

CITY PLANNING COMMISSION

DISPOSITION SHEET

PUBLIC MEETING:
 WEDNESDAY, FEBRUARY 28, 1996
 10:00 A.M. IN SPECTOR HALL

Lois McDaniel, Calendar Officer
 22 Reade Street, Room 2E
 New York, New York 10007-1216
 (212) 720-3370

CAL NO.	ULURP NO.	CD NO.	C.P.C. ACTION	CAL NO.	ULURP NO.	CD NO.	C.P.C. ACTION
1	C 930220 PPK	3	Scheduled to be Heard 3/13/96	23	C 950624 ZMQ	5	Favorable Report Adopted
2	C 940690 PPK	16	" "	24	C 960051 PPQ	13	" "
3	C 960145 POK C 960146 PPK	17	" "	25	C 940446 PQQ	14	" "
4	C 960250 ZSK	18	" "	26	C 960120 PPQ	12	" "
5	C 950096 MMQ	6	" "	27	C 960152 PPR	1	Unfavorable Report Adopted
6	C 950097 ZMQ	6	" "	28			
7	C 950137 ZMQ	6	" "	29			
8	C 940044 MMR	1	" "	30			
9	C 920412 PPK	3	Hearing Closed	31			
10	C 960007 ZSK	11	" "	32			
11	C 950621 PCK	4	" "	33			
12	C 960202 HAK	5	" "	34			
13	C 960153 PPQ	1	" "	35			
14	C 960223 ZSQ	1	" "	36			
15	C 950471 POO C 950472 PPO	12	" "	37			
16	PROPOSED RULES	CW	" "	38			
17	N 960110 ZRY	CW	" "	39			
18	C 940513 PPX	2	Favorable Report Adopted	40			
19	C 960092 PPX	3	" "	41			
20	C 960106 HAX	3	" "	42			
21	C 960091 DMK	2	" "	43			
22	C 950452 PQM	6	" "	44			

COMMISSION ATTENDANCE:	Present (P) Absent (A)	COMMISSION VOTING RECORD: Calendar Numbers											In Favor - Y Oppose - N Abstain - AB			
		18	19	20	21	22	23	24	25	26	27					
Joseph B. Rose, <i>Chairman</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Victor G. Alcea, <i>Vice Chairman</i>	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Amanda M. Burden, A.I.C.P.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Irwin G. Cantor, P.E.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Kathy Hirata Chin, Esq.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Alexander Garvin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Anthony I. Giacobbe, Esq.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Maxine Griffith	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
William J. Grinker	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Brenda Levin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Edward T. Rogowsky	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
Ronald Shiffman, A.I.C.P.	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					

MEETING ADJOURNED AT: 2:20 P.M.

COMPREHENSIVE
CITY PLANNING CALENDAR
of
The City of New York

CITY PLANNING COMMISSION

WEDNESDAY, FEBRUARY 28, 1996

MEETING AT 10:00 A.M.
in
SPECTOR HALL, 22 READE STREET
MANHATTAN



Rudolph W. Giuliani, Mayor
City of New York

[No. 5]

Prepared by Lois McDaniel, Calendar Officer

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO PUBLIC MEETINGS

1. A quorum shall consist of seven members.
2. Final action by the Commission shall be by the affirmative vote of not less than seven members.
3. Except by unanimous consent, matters upon which public hearing 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 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 Commission 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 may do so by sending a certified check, made out to the City of New York -- Department of City Planning to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216. The fee, including tax, is \$64.95 for a two year subscription.

For Calendar Information: call (212) 720-3368, 3369, 3370.

Note to Subscribers: Notify us of change of address by writing to:

City Planning Commission
Calendar Information Office
22 Reade Street - Room 2E
New York, New York 10007-1216

B

CITY PLANNING COMMISSION

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

JOSEPH B. ROSE; *Chairman*
VICTOR G. ALICEA, *Vice-Chairman*
AMANDA M. BURDEN, *a.i.c.p.*
IRWIN G. CANTOR, *P.E.*
KATHY HIRATA CHIN, *Esq.*
ALEXANDER GARVIN
ANTHONY I. GIACOBBE, *Esq.*
WILLIAM J. GRINKER
BRENDA LEVIN
EDWARD T. ROGOWSKY
RONALD SHIFFMAN, *A.I.C.P.*
JACOB B. WARD *Commissioners*
LOIS MCDANIEL, *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, FEBRUARY 28, 1996

Roll Call; approval of minutes	1
I. Scheduling March 13, 1996	1
II. Public Hearings	5
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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 13, 1996 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 Hearing" 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 call 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 20 sets of each.

Anyone wishing to present facts or to inform the Commission of their view 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 at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

Borough _____ Identification No.: _____ CB No.: _____

Position:

Opposed _____

In Favor _____

Comments: _____

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

WEDNESDAY, FEBRUARY 28, 1996

APPROVAL OF MINUTES OF Regular Meeting of February 14, 1996
and Special Meeting of February 5, 1996

I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, MARCH 13, 1996
STARTING AT 10:00 A.M.
IN CITY HALL
NEW YORK, NEW YORK

BOROUGH OF BROOKLYN

No. 1

CD 3

C 930220 PPK

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the disposition of three (3) city-owned properties pursuant to zoning:

<u>Block</u>	<u>Lot</u>	<u>Address or Location</u>
1807	36,37	226-228 Quincy Street
1886	44	West side of Bedford Avenue, 100 feet south of Flushing Avenue.
2016	23	1090 Fulton Street

Resolution for adoption scheduling March 13, 1996 for a public hearing.

