than, 40 feet of the *narrow street front lot line* ground level frontage occupied by that stairway may be excluded from the length of *narrow street* frontage to which the above requirements apply.

81-723

[Required use allocation on wide street frontages and the frontages of certain zoning lots]

Special ground floor street frontage restrictions

[On any *wide street*, at least 80 percent of the ground level frontage of the *front lot line* on the *wide street* shall be allocated to *uses* indicated in Section 81-722 (Use Group T).]

No single establishment shall have a *wide street front lot line* ground level frontage of less than 10 feet or, except in the case of theatres, greater than 40 feet.

[For *zoning lots* between 43rd and 50th Streets with *street* frontage on Broadway and/or Seventh Avenue, at least 50 percent of any length of *narrow street front lot line* ground level frontage of that *zoning lot* within 100 feet of Broadway or Seventh Avenue shall be allocated to *uses* permitted only on *wide street* frontages in Section 81-722 (Use Group T). Where a stairway entrance into a subway is relocated onto a *zoning lot* in accordance with the requirements of Section 81-47 (Off-street Relocation of a Subway Stair), up to, but no more than, 40 feet of the *narrow street front lot line* ground level frontage occupied by that stairway may be excluded from the length of *narrow street* frontage to which the above requirements apply.]

The following requirements apply to *wide street front lot line* ground level frontages and, for *zoning lots* between 43rd and 50th Streets with *street* frontage on Broadway and/or Seventh Avenue, *narrow street front lot line* ground level frontages within 100 feet of Broadway or Seventh Avenue:

- (a) Any length of *front lot line* ground level *street* frontage of a *zoning lot* devoted to banks and travel bureaus shall not constitute in total more than 15 percent of any such *front lot line* ground level *street* frontage.
- (b) Each establishment shall be located within 10 feet of the *lot line* on which it is required to front for the full length of the frontage of that establishment, except that, where a *street wall* recess at *curb level* permitted under Section 81-43 (Street Wall Continuity Along Designated Streets) extends a greater distance from the *lot line*, the length of frontage of any establishment adjoining that recess may be located at an equal, but not greater, distance from the *lot line*.
- (c) Lobby space shall not comprise more than 20 percent of any such *front lot line* ground level *street* frontage. In addition, a lobby frontage on any such *front lot line* ground level *street* frontage need not be less than 15 feet.
- (d) *Uses* with no *street* frontage and which are accessible only through a lobby shall not be restricted to Use Group T *uses*.

81-724

Requirements for entertainment-related uses

With the exception of a *development* or *enlargement* in which more than 50[%] percent of the new *floor area* is allocated to *transient hotel use*, a *development* or *enlargement* on a *zoning lot* with more than 50 [%] percent of its *zoning lot* area located within the [area bounded by 43rd Street, a line 100 feet east of Eighth Avenue, 50th Street and a line 200 feet west of Avenue of the Americas] **Theatre Subdistrict Core** shall meet the following requirements:

- (a) If the new *floor area* of the *development* or *enlargement* exceeds 60,000 square feet, an amount of floor space on the *zoning lot* equal to five percent of the amount by which the new *floor area* exceeds 50,000 square feet shall be allocated to *uses* listed in Section 81-725 (Entertainment-related uses) or *front lot line* ground level *uses* designated thus (Ø) in Section 81-722 (Use Group T) as satisfying the requirements of this Section.

Except as provided below, the amount of floor space specified above shall be located on the same *zoning lot* as the *development* or *enlargement* for which that floor space is provided to meet the requirements of this Section.

Alternatively, by authorization of the City Planning Commission, a maximum of 75 percent of the amount of floor space specified above may be located on a separate *zoning lot*, with the remainder located on the same *zoning lot* as the *development* or *enlargement*, provided, upon examination of proposed plans, the Commission finds that:

(1) either:

- (i) more than 50 percent of the area of the separate *zoning lot* is located within the Theatre Subdistrict Core, or
 - (ii) the portion of floor space located on the separate *zoning lot* is allocated in its entirety to studios, music, dancing or theatrical, as listed in Section 81-725 (Entertainment-related uses) and the separate *zoning lot* is located within the Theatre Subdistrict.
- (2) the portion of floor space located on the separate *zoning lot* is provided separately from and in addition to any floor space provided to meet the requirements of this Section for any *development* or *enlargement* located on that separate *zoning lot*.
- (3) the portion of floor space located on the separate *zoning lot* is constructed specifically for the purpose of meeting the requirements of this Section.
- (4) the *use* located on the separate *zoning lot* maintains a reasonable distribution of entertainment-related *uses* and locations of such *uses*.

(b) Floor space allocated to *uses* listed in Section 81-725 (Entertainment-related uses) accommodating any number of occupants shall be classified under Sections 27-254 to 27-258 (Title 27, Chapter 1, Subchapter 3, Article 8 Occupancy Group F-Assembly, of the Administrative Code and shall meet all relevant requirements of Sections 27-522 to 27-549 (Title 27, Chapter 1, Subchapter 8-Places of Assembly) of that Code.

(c) The Certificate of Occupancy for the *development* or *enlargement* shall record and specifically describe all floor space allocated to meet the requirements of this Section and shall require the permanent reservation of this space for such purposes as a condition of the Certificate of Occupancy. If a portion of the amount of floor space specified above is located on a separate *zoning lot*, no Certificate of Occupancy for the *development* or *enlargement* shall be issued until a Certificate of Occupancy has been issued for that floor space provided on the separate *zoning lot*. The Certificate of Occupancy for the *development* or *enlargement* shall identify the amount and location of floor space specified above provided on the separate *zoning lot*. The Certificate of Occupancy of the separate *zoning lot* shall identify the *development* or *enlargement* for which the floor space specified above is provided and the amount and location of that floor space on the separate *zoning lot*. Both Certificates of Occupancy shall require the permanent reservation of the floor space provided on the separate *zoning lot* for the purposes of meeting the requirements of this Section.

(d) A written declaration shall be recorded against the *zoning lot* of the *development* or *enlargement* and against the separate *zoning lot*, which contains an agreement that the floor space provided on the separate *zoning lot* shall be used solely for entertainment-related *uses* for the life of the *development* or *enlargement*.

[(d)] (e) All *uses* satisfying the requirements of this Section shall be subject to the locational requirements of Section [81-721 (Restriction of ground floor uses)] 81-72 (Use Regulations Modified).

81-725

Entertainment-related uses

Auditoriums, with capacity limited to 2,500 seats

Public dance halls

Eating or drinking places, where there is entertainment or dancing

Motion picture production studios

Museums, upon authorization by the City Planning Commission that the contents are predominantly theatre and/or entertainment-related and are publicly exhibited on a continuing basis

Studios, music, dancing or theatrical

Radio or television studios

Theatres

81-732

Special Times Square signage requirements

The provisions of this Section shall apply to all *developments* and *enlargements* on *zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway in the Theatre Subdistrict.

No *building* permit shall be issued by the Department of Buildings for any portion or all of a *development* or *enlargement* on a *zoning lot* between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway without prior submission of drawings showing that the *sign* requirements related to *surface area*, location and number of *signs* set forth in Sub[-]sections (a), (b) and (c) of this Section 81-732 have been met and that electrical power is provided in amounts and locations sufficient to illuminate all such required *signs* to the illumination levels specified herein. Such drawings shall include, at a scale of 1/16 inch equals 1 foot, a plan, elevations of *narrow streets* and Seventh Avenue and/or Broadway and cross-sections showing setbacks on Seventh Avenue, Broadway and *narrow streets*. These drawings shall show for all the *signs* required under this Section their number and for each, its *surface area* and location and shall list each requirement and the actual dimensions or areas achieved in the design.

Temporary Certificates of Occupancy for *floor area* of the *development* or *enlargement* comprising in aggregate more than fifty (50%) percent of the total *floor area* of the *development* or *enlargement* shall not be issued by the Department of Buildings until fifty (50%) percent of the aggregate *surface area* of *signs* required under Sub[-]section (a)(3) of this Section 81-732 has been installed and put in operation in accordance with **all of the requirements and standards** [for

illumination, animation, hours of operation and legibility] as set forth in Sub[-]sections (a)(3) and (a)(7) of this Section 81-732 at the time of issuance of such Temporary Certificates of Occupancy.

Temporary Certificates of Occupancy for *floor area* of the *development* or *enlargement* comprising in aggregate more than ninety (90%) percent of the total *floor area* of the *development* or *enlargement* shall not be issued by the Department of Buildings until ninety (90%) percent of the aggregate *surface area* of *signs* required under Sub[-]section (a)(3) of this Section 81-732 has been installed and put in operation in accordance with **all of the requirements and standards** [for illumination, animation, hours of operation and legibility] as set forth in Sub[-]sections (a)(3) and (a)(7) of this Section 81-732 at the time of issuance of such Temporary Certificates of Occupancy.