No. 2

CD 16

C 940690 PPK

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter for the disposition of seven (7) city-owned properties pursuant to zoning and four (4) city-owned properties pursuant to AHOP. If AHOP disposition is unsuccessful, disposition would be pursuant to zoning.

A list and description of the properties can be seen in the Brooklyn Office of the Department of City Planning, 16 Court Street, 7th Floor, Brooklyn, NY 11201.

Resolution for adoption scheduling March 13, 1996 for a public hearing.

No. 3

CD 17

**C 960145 PQK
C 960146 PPK**

IN THE MATTER OF an application submitted by the Department of General Services pursuant to Section 197-c of the New York City Charter, for acquisition and subsequent disposition to the Primary Care Development Corporation, of property located at 3817/23 Church Avenue (Block 4875, Lots 33 and 35) for use as a primary health care facility.

Resolution for adoption scheduling March 13, 1996 for a public hearing.

No. 4

CD 18

C 960250 ZSK

IN THE MATTER OF an application submitted by Sun Plaza Enterprise Corp. pursuant to Sections 197-c and 201 of the New York City Charter for:

1. **the grant of a special permit** pursuant to Section 62-736 of the Zoning Resolution to modify the height and setback requirements of Section 62-351(b)(3); and
2. **the grant of an authorization** by the City Planning Commission pursuant to Section 62-722(a) of the Zoning Resolution to allow the modification of the requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) to waive Section 62-41 (Requirements for Waterfront Public Access), including Section 62-411 (Requirements for shore public walkways), Section 62-414 (Requirements for upland connections), Section 62-415 (Requirements for supplemental public access areas) and 62-42 (Requirements for Visual Corridors), and, in conjunction therewith, the modification of Section 62-342 (Rear Yards and Waterfront Yards);

to facilitate the development of a 2-story commercial building on property located between Mill Basin and Avenue U, opposite Pearson Street (Block 8470, Lot 130),

in an M3-1 District*.

*Note: An application (C 950540 ZMK) to change the M3-1 District to a C8-1 District was certified on August 21, 1995.

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

Resolution for adoption scheduling March 13, 1996 for a public hearing.

BOROUGH OF QUEENS

Nos. 5 and 6

(Applications for an amendment to the City Map and an amendment of the Zoning Map concerning 65th Road Demapping and Rezoning)

No. 5

CD 6

C 950096 MMQ

IN THE MATTER OF an application submitted by Louis Pescatore and Jacqueline Ariel Ltd, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for **an amendment to the City Map** involving the elimination, discontinuance and closing of 65th Road - a dead-end - from Austin Street to the former right of way line of the Long Island Rail Road, and the adjustment of legal grade necessitated thereby, **and any acquisition or disposition of real property related thereto**, in accordance with Map No. 4927 dated December 28, 1994 and signed by the Borough President.

Resolution for adoption scheduling March 13, 1996 for a public hearing.

No. 6

CD 6

C 950097 ZMQ

IN THE MATTER OF an application submitted by Louis Pescatore and Jacqueline Ariel Ltd. pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 14a**, changing from a C8-1 District to an R7-1 District property bounded by Austin Street, a line 80 feet easterly of the easterly street line of former 65th Road* and its southerly prolongation, the northerly boundary line of the Long Island Rail Road Main Line Right-of-Way, and former 65th Road* and its southerly prolongation, as shown on a diagram (for

illustrative purposes only) dated November 27, 1995 and subject to the conditions of CEQR Declaration E-72.

* Note: 65th Road is proposed to be eliminated under a related application for a change in the City Map (C 950096 MMQ).

Resolution for adoption scheduling March 13, 1996 for a public hearing.

No. 7

CD 6

C 950137 ZMQ

IN THE MATTER OF an application submitted by Martin Gallent pursuant to Sections 197-c and 201 of the New York City Charter for an **amendment of the Zoning Map, Section No. 14a** changing from a C8-1 District to an R7A District property bounded by Austin Street, the easterly terminus of Austin Street (between 66th and 67th Avenues) and its southerly prolongation, the northerly boundary line of the Long Island Rail Road Main Line right-of-way, and a line 80 feet easterly of the easterly street line of 65th Road and its southerly prolongation, as shown on a diagram (for illustrative purpose only) dated November 27, 1995 and subject to the conditions of CEQR Declaration E-73.

Resolution for adoption scheduling March 13, 1996 for a public hearing.

BOROUGH OF STATEN ISLAND

No. 8

CD 1

C 940044 MMR

IN THE MATTER OF an application submitted by Rita Samuelson, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an **amendment to the City Map** involving the elimination, discontinuance and closing of Harrower Street from Eldridge Avenue to Burnside Avenue, the establishment of a public place in a portion of the former street bed, the adjustment of legal grade necessitated thereby, and the adjustment of treatment widths in the vicinity thereof, **and any acquisition or disposition of real property related thereto**, in accordance with Map No. 4127 dated August 10, 1994 and signed by the Borough President.

Resolution for adoption scheduling March 13, 1996 for a public hearing.

II. PUBLIC HEARINGS

BOROUGH OF BROOKLYN

No. 9

CD 3

C 920412 PPK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the **disposition of one (1) city-owned property located at 746 Lafayette Avenue (Block 1791, Lot 34), pursuant to zoning.**

(On February 14, 1996, Cal. No. 1, the Commission scheduled February 28, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 10

CD 11

C 960007 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Haym Salomon Home for The Aged pursuant to Sections 197-c and 201 of the New York City Charter for the **grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to permit the development of a nursing home with approximately 240 beds on property located at 2300 Cropsey Avenue (Block 6471, Lot 109; Block 6925, Lot 55), in an R6 District.**

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

(On February 14, 1996, Cal. No. 2, the Commission scheduled February 28, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 11

CD 4

C 950621 PCK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Police Department and the Department of General Services, pursuant to Section 197-c of the New York City Charter for site selection of city-owned property (Block 3232, Lots 56 and 57) and site selection and acquisition of privately-owned property (Block 3232, Lot 55), located at 1291/97 DeKalb Avenue for use as a parking lot.

(On February 14, 1996, Cal. No. 3, the Commission scheduled February 28, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

 No. 12

CD 5

C 960202 HAK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 377, 383, and 385 Cleveland Street; 314, 322, 317, 325, 327, 329 and 331 Elton Street; 715, 717 and 719 Glenmore Avenue; (Block 3985, Lots 5-8, 25, 26, 29, 30, 31 and 106; Block 3986, Lots 1, 31, 32, 33, 34, and 35) as an Urban Development Action Area;
 - b) an Urban Development Action Area project for such area.
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to the Elton Associates, L.P;

Approval of this application would facilitate the construction of 2 two-story buildings, tentatively known as Elton Court, containing 40 units of rental housing, including one unit for a superintendent, and with the assistance of the New York State Division of Housing and Community Renewal Home funds, and the New York Equity Fund.

(On February 14, 1996, Cal. No. 4, the Commission scheduled February 28, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF QUEENS

No. 13

CD 1

C 960153 PPQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of General Services pursuant to Section 197-c of the New York City Charter, for the disposition of city-owned property located in the ground floor and basement at 28-11 Queens Plaza North (Block 417, portion of Lot 2), pursuant to zoning.

(On February 14, 1996, Cal. No. 5, the Commission scheduled February 28, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 14

CD 1

C 960223 ZSQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by B.R. Northern Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow food stores (U.G. 6A) in excess of 10,000 square feet within an M1-1 District on property located at 48-18 Northern Boulevard (Block 120, Lot 12 and part of Lot 1)*.

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

* an application for a special permit (C 950117 ZSQ) pursuant to the same section to allow large retail establishments (U.G. 10A) with no limitations on floor area was granted on November 28, 1995.

(On February 14, 1996, Cal. No. 6, the Commission scheduled February 28, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

No. 15

CD 12

C 950471 PQQ
C 950472 PPQ

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of General Services pursuant to Section 197-c of the New York City Charter, for acquisition and subsequent disposition to the Primary Care Development Corporation, of property located at 114-39 Sutphin Boulevard (Block 12185, Lots 1, 6, 7), for use as a primary health care facility.

(On February 14, 1996, Cal. No. 7, the Commission scheduled February 28, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

CITYWIDE

No. 16

Citywide

PUBLIC HEARING:

IN THE MATTER OF PROPOSED RULES DEFINING MAJOR CONCESSIONS pursuant to the authority vested in the City Planning Commission by Section 374 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter that the Commission proposes rules defining Major Concessions. This is a revised version of proposed Major Concession rules originally published for comment on September 3, 1991.

Written comments regarding the proposed rules may be sent to Melanie Meyers, Counsel, Department of City Planning, 22 Reade Street, 2N, New York, N.Y. 10007 on or before March 15, 1996. A public hearing on the proposed Rule shall be held on February 28, 1996 beginning at 10:00 a.m. at City Hall, New York, N.Y. 10007. Written comments and a summary of oral comments received at the hearing will be available for public inspection within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m., at the Office of the Counsel, 22 Reade Street, Room 2N, New York, New York 10007.

Dated: December 20, 1995

Joseph B. Rose, Chairman

CHAPTER 7

RULES FOR THE DEFINITION OF MAJOR CONCESSIONS

GENERAL RULE

§7-01 A concession shall be considered a major concession and therefore subject to Sections 197-c and 197-d of the Charter only if:

- (a) it has been determined pursuant to City Environmental Quality Review to require an Environmental Impact Statement, or
- (b) except as provided in §7-03, the concession will cause one or more of the thresholds set forth in §7-02 to be exceeded.

§7-02 A concession shall be considered a major concession if it will cause one or more of the thresholds given for the specific uses listed below to be exceeded:

- (a) marinas with over 200 slips
- (b) a permanent performance or spectator sport use with over 2,500 seats
- (c) accessory parking lots with over 250 parking spaces on parklands
- (d) a use for which a new building of over 20,000 square feet of gross floor area will be constructed when such building will be located on property other than parkland
- (e) a use for which a new building of more than 15,000 square feet of gross floor area will be constructed when such building will be located on parkland
- (f) an open use which occupies more than 42,000 square feet of open space other than parkland
- (g) an open use which occupies over 30,000 square feet of a separate parcel of parkland
- (h) a use which in total occupies more than 2,500 square feet of floor area or open space and more than 15 percent of the total square footage of a separate parcel of land which has been improved for park purposes including passive and active recreational use at any time during the year prior to the date the agency makes

a written determination of whether a concession is major pursuant to section 1-11(a)(2) or section 1-12(a)(2) of Title 12 of the Rules of the City of New York, as applicable.