Neither Temporary Certificates of Occupancy for *floor area* of the *development* or *enlargement* comprising in aggregate one hundred (100%) percent of the total *floor area* of the *development* or *enlargement* nor a first Permanent Certificate of Occupancy for the *development* or *enlargement* shall be issued by the Department of Buildings until all of the *signs* required under this Section 81-732 have been installed and put in operation in accordance with **all of the requirements and standards** [for illumination, animation, hours of operation and legibility] as set forth in Sub[-]sections (a)(3) and (a)(7) of this Section 81-732 at the time of issuance of such Temporary Certificates of Occupancy or First Permanent Certificate of Occupancy.

(a) All new *developments* located on *zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway, shall provide *signs* meeting all of the following requirements.

- (1) At least one *illuminated sign* shall be provided for each ground floor establishment with a *street* frontage on Seventh Avenue, Broadway or a *narrow street* for the full length of the *zoning lot* frontage or the first 100 feet from Seventh Avenue or Broadway, whichever is less. With the exception of theatre *signs*, each required *illuminated sign* shall be located directly behind the clear, untinted transparent material with which the *street wall* is required to be glazed under Section 81-731 (Special regulations for signs, transparency, banners and canopies). There shall be no obstructions between the *sign* and the glazing material.
- (2) In addition, *illuminated signs* shall be provided with a minimum aggregate *surface area* of 12 square feet for each linear foot of *street* frontage of the *zoning lot* on Seventh Avenue, Broadway and intersecting *narrow streets* up to the first 40 linear feet of *street* frontage from either Seventh Avenue or Broadway.

No portion of any *illuminated sign* required under this Sub[-]section shall be located:

- (i) further than 40 feet from the Broadway or Seventh Avenue *street line*;
- (ii) below a height of 10 feet above *curb level* or above the top of the *street wall* of the *building* before setback as defined in Section 81-75 (Special Street Wall and Setback Requirements).

There shall be a minimum of one *sign* with a *surface area* of not less than 100 square feet for each 25 linear feet, or part thereof, of *zoning lot street frontage* on Seventh Avenue or Broadway.

- (3) In addition, *illuminated signs* shall be provided with a minimum aggregate *surface area* of 50 square feet for each linear foot of *street frontage* of the *zoning lot* on Seventh Avenue, Broadway and intersecting *narrow streets* up to the first 40 linear feet of *street frontage* from either Broadway or Seventh Avenue, except that for any one *zoning lot* the required minimum aggregate *surface area* shall not exceed 12,000 square feet.

No portion of any *illuminated sign* required under this Subsection shall be located:

- (i) further than 40 feet from the Seventh Avenue or Broadway *street line*, except that, for a *zoning lot with street frontage on Seventh Avenue, Broadway and at least one narrow street*, the areas of required *signs* specified in Subparagraph (ii) below may be located without distance limit from the Seventh Avenue or Broadway *street line*;
- (ii) below a height of 10 feet or above a height of 120 feet above *curb level*, except that: for a *zoning lot with street frontage on Seventh Avenue, Broadway and 47th Street*, a minimum of 25% of the minimum aggregate *surface area* required under this Sub[-]section or 7,500 square feet, whichever is greater, shall comprise *signs* no portion of which shall exceed 250 feet in height above *curb level*, and each of which shall face the intersection of the center lines of 45th Street and Broadway and shall have its *surface area* measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the *sign* and the above intersection at ground level and measuring the resultant *surface area* on that plane; and, for other *zoning lots with street frontage on Seventh Avenue, Broadway and a narrow street* a maximum of 25% of the minimum aggregate *surface area* required under this Sub[-]section may comprise *signs* located without height limit provided that

each such *sign* faces the intersection of the center lines of 45th Street and Broadway and its *surface area* is measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the *sign* and the above intersection at ground level and measuring the resultant *surface area* on that plane.

Where a *zoning lot* is located at the intersection of Seventh Avenue or Broadway and one or more *narrow streets*, at least 60% of the minimum aggregate *surface area* of signage required under this Sub[-]section (3) shall be located within 50 feet of the *narrow streets*. Where a *zoning lot* is located at two such intersections, at least 15% of the minimum aggregate *surface area* required under this Sub[-]section shall be within 50 feet of each *narrow street*. Where a *zoning lot* is located at three or more such intersections, at least 7% of the minimum aggregate *surface area* required under this Sub[-]section shall be within 50 feet of a *narrow street* at each intersection of that *narrow street* and Seventh Avenue or Broadway.

There shall be a minimum of one *illuminated sign* with a *surface area* of not less than 1,000 square feet for each 50 linear feet, or part thereof, of *street* frontage on Seventh Avenue or Broadway, except that for any one *zoning lot* no more than five *signs* shall be required.

At least 75 percent of the *surface area* of *signs* required under this Subsection (3) to be located at a height of between 10 feet and 120 feet above *curb level* shall be placed at an angle in plan view of not more than 45 degrees to the Seventh Avenue or Broadway *street line*.

[At least 50% of the required minimum aggregate *surface area* of] *Signs* required under this Sub[-]section (3) shall meet at a minimum the requirements set out in Sub[-]paragraphs [(i), (ii),] (iii), [and] (iv), (v) and (vi) below. The illumination standards contained therein for *signs* incorporating electric lamps exposed directly to view or luminous surfaces shall be measured with an apparatus comprising a standard illumination meter mounted at the center of the panel opposite the open end of a five-sided cube with a mat black interior measuring 1 foot per side internally. This apparatus shall be held against the *sign* in several places, sufficient to determine an average reading. The requirements of Sub[-]paragraphs [(i) and (ii)] (iii) and (iv) below shall be met either continuously or for a minimum of 10 per cent of the operating cycle of an animated *sign*.

[(i)] (iii) a minimum of 25 [%] percent of [that] the required minimum aggregate *surface area* of *signs* required under this Subsection (3) shall comprise *signs* each of which shall attain for a

minimum of 20 percent of its *surface area* at least 250 footcandles incident illumination measured as specified above by means of electric lamps, such as neon tubes, incandescent lamps or cathode ray tubes, which are exposed directly to view. The remainder of each such *sign* shall attain at least 25 footcandles incident illumination.

- [(ii)] (iv) In addition, a minimum of [50%] 25 percent of [that] the required minimum aggregate *surface area* of *signs* required under this Subsection (3) shall comprise *signs* each of which shall attain for all of its *surface area* at least 150 footcandles incident illumination measured as specified above by means of luminous surfaces comprising translucent material lit from behind by electric lamps. Alternatively, but also in addition to Sub[-]paragraph [(i)] (iii), a minimum of 25 [%] percent of [that] the required minimum aggregate *surface area* of *signs* required under this Subsection (3) shall achieve [at least 250 footcandles incident illumination measured as specified above by means of electric lamps which are exposed directly to view] the same incident illumination levels for the same amounts of *surface area* as specified in Subparagraph (iii) above.
- [(iii)] (v) In addition, a minimum of [25%] 20 percent of [that] the *surface area* of each of the *signs* required to meet the standards of Subparagraphs (iii) and (iv) above shall be continuously electrically animated by means of flashing borders, writing, pictorial representations, emblems or other figures of similar character meeting the minimum illumination requirements of sub[-]paragraphs [(i) or (ii)] (iii) or (iv). Alternatively, but also in addition to Sub[-]paragraphs [(i) and (ii)] (iii) and (iv), a minimum of 50 [%] percent of [that] the *surface area* of each of the *signs* required to meet the standards of Subparagraphs (iii) and (iv) above shall be continuously mechanically animated. For the purposes of this Subparagraph, the *surface area* of *signs* required to be continuously animated shall exhibit visual changes clearly discernable by an observer at *street level* at intervals not exceeding 30 seconds.
- [(iv)] (vi) The provisions of Sub[-]paragraphs [(i), (ii) and] (iii), (iv) (v) may be modified or waived upon certification by the Chairman of the City Planning Commission that the

dynamic character and attractiveness of the *sign* or *signs* for which the modification or waiver is granted are assured by the proposed design and operation and that the signage on the *development* as a whole will produce an effect at least equal to that achieved through the application of Subparagraphs [(i), (ii) and] (iii), (iv) and (v).

Any portion of the *surface area* of a *sign* lit by means of indirect illumination and not complying with Sub[-]paragraphs [(i), (ii) and] (iii), (iv) and (v) above shall receive a minimum level of illuminance across the entirety of that *surface area* of 75 foot candles. An individual sign meeting the requirements of Sub[-]paragraphs [(i), (ii) and] (iii), (iv) and (v) above for at least 50 percent of its *surface area* need not comply with this illuminance requirement.

- (4) One *illuminated* marquee and one additional *illuminated* projecting identification *sign* are required for each theatre on a *zoning lot*. A group of motion picture theatres under single ownership and operation shall be treated as one theatre for the purposes of this requirement. Each required marquee shall have a minimum area in plan of 500 square feet and each projecting identification *sign* shall have a minimum *surface area* of 200 square feet. Marquees and identification *signs* may count towards meeting the minimum aggregate *surface area* requirements of Sub[-]sections (2) or (3), provided that they comply with the locational requirements therein.
- (5) *Signs* which do not meet the locational requirements of Sub[-]sections (2) or (3) are permitted, but shall not count towards meeting minimum aggregate *surface area* requirements.
- (6) Required minimum aggregate *surface areas* of *signs* for *zoning lots* with *street* frontage on both Seventh Avenue and Broadway shall be calculated by including both those *street* frontages and any *narrow street* frontages up to the first 40 linear feet of street frontage from either Seventh Avenue or Broadway.
- (7) All required *illuminated signs* shall remain lit from dusk until 1:00 a.m. daily.