§7-03 Notwithstanding any other provision of these rules the following shall not be considered major concessions unless an EIS is required:

- (a) A concession for any use which will be operated for 30 days or less.
- (b) A concession which supports or furthers a recreational purpose provided that such concession would be available to the general public on a non-discriminatory basis, with or without a fee, including but not limited to the following:
 - (1) a seasonal covering of recreational facilities
 - (2) a carousel
 - (3) a use intended for active participation sports including playing fields or sports courts (eg. tennis, volleyball, handball, softball), skating rinks, playgrounds, and practice facilities (eg. batting cages, golf driving ranges, miniature golf)
- (c) Reuse of former amusement parklands for amusement or recreational purposes.
- (d) Any renewal, reissuance, extension, amendment of an existing concession or issuance of a new concession which continues a currently existing use or which permits a use which existed lawfully on the property at any point in the preceding two years, whether operated by a private or public entity, provided that any extension or amendment or the cumulative effect of any amendments or extensions made over any five-year period does not include modifications which when added to the existing concession, cause any threshold of Section 7-02 to be exceeded and increase the size of an existing concession by ten percent or more.
- (e) A concession operated under an agreement executed prior to the effective date of this major concession rule
- (f) A concession for lines, cables, conduits or underground pipes not used for the transport of people
- (g) A concession on wharf property or waterfront property primarily for purposes of "waterfront commerce" or in "furtherance of navigation" as such terms are defined in the New York City Charter

- (h) A concession on wharf property for purposes other than "waterfront commerce" or in "furtherance of navigation" which is granted pursuant to §1301.2(h) of the City Charter
- (i) A concession for an open air market which operates three (3) or fewer days per week.

Statement of Basis and Purpose of Proposed Major Concession Rule

Section 374 of the New York City Charter requires the City Planning Commission to adopt rules that "either list major concessions or establish a procedure for determining whether a concession is a major concession." This rule provides standards for determining major concessions based upon their land use impacts or implications.

(On December 28, 1995, the City Planning Commission published in the City Record a Notice of Public Hearing and Opportunity to Comment on Proposed Rules Defining Major Concessions).

Close the hearing.

No. 17

Citywide

N 960110 ZRY

(Amendments to the Zoning Resolution concerning modifications of provisions that would simplify, consolidate, reorganize and improve existing regulations for 1961 plazas, residential plazas, urban plazas, arcades and covered pedestrian spaces. Public gallerias would also be eliminated as a bonused amenity, and existing and future plazas would be allowed to close at night by authorization of the City Planning Commission).

PUBLIC HEARING:

IN THE MATTER OF an amendment of the Zoning Resolution of the City of New York, pursuant to Section 201 of the New York City Charter, relating to various sections concerning plaza regulations, as follows:

Matter in ~~Graytone~~ is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

... indicate unchanged text omitted within a paragraph;

* * * indicate where unchanged text appears in the Zoning Resolution

Article 1

Chapter 2

Construction of Language and Definitions

* * *

12-10

Definitions

* * *

Arcade

(delete existing definition)

An "arcade" is a continuous covered space fronting on and open to a #street#, #residential plaza# or #urban plaza#, and #developed# in accordance with the provisions set forth in Section 27-60.

* * *

Covered pedestrian space

(delete existing definition)

A "covered pedestrian space" is an enclosed space for public use on a #zoning lot#, permitted by a special permit of the City Planning Commission pursuant to Section 74-87, et. seq.

* * *

Floor Area

* * *

(e) floor space in gallerias, ~~#covered plazas#~~ and interior balconies, mezzanines, or bridges;

* * *

~~Northern Plaza—see Residential plaza~~

~~Open air concourse—see Urban open space~~

Open air concourse

An "open air concourse" is an open area for public use on a #zoning lot# that provides for access of light and air and direct pedestrian access from an adjoining #street# or #sidewalk widening# to an adjacent subway platform, subway mezzanine or subway concourse, as set forth in Section 37-04.

* * *

Plaza

(delete existing definition)

A "plaza" is an open area for public use on a #zoning lot#, #developed# prior to (the effective date of this amendment) in accordance with the requirements set forth in Section 27-50 (PLAZA STANDARDS OF 1961).

Plaza, residential

A "residential plaza" is an open area for public use on a #zoning lot# permitted in accordance with the requirements set forth in Article II, Chapter 7.

Plaza, urban

An "urban plaza" is an open area for public use on a #zoning lot# permitted in accordance with the requirements set forth in Section 37-04.

~~Primary space—see Residential plaza~~

Public galleria

(entire definition deleted)

* * *

~~Residential plaza; Northern plaza; Primary space; Residual space
(all definitions deleted)~~

~~Residential plaza - see Plaza, residential~~

Residential use

A "residential use" is any #use# listed in Use Group 1 or 2.

~~Residual space—see Residential plaza~~

* * *

~~Sidewalk widening—see Urban open space~~

Sidewalk widening

A "sidewalk widening" is a continuous open area on a #zoning lot# at the same elevation as the adjoining sidewalk and is directly accessible to the public at all times from an adjoining #street#, as set forth in Section 37-04.