All of the *surface area* of *signs* required under Subsections (2) and (3) of this Subsection (a) shall be visible from *street level* at a point 60 feet from the Seventh Avenue or Broadway *street line* of the *zoning lot* on which they are required to be provided.

At least 50 percent of the minimum aggregate *surface area* of *signs* required under Sub[-]section (3) shall comprise *signs* each of which

shall be legible during daylight hours from a minimum distance of 60 feet when viewed from ground level at a point perpendicular in plan to the center of the *sign*.

- (b) For *enlargements* which add *floor area* amounting to a *floor area ratio* of at least 1.0, the *sign* requirements of this Section shall apply as follows:
- (1) If the *enlargement* involves an increase in *floor area*, minimum aggregate *surface areas* of required *signs* shall be determined in the same manner as for new *developments* on the basis of the length of the *zoning lot's* frontage as set forth in paragraphs (a) (2), (3), and (6).
 - (2) All other requirements for *signs* required for *enlargements* shall be as provided for new developments in paragraphs (a) (1), (2), (3), (4), (5) and (7).
 - (3) The provisions of Sub[-]paragraphs (1) or (2) may be modified or waived upon certification by the Chairman of the City Planning Commission that such modification or waiver results from compelling necessity.
- (c) *Zoning lots* between 43rd and 50th Streets with *street* frontage on Seventh Avenue and/or Broadway comprising *developments* or *enlargements* and existing *buildings* to remain shall meet the requirements of Sub[-]section (a) for *developments* or Sub[-]section (b) for *enlargements* on the basis of the configuration and *street* frontages of the entire *zoning lot*. There shall be no reduction in the aggregate *surface area* of *signs* on any existing *buildings* to remain. A *non-conforming sign* may be structurally altered, reconstructed, or replaced in the same location and position, provided that such structural alteration, reconstruction, or replacement does not result in the creation of a new *non-conformity* or an increase in the degree of *non-conformity* of such *sign*.

* * *

81-74

Special Incentives and Controls in the Theatre Subdistrict

81-741

General provisions

(a) Special permits by the City Planning Commission

In the Theatre Subdistrict, the City Planning Commission, after public notice and hearing and subject to Board of Estimate action, may grant special permits:

- (1) authorizing *floor area* bonuses for rehabilitation of existing theatres in accordance with the provisions of Section 81-745;

- (2) authorizing transfer of development rights from *zoning lots* occupied by theatres which are designated landmarks in accordance with the provisions of Section 81-747;
- (3) authorizing demolition of theatres where permissible under the provisions of Section 81-742.

(b) Certification by the Chairman of the City Planning Commission

By certification of the Chairman of the City Planning Commission,

- (1) **Bonus floor area** may be authorized for the retention of any eligible existing listed theatre in accordance with the provisions of Section 81-744 (**Floor area bonus for retention of existing listed theatres**)

[(1)] (2) The Special Provisions for *Zoning Lots* Divided by District Boundaries (Article VII, Chapter 7) may be modified in the case of a *zoning lot* partly occupied by a listed theatre in accordance with the provisions of Section 81-746 (Modification of special provisions for zoning lots divided by district boundaries), or

[(2)] (3) **Bonus floor area** may be authorized for a through *block* galleria in accordance with the provisions of Section 81-748 (Floor area bonus for through block gallerias).

(c) Required assurances

All such authorizations by special permit or certification and involving preservation of existing theatres shall be subject to the provisions of Section 81-743 (Required assurances for continuance of legitimate theatre use).

(d) Limits on total additional floor area

Except as otherwise provided in Section 81-212 (Special provisions for transfer of development rights from landmark sites), the total additional *floor area* permitted on the *zoning lot* by such special permit or certification, together with all *bonus floor area* or *floor area* derived from transferred development rights under other provisions of this Chapter, shall in no event exceed the maximum amount permitted by special permit as set forth in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings).

(e) Limitations on non-theatre related bonuses in C6-4, C6-5 or M1-6 Districts

For *zoning lots* or portions thereof in C6-4, C6-5 or M1-6 Districts, the total amount of *floor area* derived from non-theatre related bonuses or other special *floor area* allowances pursuant to provisions of this Chapter other than those in Sections 81-744, 81-745, 81-746, or 81-747 relating to the preservation of existing theatres shall not exceed a *floor area ratio* of 2.0.

(f) Theatre-related bonus floor area for residences in C6-4 and C6-5 Districts

For *zoning lots* or portions thereof in C6-4 or C6-5 Districts, some or all of the *bonus floor area* or other special *floor area* allowances permitted pursuant to the provisions of Sections 81-744, 81-745, 81-746 or 81-747 relating to the

preservation or rehabilitation of existing theatres may be allocated to a *residential building* or the *residential* portion of a *mixed building* provided that the total *residential floor area ratio* with such *floor area* allowances shall not exceed 12.0.

(g) Certification for [urban parks or] subway station improvements

Within the Theatre Subdistrict, any application for a special permit pursuant to the provisions of [Section 81-52 (Urban Parks) or] Section 81-53 (Subway Station Improvements) shall be subject to prior certification by the City Planning Commission in accordance with Section 81-51 (General Provisions).

81-742

Restrictions on demolition of theatres

No demolition permit shall be issued by the Department of Buildings for any theatre listed in this section as a "listed theatre," unless:

- (a) It is an unsafe *building* and demolition is required pursuant to the provisions of Sections 26-235 to 26-243 (Title 26, Chapter 1, Article 8-Unsafe Buildings and Property) Administrative Code; or
- (b) It has been designated a landmark by the Landmark Preservation Commission and a notice to proceed has been issued to the owner pursuant to Section 25-309 of the Administrative Code permitting demolition that contemplates removal of the theatre from theatre *use*; or
- (c) The City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action permits its demolition upon making the following findings:
 - (1) That demolition of the theatre structure will not unduly diminish the character of the Theatre Subdistrict as a cultural, entertainment and theatrical showcase, taking into consideration any or all of the following list of factors:
 - (i) Current physical characteristics of the theatre that affect its suitability as a legitimate theatre, including but not limited to seating capacity, configuration and location,
 - (ii) History of its *use* as a legitimate theatre presenting legitimate attractions to the general public,
 - (iii) Likelihood of its future *use* for legitimate theatre production under reasonable terms and conditions generally prevailing in the theatre industry, and
 - (iv) Applicant's plans, if any, for replacement of the theatre structure with a *development* containing replacement *uses* supportive of the character of the Theatre Subdistrict, and
 - (2) That there exists a legal commitment binding upon all parties in interest of the *zoning lot* containing the theatre that any *development* or *enlargement*

on a *zoning lot* containing a portion or all of the former site of the listed theatre shall reserve floor space at least equivalent in amount to the total *floor area* of the theatre devoted exclusively to *uses* described in Section 81-725 (Entertainment-related uses) and meeting the requirements of Section 81-724 (Requirements for entertainment-related uses) for the life of such *development* or *enlargement*. If the area of the *zoning lot* containing the theatre is less than 20,000 square feet and the Commission finds that the allocation of floor space at least equivalent in amount to the total *floor area* of the theatre to *uses* described in Section 81-725 (Entertainment-related uses) is impractical or unreasonable, the Commission may authorize a reduction in the amount of area allocated to such *uses*. Any *development* or *enlargement* on a *zoning lot* containing a portion or all of the former site of a listed theatre must, however, meet the requirements of Section 81-724 (Requirements for entertainment-related uses), whether or not the *zoning lot* is located within the area described in that Section.

The theatres to which the provisions of this Section apply are predominantly free standing theatres with full stage and wings and are identified as listed theatres in Table 1 below.