* * *

Street, wide

A "wide street" is any #street# 75 feet or more in width. In C5-3, C6-4 or C6-6 Districts, when a #front lot line# of a #zoning lot# adjoins a portion of a #street# whose average width is 75 feet or more and whose minimum width is 65 feet, such portion of a #street# may be considered a #wide street#; or when a #front lot line# adjoins a portion of a #street# 70 feet or more in width, which is between two portions of a #street# 75 feet or more in width, and which portion is less than 700 feet in length, such portion may be considered a #wide street#, and in that case, for the purposes of the height and setback regulations and the measurement of any #plaza#, ~~#plaza# connected open area~~ #residential plaza#, #urban plaza# or #arcade#, the #street line# shall be considered to be a continuous line connecting the respective #street lines# of the nearest portions of the #street# which are 75 feet or more in width.

* * *

Through block arcade

A "through block arcade" is a continuous area within a #building# connecting one #street# with another #street#, ~~#plaza#~~ #residential plaza#, #urban plaza#, or #arcade# adjacent to the #street#. This area may be enclosed in whole or in part and must have a minimum width of 20 feet and a minimum average height of 20 feet. Such a #through block arcade# shall at either end be at the same level as the #street#, ~~#plaza#~~ #residential plaza#, #urban plaza# or #arcade# which it adjoins.

* * *

Urban open space

(delete existing definition)

An "urban open space" is an open area for public use on a #zoning lot#, #developed# in accordance with the requirements set forth in Section 37-04. There are three types of #urban open spaces#: #open air concourses#, #sidewalk widenings# and #urban plazas#.

* * *

Urban plaza —see Urban Open Space ~~see Plaza, urban~~

* * *

Chapter 5

Residential Conversion of Existing Non-Residential Buildings in Certain Community Districts in the Boroughs of Manhattan, Brooklyn and Queens

* * *

15-11

Bulk Regulations

The #lot area# requirements of the following ~~Sections~~ are hereby superseded and replaced with the requirements of ~~Section 15-11~~ ~~this Section~~ for the conversion of non-#residential buildings# to #dwelling units#:

Sections 23-20 through ~~23-28~~ ~~23-26~~ (DENSITY REGULATIONS REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM, OR FLOOR AREA PER ROOM)

* * *

15-20

REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN C6-2M, C6-4M, M1-5M and M1-6M DISTRICTS

The #lot area# requirements of the following ~~Sections~~ are hereby superseded and replaced with the requirements of Sections 15-21 and 15-22 for the conversion of non-#residential buildings# to #dwelling units#:

Sections 23-20 through ~~23-28~~ ~~23-26~~ (DENSITY REGULATIONS-REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM, OR FLOOR AREA PER ROOM);

* * *

Article II

Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-131

Balconies in R1, R2 and R6 through R10 Districts

* * *

(d) have an aggregate area of projection at the level of any #story#, not exceeding, in square feet, 1.8 times the length in feet at that level of such plane surface,

may, by a distance not exceeding nine feet, penetrate any #sky exposure plane# or project into or over any required open area set forth in the following Sections:

* * *

(2) #plazas#, as defined in Section 12-10 (DEFINITIONS);
~~#residential plazas# or #urban plazas#~~

* * *

23-14

Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section 23-19 ~~23-17~~ (Special Provisions for Zoning Lots Divided by District Boundaries), ...

* * *

23-15

Maximum Floor Area Ratio in R10 Districts

R10

In the district indicated, the #floor area ratio# for any #building# on a #zoning lot# shall not exceed 10.0, except as provided in ~~the following Sections: Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING).~~

~~Section 23-16 (Floor Area Bonus for a Plaza)~~

~~Section 23-17 (Floor Area Bonus for a Plaza-Connected Open Area)~~

~~Section 23-18 (Floor Area Bonus for Arcades)~~

~~Section 23-19 (Special Provisions for Zoning Lots Divided By District Boundaries)~~

~~Section 23-90 (INCLUSIONARY HOUSING).~~

~~Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# in R10 Districts except R10A or R10X Districts shall be limited to a maximum #floor area ratio# of 10.0.
(delete remainder of section)~~

~~23-151~~

~~R-10 infill~~

~~(delete entire section)~~

~~23-16~~

~~Floor Area Bonus for a Plaza~~

~~(delete existing section)~~

~~Existing Public Amenities For Which Floor Area Bonuses Have Been Received~~

~~(a) Elimination or reduction in size of existing public amenities~~

~~In all districts, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, shall be eliminated or reduced in size 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#.~~

~~(b) Nighttime closing of existing public open areas~~

~~In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #plaza#-connected open area or #residential plaza# for which a #floor area# bonus has been received, pursuant to Section 37-06 (Nighttime Closing of Existing Public Open Areas).~~

* * *

~~23-17~~

~~Floor Area Bonus for a Plaza Connected Open Area~~

~~(delete entire section)~~

~~23-18~~

~~Floor Area Bonus for Arcades~~

~~(delete entire section)~~

* * *

Regulations Applying in Special Situations

~~23-19~~~~23-17~~

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

23-22

Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

This Section shall apply to all conversions, ~~#extensions#~~, or ~~#enlargements#~~ of existing ~~#buildings#~~ that increase the number of ~~#dwelling units#~~, ~~#rooms#~~ or ~~#rooming units#~~, except as provided in Section 54-311, as well as to all new ~~#development#~~.

Any given ~~#lot area#~~ shall be counted only once in meeting the ~~#lot area#~~ requirements.

In all districts, as indicated, the ~~#lot area#~~ requirement per ~~#dwelling unit#~~, ~~#room#~~ or ~~#rooming unit#~~ shall not be less than as set forth in this Section, except as provided in the following Sections:

Section 23-23 ~~(Density Bonus for a Plaza, Plaza-Connected Open Area or Arcade)~~
~~(Adjustment for Lot Area or Floor Area Remainder)~~

Section 23-24 ~~(Adjustment for Lot Area or Floor Area Remainder)~~
~~(Special Provisions for Buildings Used Partly for Non-Residential Uses)~~

Section 23-25 ~~(Special Provisions for Buildings Used Partly for Non-Residential Uses)~~
~~(Special Provisions for Existing Small Zoning Lots)~~

Section 23-26 ~~(Lot Area Bonus for a Plaza, Plaza-Connected Open Area or Arcade)~~
~~(Special Provisions for Zoning Lots Divided by District Boundaries)~~

~~Section 23-27 (Special Provisions for Existing Small Zoning Lots)~~

~~Section 23-28 (Special Provisions for Zoning Lots Divided by District Boundaries)~~

Section 23-90 (INCLUSIONARY HOUSING)

* * *

23-223

In R6, R7, R8, R9 or R10 Districts

R6 R7 R8 R9 ~~R10~~

(a) Except as otherwise provided in paragraph (c) of this Section for #buildings developed# or #enlarged# pursuant to the Quality Housing Program, or in Section 23-225 for (~~Non-profit residences for the elderly~~), in the districts indicated, ...

* * *

R10

(b) ~~In the district indicated,~~ Except as otherwise provided in paragraph (c) for #buildings developed# or #enlarged# pursuant to the Quality Housing Program, in an R10 District, the required #lot area per room# shall not be less than 30 square feet and, within the boundaries of Community District 7, Borough of Manhattan, there shall be no more than one #room# for every 300 square feet of gross #residential floor area#.

R6 R7 R8 R9 R10

(c) In the districts indicated, ~~and~~ for #residential buildings developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program...

* * *

Supplementary Regulations

~~23-23~~

~~Density Bonus for a Plaza, Plaza-Connected Open Area or Arcade~~
(delete existing section)

~~23-24~~

~~23-23~~

Adjustment for Lot Area or Floor Area Remainder

* * *

~~23-25~~

~~23-24~~

Special Provisions for Buildings Used Partly for Non-Residential Uses

* * *

23-26

Let Area Bonus for a Plaza, Plaza-Connected Open Area, or Arcade-
(delete existing section)

23-27**23-25**

Special Provisions for Existing Small Zoning Lots

* * *

23-28**23-26**

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

23-634

Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of this Section.

The front building wall of all #developments# or #enlargements# on a #zoning lot#, having any frontage on a #wide street#, shall extend along the full length of its #street line# fronting on such #wide streets# without a setback for a height of 125 feet above the #curb level# or the full height of the #building#, whichever is less. Above a height of 125 feet, the front building wall may be set back at least ten feet on a #wide street# or 15 feet on a #narrow street#. Above a height of 150 feet, the front building wall shall be set back at least 10 feet. These mandatory front building wall requirements also apply to all #developments# or #enlargements# along all #street lines# of #narrow streets# within 50 feet of their intersection with the #street lines# of #wide streets#. For the next 20 feet along the #street line# of a #narrow street#, the mandatory front building wall requirements are optional. The height and setback regulations of the underlying district shall apply along #street lines#, or portions thereof, not subject to the front building wall requirements.

Front wall recesses are permitted above the level of the second #story# ceiling or 23 feet above #curb level#, whichever is less, provided that the aggregate length of all recesses at the level of any #story# does not exceed 50 percent of the length of the front wall. The depth of such recess shall not exceed 10 feet. No front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

Front wall openings are permitted below the level of the second #story# ceiling, for entrances only.

However, the provisions of this Section shall not apply to any #development# or #enlargement# for which the City Planning Commission has granted a special permit pursuant to Section 74-95 (Housing Quality) nor shall it apply to any #developments# or #enlargements# located within the #Special Lincoln Square District# or within the Westside Urban Renewal Area excluding frontages along Central Park West or to the block bounded by Frederick Douglass Circle, Cathedral Parkway, Manhattan Avenue, West 109th Street and Central Park West. On application, the City Planning Commission may grant special authorization for minor modifications of the mandatory front wall provisions of this Section involving an #enlargement#, upon a developer's showing of compelling necessity. Such authorization, however, may in no event include modification of permitted #floor area# regulations.

* * *

23-64

Alternate Front Setbacks

R6 R7 R8 R9 R10

* * *

~~If the open area provided under the terms of this Section is a #plaza#, such open area may be counted for the bonus provided for a #plaza# in the districts indicated in Sections 23-16 (Floor Area Bonus for a Plaza), 23-23 (Density Bonus for a Plaza, Plaza Connected Open Area, or Arcade) or 23-26 (Lot Area Bonus for a Plaza, Plaza Connected Open Area, or Arcade).~~

* * *

23-93

Floor Area Compensation

The #floor area ratio# ...

* * *

For each .70 of one percent increase in #floor area# permitted to #compensated developments# pursuant to this Section, the #lot area# requirements for such #compensated developments# set forth in Sections 23-22 (Required Lot Area per Dwelling Unit or Per Room) or 23-25 ~~23-24~~ (Special Provisions for Buildings Used Partly for Non-Residential Uses) shall be reduced by .60 of one percent. In no event shall such reduction exceed 17 percent of the applicable #lot area# requirements.