TABLE 1
Listed Theatres
(Section 81-742)

Theatre Name	Address	Block Number	Lot Number
*Ambassador	215 West 49th St.	1021	15
*Barrymore	243 West 47th St.	1019	12
Belasco	111 West 44th St.	997	23
*Biltmore	261 West 47th St.	1019	5
*Booth	222 West 45th St.	1016	15
*Broadhurst	235 West 44th St.	1016	11
*Broadway	1681 Broadway	1024	46
*Brooks Atkinson	256 West 47th St.	1018	57
City Center	131 West 55th St.	1008	15
*Cort	138 West 48th St.	1000	49
*Ed Sullivan	1697 Broadway	1025	43
Empire	236 West 42nd St.	1013	50
*Eugene O'Neill	230 West 49th St.	1020	53
*Forty-Sixth St.	226 West 46th St.	1017	48
*Golden	252 West 45th St.	1016	58
Harris	226 West 42nd St.	1013	45
*Helen Hayes	240 West 44th St.	1015	51

*Henry W. Miller	124 West 43rd St.	995	45
*Hudson	139 West 44th St.	997	15
*Imperial	249 West 45th St.	1017	10
Liberty	234 West 42nd St.	1013	49
*Longacre	220 West 48th St.	1019	50
*Lunt-Fontanne	205 West 46th St.	1018	20
Lyceum	149 West 45th St.	998	8
Lyric	213 West 42nd St.	1014	39
*Majestic	245 West 44th St.	1016	5
*Mark Hellinger	237 West 51st St.	1023	11
*Music Box	239 West 45th St.	1017	11
*Nederlander	208 West 41st St.	1012	30
*Neil Simon	250 West 52nd St.	1023	54
New Amsterdam	214 West 42nd St.	1013	39
New Amsterdam Roof Garden	214 West 42nd St.	1013	39
New Apollo	234 West 43rd St.	1014	20
*Palace	1564 Broadway	999	63
*Plymouth	236 West 45th St.	1016	51
Ritz	225 West 48th St.	1020	14
*Royale	242 West 45th St.	1016	55
*St. James	246 West 44th St.	1015	54
Selwyn	229 West 42nd St.	1014	17
*Shubert	225 West 44th St.	1016	15
*Studio 54	254 West 54th St.	1025	58
Times Square	219 West 42nd St.	1014	20
Victory	209 West 42nd St.	1014	25
*Virginia	245 West 52nd St.	1024	7
*Winter Garden	1634 Broadway	1022	2

* Indicates theatre which may be retained for a *floor area* bonus under the provisions of Section 81-744 (Floor area bonus for retention of existing listed theatres), provided that it is not already subject to an agreement under Section 81-743 (Required assurances for continuance of legitimate theatre use).

In the case of an existing legitimate theatre for whose construction bonus *floor area* was granted pursuant to regulations in effect prior to the effective date of this amendment, no provision of this amendment shall be construed as changing any previously existing responsibility of the owner or lessee of such theatre for continuance of its *use* as a legitimate theatre.

81-743

Required assurances for continuance of legitimate theatre use

As a condition for the issuance of any special permit under the provisions of Section 81-745 (Floor area bonus for rehabilitation of existing listed theatres) or Section 81-747 (Transfer of development rights from landmark theatres), or the issuance of a certification under the provisions of Section 81-744 (Floor area bonus for retention of existing listed theatres) or Section 81-746 (Modification of special provisions for zoning lots divided by district boundaries), there shall exist:

- (a) a signed lease from a prospective theatre operator, or a written commitment from the owner of the theatre if such owner is also the operator, with credentials acceptable to the City Planning Commission, for occupancy of the theatre and its operation as a legitimate theatre for a period of not less than five years; and
- (b) a legal commitment binding upon the owner and lessee of the theatre for continuance of its use as a legitimate theatre for the life of the related *development*; and
- (c) a plan and program approved by the Commission for periodic inspection and continuing maintenance [approved by the Commission] of the theatre. Inspections shall be conducted by a certified engineer and/or preservation architect, and a report of each such inspection given to the Commission, at least once every three years. The plan and program shall further provide that adequate financial resources are available to ensure the timely completion of all maintenance and repairs which the periodic inspection report determines are necessary to protect the integrity and functioning of the theatre.

81-744

[Floor area bonus for new theatres]

Floor area bonus for retention of certain existing listed theatres

[This Section was repealed.]

The Chairman of the City Planning Commission by certification may authorize bonus *floor area* for any *development* or *enlargement* where an agreement exists to retain and maintain for legitimate theatre *use* an eligible listed theatre as set forth in Section 81-742 (Restrictions on demolition of theatres). The *development* or *enlargement* and the listed theatre may be located on the same or a separate *zoning lot*.

(a) Amount of retention bonus

The amount of bonus *floor area* granted for a qualifying theatre retention shall be calculated at a *floor area ratio* of 1.0 over the total area of the *zoning lot* on which the *development* or *enlargement* is located.

(b) Location of development or enlargement

The *development or enlargement* for which a theatre retention bonus is granted shall be located within the Theatre Subdistrict, whose boundaries are shown on Map No. 1 (Special Midtown District and Subdistricts), but shall not be located on a *zoning lot* with more than 50 percent of its area within the Theatre Subdistrict Core. The listed theatre which is retained as a condition of the granting of the bonus may be located on a *zoning lot* which is the same as or separate from the *zoning lot* containing the *development or enlargement*.

(c) Conditions for retention bonus

As a condition for the granting of bonus *floor area* under the provisions of this Section, the following requirements shall be satisfied:

- (1) A written declaration to be recorded against both the *zoning lot* of the listed theatre and the *zoning lot* of the *development or enlargement* shall exist meeting all of the requirements of Section 81-743 (Required assurances for continuance of legitimate theatre use) that the listed theatre will be retained and maintained for legitimate theatre use. The Certificates of Occupancy for the listed theatre and the *development or enlargement* for which bonus *floor area* is granted shall record and incorporate a copy of such agreement, and occupancy of the bonus *floor area* shall be conditioned upon continued compliance therewith.
- (2) Bonus *floor area* under the provisions of this Section may only be granted for the retention of listed theatres indicated thus (*) in Table 1 of Section 81-742 (Restrictions on demolition of theatres); no bonus *floor area* shall be granted for retention of any listed theatre already subject to an agreement pursuant to the conditions of Section 81-743 (Required assurances for continuance of legitimate theatre use).

81-745

Floor area bonus for rehabilitation of existing listed theatres

* * *

(b) Amount of rehabilitation bonus

The amount of bonus *floor area* granted for a qualifying theatre rehabilitation shall be at the discretion of the City Planning Commission after consideration of the following findings by the Commission:

- (1) how and to what extent the proposed rehabilitation will improve the theatre's [design and its commercial viability] *suitability for use as a legitimate theatre; and*
- [(2) the size and type of theatre which is being rehabilitated;
- (3) the cost of the proposed rehabilitation; and]
- [(4)](2) how the proposed rehabilitation will contribute toward satisfying the needs of the Theatre Subdistrict.

Such bonus *floor area* shall not exceed 20 percent of the basic maximum *floor area* permitted on the *development's zoning lot* by the regulations of the underlying district, except that in the case of a C6-4, C6-5 or M1-6 underlying district, the bonus *floor area* shall not exceed 44 percent of the basic maximum *floor area* permitted in such underlying district.

81-748

Floor area bonus for through block gallerias

Upon certification by the City Planning Commission that the requirements of this Section are satisfied, a *development within the Theatre subdistrict, but outside of the Theatre Subdistrict Core*, which provides a through *block* galleria shall be eligible for bonus *floor area* in the amount of 6 square feet for each square foot of through *block* galleria area, provided that in no case shall such bonus *floor area* exceed a *floor area ratio* of 1.0.

A through *block* galleria is a continuous covered public space on a *zoning lot*, which connects two parallel or nearly parallel east-west *streets* and provides for through *block* pedestrian circulation as well as other pedestrian amenities appropriate to the Theatre Subdistrict. A through *block* galleria shall satisfy the following requirements:

(a) District plan requirements

[It shall be located within a through *block* corridor as shown on Map 5 (Through Block Corridors) and] A through *block* galleria shall be located within the Theatre Subdistrict but outside of the Theatre Subdistrict Core. It shall be located not less than 200 feet from a *wide north-south street*. It shall satisfy the requirements of Section 81-46 (Through Block Connection). It may be counted toward meeting the minimum pedestrian circulation space requirements as set forth in Section 81-45 (Provision of Pedestrian Circulation Space) up to a maximum of 3,000 square feet. For any *zoning lot* on which a through *block* connection is not [required] permitted by the provisions of Section 81-46 as counting towards meeting the pedestrian circulation space requirements of Section 81-45, no bonus shall be allowed for a through *block* galleria.

* * *

81-75

Special Street Wall and Setback Requirements

* * *

(5) Above the required *street wall* height before setback, a portion of any such *building* up to a height of 120 feet above *curb level* may occupy area forward of the setbacks required in Subsections (3) or (4) but not closer than 20 feet to the Seventh Avenue or Broadway *street line*, provided that:

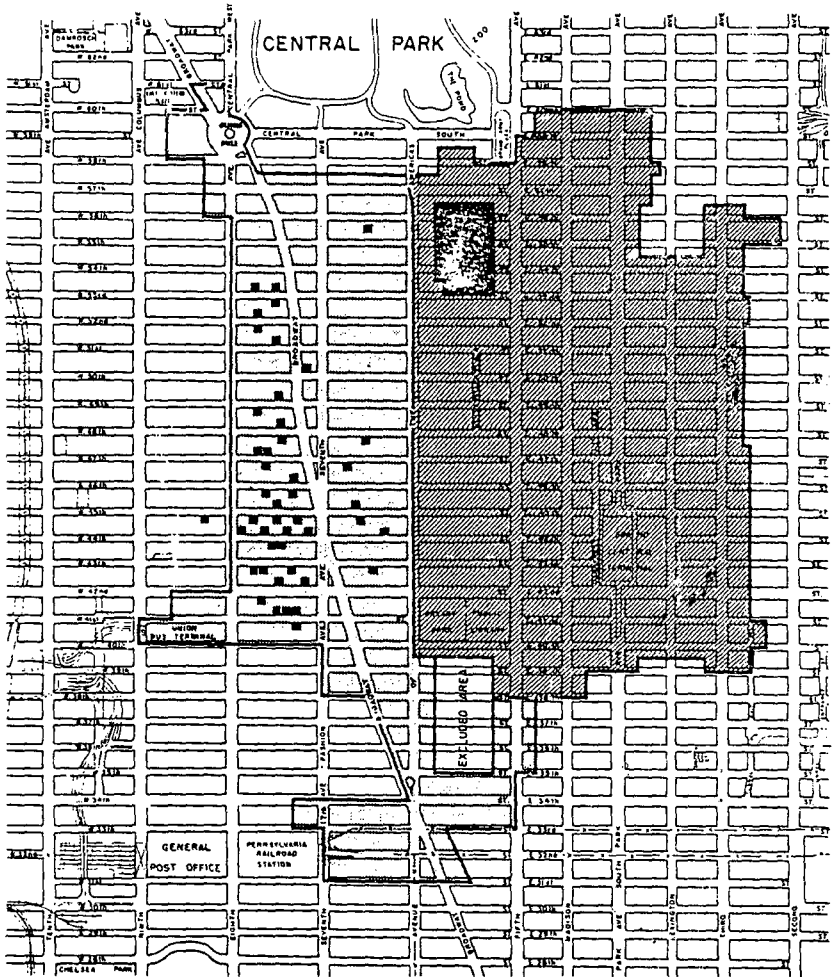
- (i) Ninety (90%) percent of any *narrow street wall*, higher than 60 feet above *curb level* and forward of the setbacks required in Subsections (3) or (4) is covered with *illuminated signs*.
- (ii) In addition, ninety (90%) percent or 6000 square feet, whichever is less, of any Seventh Avenue or Broadway *street wall* higher than 60 feet above *curb level* and forward of the setbacks required in Subsections (3) and (4) is covered with *illuminated signs*.

For the purposes of this Subsection, a portion of a *street wall* shall be deemed to be covered with an *illuminated sign* if such *sign* obscures that portion of the *street wall* from view at *street level* at a point perpendicular in plan to the *sign* and 60 feet from the *street line* of the *narrow street* for Subparagraph (i) and Seventh Avenue or Broadway for Subparagraph (ii).

Neither Temporary Certificates of Occupancy for *floor area* of the *development* or *enlargement* comprising in aggregate more than fifty (50%) percent of the total *floor area* of the *development* or *enlargement*, nor a first Permanent Certificate of Occupancy for the *development* or *enlargement*, shall be issued by the Department of Buildings until all of the requirements as set forth in this Subsection at the time of issuance of such Certificates of Occupancy have been met and all *illuminated signs* required under this Subsection have been installed and put in operation.

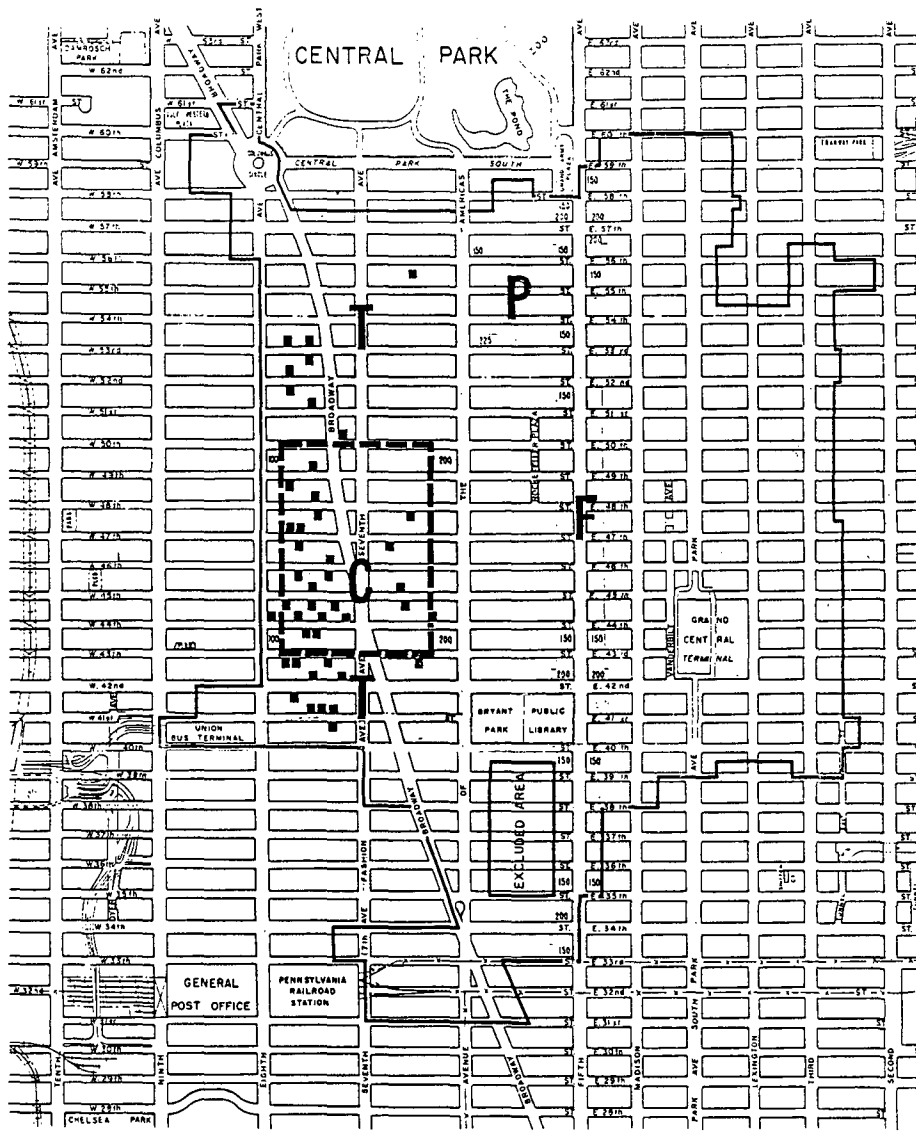
- (6) For the purposes of this Section, *signs* are permitted as exceptions to the special *street wall* and setback requirements contained herein, except that above the top of a *street wall* before setback required under this Section no *sign* may be located closer than 10 feet to the Seventh Avenue or Broadway *street wall* before setback. *Signs* located below the top of a required *street wall* before setback as defined in this Section 81-75 may project across a *street line* up to 10 feet. **Marquees are not subject to the requirements of this Subsection.**
- (b) The *street wall* of any *building* on a *zoning lot* between 43rd and 50th Streets and between Seventh Avenue and Broadway shall have a minimum *street wall* height of 50 feet above *curb level* on all *street* frontages.

APPENDIX A
DISTRICT MAPS 1 TO 5



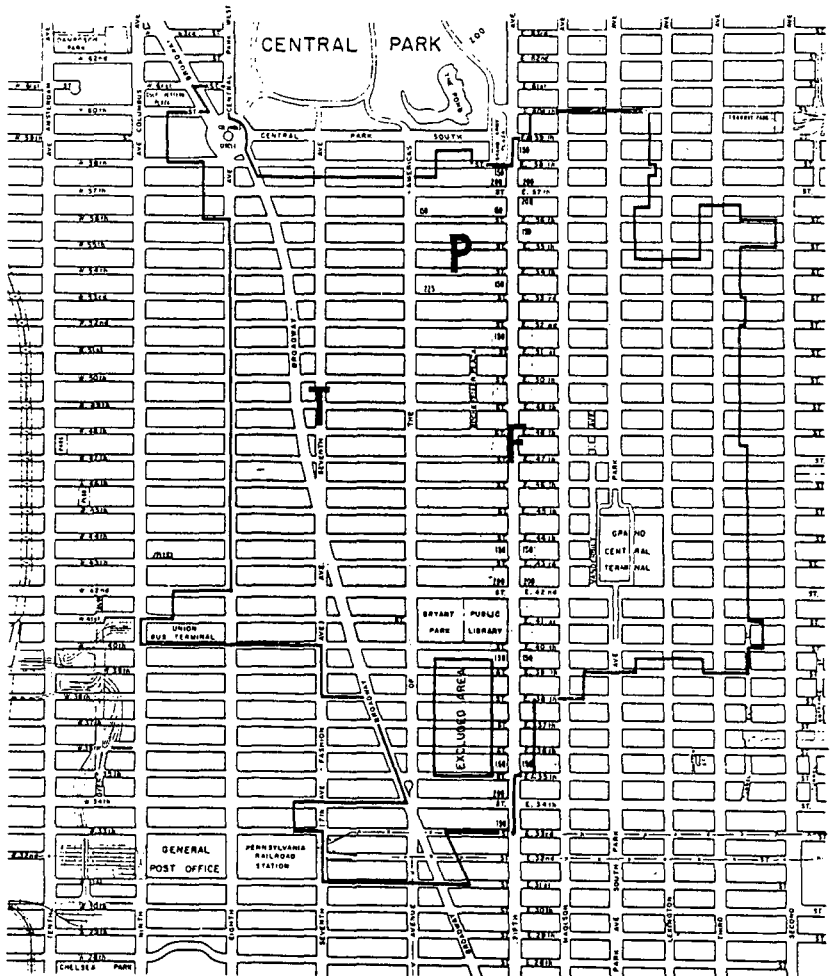
MIDTOWN DISTRICT PLAN
MAP 1 - DEVELOPMENT STRATEGY

-  GROWTH
-  STABILIZATION
-  PRESERVATION



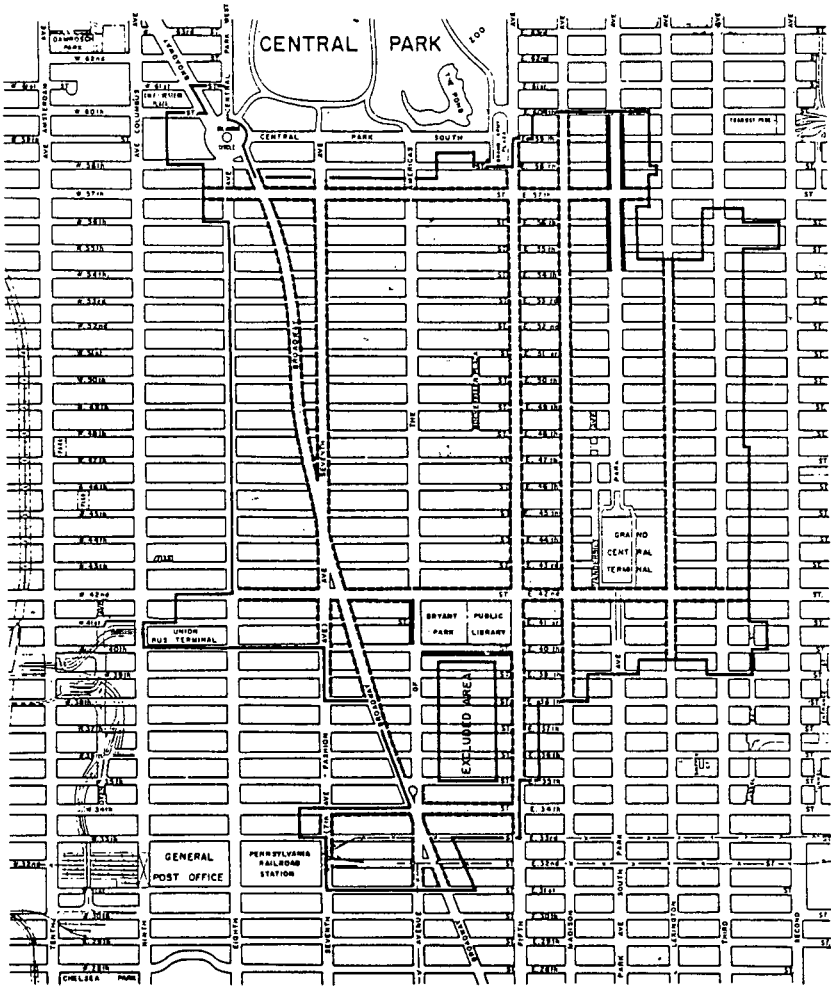
MIDTOWN DISTRICT PLAN
 MAP I - SPECIAL MIDTOWN DISTRICT AND SUB DISTRICTS

- F FIFTH AVENUE SUB DISTRICT
- T THEATRE SUB DISTRICT
- P PRESERVATION SUB DISTRICT
- C THEATRE SUB DISTRICT CORE
- LISTED THEATRES

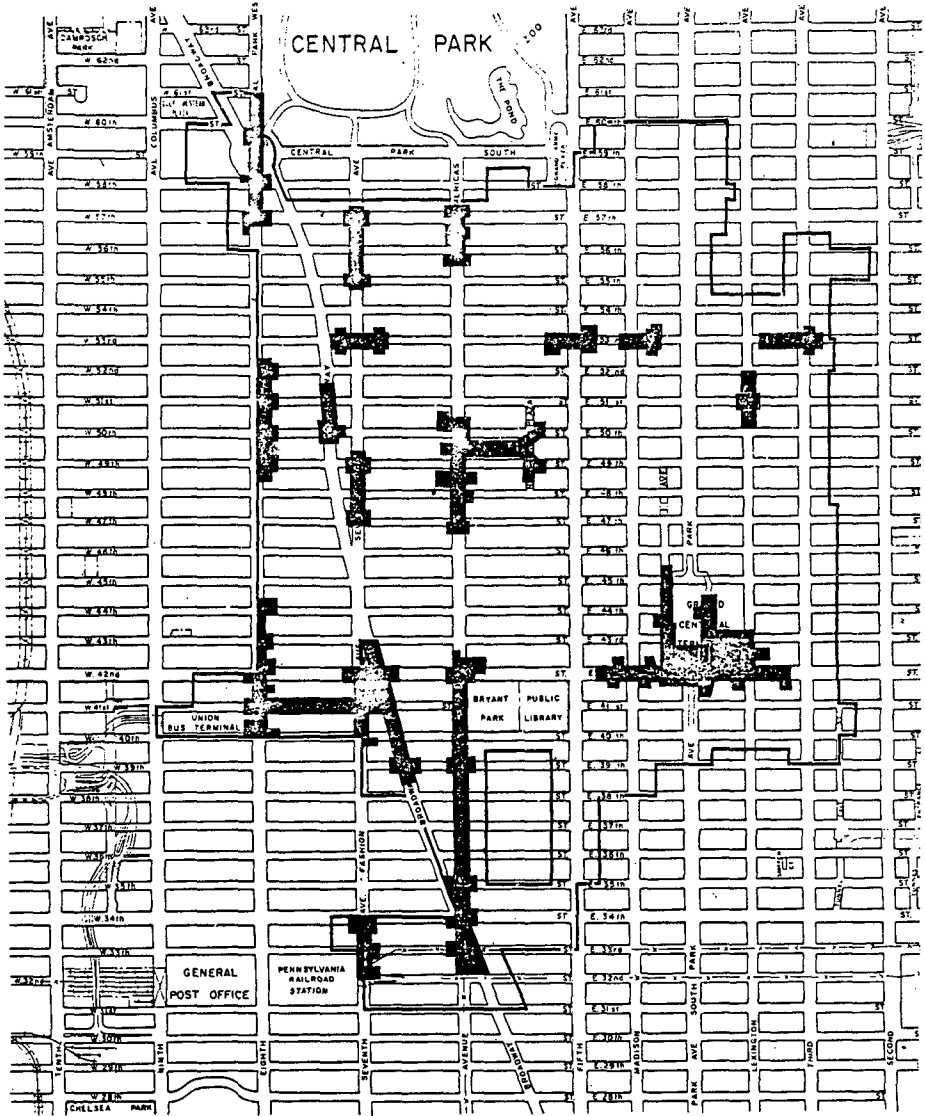


MIDTOWN DISTRICT PLAN
 MAP 2-SPECIAL MIDTOWN DISTRICT AND SUB DISTRICTS

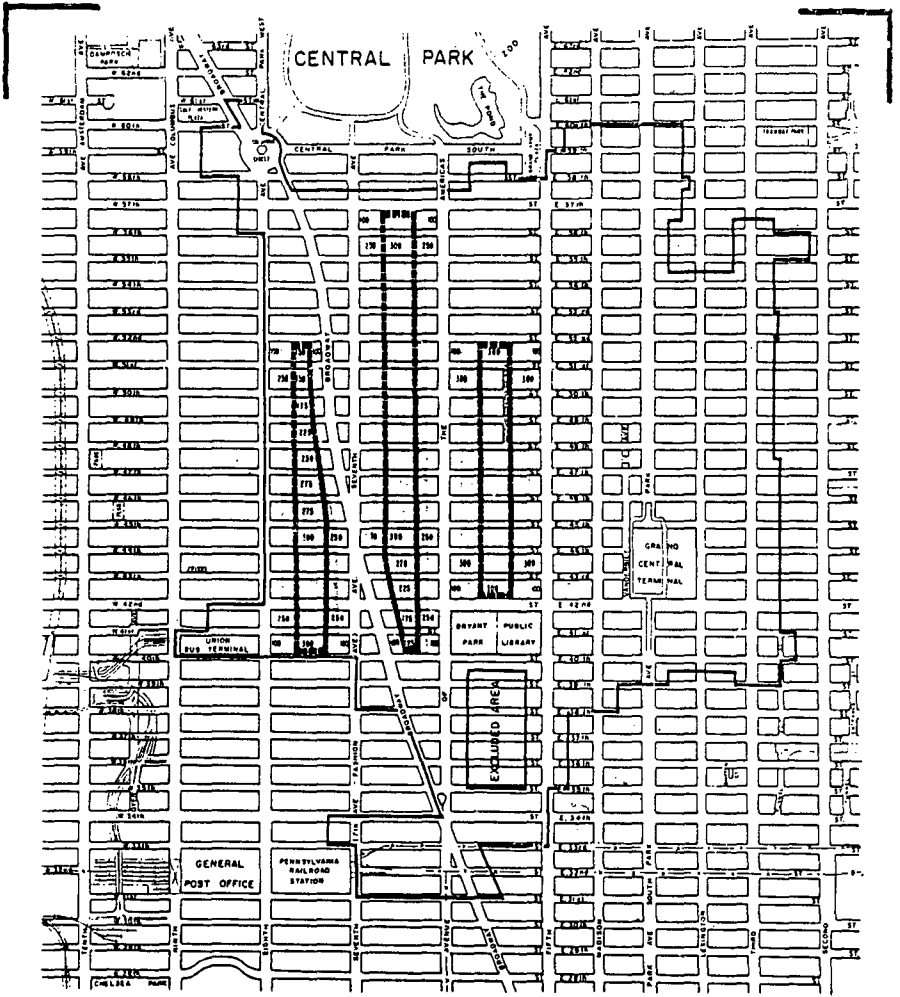
- F FIFTH AVENUE SUB DISTRICT
- T THEATRE SUB DISTRICT
- P PRESERVATION SUB DISTRICT