* * *

Chapter 4

Bulk Regulations for Community Facility Buildings in Residence Districts

* * *

24-01

Applicability of this Chapter

* * *

When two or more #buildings# on a single #zoning lot# are used in any combination for #community facility uses# and #residential# or other permitted #uses#, the regulations set forth in Sections 24-11 to 24-17, 24-16, inclusive, relating to Floor Area and Lot Coverage Regulations and in Sections 24-21 to 24-23, 24-24, inclusive, relating to Lot Area Requirements for Buildings Used Partly for Residential Uses, shall apply as if such #buildings# were a single #building# used partly for #community facility use#.

* * *

24-10

FLOOR AREA AND LOT COVERAGE REGULATIONS

* * *

24-11

Maximum Floor Area Ratio and Percentage of Lot Coverage

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for any #community facility building# or any #building# used partly for a #community facility use# on any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# shall not exceed the #floor area ratio# and #lot coverage# set forth in the table in this Section, except as otherwise provided in the following Sections:

Section 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards)

Section 24-14 (Floor Area Bonus for a Residential Plaza)

Section 24-15 (~~Floor Area Bonus for a Plaza Connected Open Area~~
(Floor Area Bonus for Arcades))

~~Section 24-16 (Floor Area Bonus for Arcades)~~

Section 24-18**Section 24-17** (Special Provisions for Zoning Lots Divided by District Boundaries).

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# in an R9 or R10 District shall not exceed 12.0.

In R9A, R9X, R10A and R10X Districts, the bonus provisions of Sections 24-14 (Floor Area Bonus for a Residential Plaza), ~~24-15 (Floor Area Bonus for a Plaza Connected Open Area)~~ and ~~24-16~~ ~~24-15~~ (Floor Area Bonus for Arcades) shall not apply and the maximum #floor area ratio# shall not exceed that set forth in the following table:

* * *

~~All #developments# or #enlargements# located within the boundaries of Community Board 7 in the Borough of Manhattan shall be subject to the requirements of Section 23-151 (R10 Infill) and no #floor area# bonus shall be granted for such #developments# or #enlargements#, except as otherwise set forth in Section 23-151. However, notwithstanding this or any other provision of this Resolution, R10-infill regulations shall not apply in R10A Districts.~~

~~Within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# in R10 Districts, except R10A or R10X Districts, shall be limited to a maximum #floor area ratio# of 10.0.~~

* * *

In R9 or R10 Districts, the bonus provisions of Sections 24-14 (Floor Area Bonus for a Residential Plaza), ~~24-15 (Floor Area Bonus for a Plaza Connected Open Area)~~ or ~~24-16~~ ~~24-15~~ (Floor Area Bonus for Arcades) shall ~~not apply only to any~~ #development# or #enlargement# with ~~more than~~ 25 percent ~~or less~~ of its total #floor area# in #residential use# ~~after February 9, 1994.~~

~~In R9 or R10 Districts, no existing #plaza#, #plaza# connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating February 9, 1994, shall be eliminated or reduced in size 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#.~~

R9X R9A R10A R10X

~~In the districts indicated, no existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, pursuant to regulations~~

antedating April 18, 1985, or June 29, 1994 for R10X Districts, shall be eliminated or reduced in size, 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#.

* * *

24-112

Existing public amenities for which #floor area# bonuses have been received

(a) Elimination or reduction in size of existing public amenities

In all districts, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, shall be eliminated or reduced in size, 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#.

(b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #plaza#-connected open area or #residential plaza# for which a #floor area# bonus has been received, pursuant to Section 37-06 (Nighttime Closing of Existing Public Open Areas).

* * *

24-14

Floor Area Bonus for a Residential Plaza

R9 R10

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

24-15

Floor Area Bonus for a Plaza-Connected Open Area
(delete existing section)

24-16

~~24-15~~

Floor Area Bonus for Arcades

R9 R10

In the districts indicated, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section 27-69 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased by three square feet.

* * *

24-17

~~24-16~~

Special Provisions for Buildings Used Partly for Residential and Partly for Community Facility Uses

* * *

24-171

~~24-161~~

Maximum floor area ratio

* * *

24-172

~~24-162~~

Floor area ratio for residential portion

* * *

24-173

~~24-163~~

Open space ratio for residential portion

* * *

24-174

~~24-164~~

Location of open space for residential portion

* * *

24-175

~~24-165~~

Balconies in R3 through R10 districts
R3 R4 R5 R6 R7 R8 R9 R10

* * *

(d) have an aggregate area of projection at the level of any #story#, not exceeding, in square feet, 1.8 times the length in feet at that level of such plane surface; may, by a distance not exceeding nine feet, penetrate any #sky exposure plane# or project into or over any required open area set forth in the following Sections:

* * *

(2) ~~#plazas#, as defined in Section 12-10 (DEFINITIONS);
#residential plazas# or #urban plazas#;~~

* * *

(8) ~~#pedestrian mall#~~

* * *

24-176

~~24-166~~

Balconies in R6A through R10A Districts

* * *

24-18

~~24-17~~

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

24-22

~~Lot Area Bonus for a Plaza, Plaza Connected Open Area, or Arcade
(delete entire Section)~~

24-22

Density Bonus for a Residential Plaza or Arcade

R9 R10

In the districts indicated, for each percent of the total #lot area# provided as a #residential plaza#, or for each two percent of the total #lot area# covered by an #arcade#, the #lot area# requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) shall be reduced by .6 of one percent, to the extent that the #building# is used for #residential use#. However, in no event shall such reduction exceed 17 percent of the applicable #lot area# requirement set forth in Section 23-22.