2 MIDTOWN DISTRICT PLAN
MAP 5- RETAIL AND STREET WALL CONTINUITY
----- RETAIL AND STREET WALL CONTINUITY REQUIRED
————— STREET WALL CONTINUITY ONLY REQUIRED



MIDTOWN DISTRICT PLAN
MAP 3 - SUBWAY STATION IMPROVEMENT AREAS



MIDTOWN DISTRICT PLAN
MAP 5 - THROUGH BLOCK CORRIDORS

THROUGH BLOCK CORRIDOR
THROUGH BLOCK BAND

(On February 17, 1988 Cal. No. 7, the Commission scheduled March 2, 1988, for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF STATEN ISLAND**No. 14**

CD 3

C 880132 PPR

PUBLIC HEARING

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of one City-owned property, located at Connecticut Street north of Hylan Boulevard (Block 7928, Lot 83).**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On February 17, 1988, Cal. No. 8, the Commission scheduled March 2, 1988, for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF THE BRONX**No. 15**

CD 6

C 880158 PPX

PUBLIC HEARING

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of fifty (50) City-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On February 17, 1988, Cal. No. 9, the Commission scheduled March 2, 1988, for a public hearing which has been duly advertised.)

Close the hearing.

No. 16

CD 9

C 880483 PPX

PUBLIC HEARING

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **release of the City's right to reacquire privately-owned land within the proposed Shorehaven development.**

A list and description of the properties can be seen at the Department of City Planning, 22 Reade Street, Room 2E, New York, New York.

(On February 17, 1988, Cal. No. 10, the Commission scheduled March 2, 1988, for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 17

CD 17, 18

C 870691-692 PPK

PUBLIC HEARING

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of thirty-three (33) city-owned properties.**

<u>ULURP No.</u>	<u>C.B. No.</u>	<u>No. of Parcels</u>	<u>Location</u>
C 870691 PPK	17	22	Various
C 870692 PPK	18	11	Various

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On February 17, 1988, Cal. No. 1, the Commission scheduled March 2, 1988, for a public hearing which has been duly advertised.)

Close the hearing.

No. 18

CD 1, 2, 3

C 870821-823 PPK

PUBLIC HEARING

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of seventeen (17) city-owned properties.**

<u>ULURP No.</u>	<u>C.B. No.</u>	<u>No. of Parcels</u>	<u>Location</u>
C 870821 PPK	1	3	Various
C 870822 PPK	2	1	75-77 Clifton Place
C 870823 PPK	3	13	Various

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On February 17, 1988, Cal. No. 2, the Commission scheduled March 2, 1988, for a public hearing which has been duly advertised.)

Close the hearing.

No. 19

CD 4

C 870824 PPK

PUBLIC HEARING

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of thirty-one (31) City-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On February 17, 1988, Cal. No. 3, the Commission scheduled March 2, 1988, for a public hearing which has been duly advertised.)

Close the hearing.

 No. 20

CD 5, 8, 16

C 870825-827 PPK

PUBLIC HEARING

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of eighteen (18) city-owned properties.**

<u>ULURP No.</u>	<u>C.B. No.</u>	<u>No. of Parcels</u>	<u>Location</u>
C 870825 PPK	5	4	Various
C 870826 PPK	8	10	Various
C 870827 PPK	16	4	Various

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On February 17, 1988, Cal. No. 4, the Commission scheduled March 2, 1988, for a public hearing which has been duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF QUEENS

No. 21

(Designation and disposition of city-owned property for the proposed Queenswood Municipal Assistance Corporation housing for low and moderate income tenants)

CD 4

C 880309 HAQ

IN THE MATTER OF the designation and disposition of city-owned property, pursuant to the Urban Development Action Area Act of New York State and Section 197-c of the New York City Charter.

Approval of three separate matters is required:

1) The designation as an **Urban Development Action Area** of the following property on the block bounded by 101st Street, Martense Avenue, 57th Avenue, 100th Avenue and Lewis Avenue (block 1937, lot 1).

2) Approval of an Urban Development Action Area Project for such property; and

3) Disposition of such property to a developer to be selected by the Department of Housing Preservation and Development.

The proposed project would provide 296 units of new housing under the MAC (Municipal Assistance Corporation) **Moderate Income Housing Program**, with 20% reserved for low income tenants and 80% for moderate income tenants.

(On January 20, 1987, Cal. No. 9, the Commission scheduled February 3, 1988, for a public hearing. On February 3, 1988, Cal. No. 8, the hearing was closed. On February 17, 1988, Cal. No. 43, the item was laid over.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 22

CD 1, 2

C 880234-235 PPR

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of five (5) city-owned properties.

<u>ULURP No.</u>	<u>CB No.</u>	<u>No. of Parcels</u>	<u>Location</u>
C 880234 PPR	1	4	Various
C 880235 PPR	2	1	Easterly intersection of Lightner Ave. and Fine Blvd (Tillman St.) at Richmond Parkway.

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On January 25, 1988, Cal. No. 25, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 28, the hearing was closed.)

For consideration.

Nos. 23, 24, 25, 26, 27 and 28

(Six Staten Island authorizations for approval)

No. 23

CD 2

N 860437 ZAR

(Request to subdivide one zoning lot into five (5) individual lots and to grade a road in the Special Natural Area District of Staten Island.)

IN THE MATTER OF an application, pursuant to Sections 105-90, 105-421 and 105-423 of the Zoning Resolution, from Rudolf Beneda, A.I.A., for the grant of certification for subdivision and authorizations involving modification of topography and alteration of botanic environment on property located at 25, 41, 55, 69 and 85 Whitlock Avenue. (Block 908, Lots 1, 6, 11, 16, 21)

Plans for the proposed subdivision and grading of road are on file with the City Planning Commission and may be seen in Room 2E, 22 Reade Street, New York, New York 10007.

For consideration.

No. 24

CD 2

N 870926 RAR

IN THE MATTER OF an application pursuant to Sections 107-62 and 107-123 of the Zoning Resolution from John and Kathleen Cooper for granting **authorization** for reduction of front yard requirements and certification of school seats at **66 Eagan Avenue**, Block 6214, Lot 45 in order to construct a two-family house.

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.

For consideration.

No. 25

CD 2

N 880044 ZAR

(Request to construct a two story single family residence and an in-ground swimming pool in the Special Natural Area District of Staten Island.)

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Robert and Maureen Cicero, for the grant of **authorizations** involving modification of topography and alteration of botanic environment on property located at **485 St. Andrews Road**. (Block 2292, Lot 38)

Plans for the proposed single family residence and in-ground swimming pool are on file with the City Planning Commission and may be seen in Room 2E, 22 Reade Street, New York 10007.

For consideration.

No. 26

CD 2

N 880106 ZAR

(Request to construct a two story single family residence and in-ground swimming pool in the Special Natural Area District of Staten Island.)

IN THE MATTER OF an application, pursuant to Section 105-421 of the Zoning Resolution, from Pat Rocchio, for the grant of **authorization** involving modification of existing topography on property located at **1161 Richmond Hill Road**. (Block 2292, Lot 43)

Plans for the proposed single-family residence and in-ground pool are on file with the City Planning Commission and may be seen in Room 2E, 22 Reade Street, New York.

For consideration.

No. 27

CD 2

N 870843 ZAR.

(Request to construct a two-story single family residence in the Special Natural Area District of Staten Island.)

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Richard Bosco, for the grant of **authorizations** involving modification of topography and alteration of botanic environment on property located at **70 Ridge Avenue**. (Block 843, Lot 100)

Plans for the proposed single family residence are on file with the City Planning Commission and may be seen in Room 2E, 22 Reade Street, New York, New York 10007.

For consideration.

No. 28

CD 2

N 861223 ZAR

(Request to construct a one-family dwelling in the Special Natural Area District of Staten Island.)

IN THE MATTER OF an application, pursuant to Sections 105-421 and 105-423 of the Zoning Resolution, from Herb Parisi, for the grant of **authorization** involving modification of topography and alteration of botanic environment

including the removal of three (3) trees on property located on the 243 Mace Street. (Block 2280, Lot 4)

Plans for the proposed application are on file with the City Planning Commission and may be seen in Room 2E, 22 Reade Street, New York, New York 10007.

For consideration.

BOROUGH OF THE BRONX

Nos. 29, 30 and 31

(Disposition of one-hundred fifteen (115) City-owned properties)

No. 29

CD 3

C 880155 PPX

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of forty-nine (49) City-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On January 25, 1988, Cal. No. 1, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 29, the hearing was closed.)

For consideration.

No. 30

CD 4, 5

C 880156-157 PPX

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of fifty (50) City-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On January 25, 1988, Cal. No. 2, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 30, the hearing was closed.)

For consideration.

No. 31

CD 2, 3, 4, 6

C 880311-314 PPX

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of sixteen (16) City-owned properties.**

<u>ULURP No.</u>	<u>C.B. No.</u>	<u>No. of Parcels</u>	<u>Location</u>
C 880311 PPX	2	1	1095 Longwood Ave.
C 880312 PPX	3	1	1394 Crotona Ave.
C 880313 PPX	4	10	Various
C 880314 PPX	6	4	Various

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On January 25, 1988, Cal. No. 4, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 31, the hearing was closed.)

For consideration.

No. 32

CD 2

C 880354 HDX

IN THE MATTER OF the disposition of City-owned property, pursuant to Section 197-c of the New York City Charter.

The property proposed for disposition, **547 Southern Boulevard** (block 2688, lot 52), is a five story new-law walk-up with seventeen (17) residential units and two commercial units. The Department of Housing Preservation and Development intends to sell the property **for the purpose of providing housing for low-income families.** The tenants' association has managed and maintained the building since May 1, 1986 under HPD's Leasing Bureau.

(On January 25, 1988, Cal. No. 5, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 32, the hearing was closed.)

For consideration.

No. 33

CD 2

C 880355 HDX

IN THE MATTER OF the disposition of City-owned property, pursuant to Section 197-c of the New York City Charter.

The property proposed for disposition, **986 Leggett Avenue** [block 2684, lot 74], is a five story new-law walk-up with 20 residential units. The Department of Housing Preservation and Development intends to sell the property **for the purpose of providing housing for low-income families**. The tenants' association has managed and maintained the building since March 1, 1985 under HPD's Leasing Bureau.

(On January 25, 1988, Cal. No. 6, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 33, the hearing was closed.)

For consideration.

No. 34

CD 3

C 860365 ZMX

IN THE MATTER OF an application submitted by A. Silmac Glass Corporation pursuant to Sections 197-c and 200 of the New York City Charter for an **amendment of the Zoning Map**, Section 3d, establishing within an existing R8 District a C2-4 District, bounded by Townsend Avenue, a line 100 feet north of East 175th Street, a line 100 feet west of Townsend and a line 240 feet north of East 175th Street, **to permit the development of an accessory parking lot**, as shown on a diagram dated December 7, 1987.

(On January 25, 1988, Cal. No. 7, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 34, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN**Nos. 35, 36, 37, 38 and 39***(Disposition of forty-four (44) City-owned properties)***No. 35****CD 3****C 880045 PPK**

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of two city-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On January 25, 1988, Cal. No. 12, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 15, the hearing was closed.)

For consideration.**No. 36****CD 3, 17****C 880315-316 PPK**

IN THE MATTER OF an application by the Division of Real Property, on behalf of the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the **disposition of four city-owned properties.**

<u>ULURP No.</u>	<u>CB No.</u>	<u>No. of Parcels</u>	<u>Location</u>
C 880315 PPK	3	3	Various
C 880316 PPK	17	1	1085 Rogers Ave.

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On January 25, 1988, Cal. No. 13, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 16, the hearing was closed.)

For consideration.

No. 37

CD 5, 13

C 880332-333 PPK

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of three (3) city-owned properties.**

<u>ULURP No.</u>	<u>CB No.</u>	<u>No. of Parcels</u>	<u>Location</u>
C 880332 PPK	5	2	S/E/C Liberty Ave. and Wyona St. S/S Liberty Ave., 100 ft. E/O Wyona St.
C 880333 PPK	13	1	Avenue X between W. 8 St. and Boynton Pl.

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On January 25, 1988, Cal. No. 14, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 17, the hearing was closed.)

For consideration.

 No. 38

CD 14

C 870688 PPK

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of ten (10) city-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On January 25, 1988, Cal. No. 15, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 18, the hearing was closed.)

For consideration.

No. 39**CD 16****C 870690 PPK**

IN THE MATTER OF an application by the Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the **disposition of twenty-two (22) city-owned properties.**

A list and description of the properties can be seen at the City Planning Commission, 22 Reade Street, Room 2E, New York, New York.

(On January 25, 1988, Cal. No. 16, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 19, the hearing was closed.)

For consideration.

No. 40**CD 7****M 870581 ZMK**

IN THE MATTER OF an application submitted by Stadmaver and Bailkin requesting the **amendment of the restrictive declaration of a previously approved zoning map application (C 830094 ZMK) to change an R6 district to a C8-1 district,** to allow the permitted uses in Use Group 16D to be unlimited as to floor area and location within the main building on a Zoning lot, bounded by 2nd Avenue, 63rd Street, 3rd Avenue and 64th Street (Block 5807, Lot 1).

(On January 25, 1988, Cal. No. 24, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 27, the hearing was closed.)

For consideration.

Nos. 41 and 42

(Selection and acquisition of property and an amendment to the City Map to facilitate the construction of two garages and a salt storage facility for the Department of Sanitation)

No. 41

CD 1

C 870403 PSK

IN THE MATTER OF an application by the Department of Sanitation pursuant to Section 197-c of the New York City Charter for the **selection and acquisition of property** located on the west side of Varick Avenue, and bounded on the north by the former center line of Stagg Street, on the west by English Kills, and on the south by the center line of Meserole Street, (Block 2962, Lots 1, 5 and 37 and Block 2696, Lots 1, 20 and 30, as well as a portion of Meserole Street and the entire bed of Schole Street from Varick Avenue to English Kills) as more specifically described in a diagram provided by the Department of Sanitation and dated December 4, 1987, for the construction of garages for the **Department's Brooklyn North Districts 1 and 4, and a salt storage facility.**

(On January 25, 1988, Cal. No. 8, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 11, the hearing was closed.)

For consideration.

No. 42

CD 1

C 870833 MMK

IN THE MATTER OF an application by the Department of Sanitation pursuant to Sections 197-c and 199 of the New York City Charter for an **amendment to the City Map** involving the elimination of Scholes Street and Meserole Street from Varick Avenue to English Kills and the discontinuation and closing of Scholes Street from Varick Avenue to English Kills and the adjustment of legal grades necessitated thereby **to facilitate construction of two garages and a salt storage facility**, in accordance with map numbers X-2409 and V-2410, dated December 8, 1987 and December 7, 1987 respectively and signed by the Borough President. The maps were referred by the Board of Estimate on January 22, 1987.

(On January 25, 1988, Cal. No. 9, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 12, the hearing was closed.)

For consideration.

No. 43

CD 1

C 880353 HDK

IN THE MATTER OF the disposition of city-owned property, pursuant to Section 197-c of the New York City Charter.

The property proposed for disposition, **384 Keap Street** (block 2142, Lot 2), is a five story new-law walk-up with twenty-five residential units and two commercial units. The Department of Housing Preservation and Development intends to sell the property **for the purpose of providing housing for low-income families**. A community group has managed and maintained the building since February 29, 1980.

(On January 25, 1988, Cal. No. 10, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 13, the hearing was closed.)

For consideration.

No. 44

CD 1

C 880369 HDK

IN THE MATTER OF the disposition of city-owned property, pursuant to Section 197-c of the New York City Charter.

The property proposed for disposition, **452 Bedford Avenue** (block 2146, lot 22), is a four story old-law walk-up with six residential units and one commercial unit. The Department of Housing Preservation and Development intends to sell the property **for the purpose of providing housing for low-income families**. The tenant's association has managed and maintained the building since November 1, 1982 under HPD's Leasing Bureau.

(On January 25, 1988, Cal. No. 11, the Commission scheduled February 17, 1988, for a public hearing. On February 17, 1988, Cal. No. 14, the hearing was closed.)

For consideration.

No. 45

(Selection and acquisition of property to facilitate the proposed Evergreen Avenue Residence Center)

CD 4

N 870511 PKS

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the selection and acquisition of property located at 871 and 889 Bushwick Avenue bounded by Himrod Street, **Evergreen Avenue**, and Harmon Street (Block 3274, Lot 1), as more specifically described in a diagram provided by the Human Resources Administration and dated December 31, 1986, for the renovation of the former Memorah Hospital Complex for use as a **relative center** for approximately 150 homeless families.

(On December 30, 1987, Cal. No. 5, the Commission scheduled January 20, 1988 for a public hearing. On January 20, 1988, Cal. No. 21, the hearing was closed. On February 17, 1988, Cal. No. 41, the item was laid over.)

For consideration.