* * *

24-23

24-24

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

24-23

Lot Area Bonus For a Residential Plaza or Arcade

R9 R10

In the districts indicated, for each percent of the total #lot area# provided as a #residential plaza# or for each two percent of the total #lot area# covered by an #arcade#, the #lot area# requirements set forth in Section 24-21 (Required Lot Area) shall be reduced by 0.6 of one percent. However, in no event shall such reduction exceed 17 percent of the applicable #lot area# requirement set forth in Section 24-21.

* * *

24-33

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following...

* * *

Unenclosed balconies, subject to the provisions of Section 24-175 24-165 (Balconies in R3 through R10 Districts);

* * *

24-51
Permitted Obstructions

In all #Residence Districts#, the following...

* * *

(g) unenclosed balconies, subject to the provisions of Section 24-175 ~~24-165~~ (Balconies in R3 through R10 districts); and

* * *

~~24-523~~

~~Special regulations within Community District 7, Borough of Manhattan~~

~~Within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of Section 23-634.~~

* * *

24-53
Alternate Front Setbacks

R6 R7 R8 R9 R10

* * *

If the open area provided under the terms of this Section is a #residential plaza#, such open area may be counted for the bonus provided for a #residential plaza# in the districts indicated in Sections 24-14 (Floor Area Bonus for a Residential Plaza) and

~~24-22 24-23~~ (Lot Area Bonus for a Residential Plaza, Plaza-Connected-Open-area, or Arcade).

* * *

24-54
Tower Regulations

R7-2 R8 R9 R10

* * *

Unenclosed balconies, subject to the provisions of Section 24-175 ~~24-165~~ (Balconies in R3 through R10 districts), are permitted to project into, or over, open areas not occupied by towers.

24-55

Required Side and Rear Setbacks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 24-175 ~~24-165~~ (Balconies in ~~R3 through R10 districts~~), are permitted to project into, or over, any open areas required by the provisions of this Section.

* * *

Chapter 6

Special Urban Design Guidelines - Streetscape

* * *

26-02

Applicability of this Chapter

The regulations of this Chapter...

~~In the Special Midtown District, the provisions of this Chapter shall not apply.~~

* * *

Chapter 7

Special Urban Design Guidelines - Residential Plazas ~~and Arcades~~

* * *

27-01

Applicability of this Chapter

The provisions of this Chapter shall apply to all ~~#developments#~~ constructed after April 21, 1977 containing a ~~#residential plaza# or #arcade#~~ which ~~that~~ qualifies for a ~~#floor area#~~ bonus under the following provisions: ~~of Sections 23-16 and 24-14 (Floor Area Bonus for Plaza) 35-35 (Floor Area Bonuses for Plazas) or except that after February 9, 1994, these provisions shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use# located in R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts.~~

Section 24-14 Floor Area Bonus for a Residential Plaza

Section 24-15 Floor Area Bonus for an Arcade

Section 34-223 Floor area bonus for a residential plaza

Section 34-224 Floor area bonus for an arcade

Section 35-35 Floor Area Bonus for a Residential Plaza, Urban Plaza, Open Air Concourse, Sidewalk Widening, or Arcade in Connection with Mixed Buildings

* * *

27-02

Definitions

Words in *italics* are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.

Northern Plaza

A "northern plaza" is a primary space that has only northern exposure.

Primary space

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

Residual space

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

* * *

27-56

PLAZA STANDARDS OF 1961

A "plaza" shall be accessible to the public at all times, except as provided for in Section 37-06 (Nighttime Closing of Existing Public Open Areas), and shall be either:

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

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

A #plaza# shall not at any point be more than five feet above, nor more than twelve feet below, the #curb level# of the nearest adjoining #street#, and shall be unobstructed from its lowest level to the sky, except that arbors or trellises, awnings or canopies, railings not less than 50 percent open and not exceeding three feet, eight inches in height, flag poles, open terraces or porches, steps, subway station entrances, ornamental fountains or staniary, or unenclosed balconies subject to the provisions of Section 23-13 or 24-165 (Balconies in R3 through R10 districts), shall be considered permitted obstructions in #plazas#.

27-60

ARCADES

The provisions of this Section shall apply to all #developments# containing an #arcade# that qualifies for a #floor area# bonus pursuant to Sections 24-15 or 33-16.

An #arcade# shall be #developed# as a continuous covered space extending along a #street line#, #residential plaza# or #urban plaza#. An #arcade# shall be open for its entire length to the #street line#, #residential plaza# or #urban plaza# except for building columns, and unobstructed to a height of not less than 12 feet, and either:

(a) have a depth not less than 10 feet nor more than 30 feet measured perpendicular to the #street line# or boundary of the #residential plaza# or #urban plaza# on which it fronts, and extend for at least 50 feet, or the full length of the #street line# or boundary of the #residential plaza# or #urban plaza# on which it fronts, whichever is the lesser distance; or

(b) on a #corner lot#, is bounded on two sides by the two intersecting #street lines#, and has an area of not less than 500 square feet and a minimum dimension of 10 feet;

Such an #arcade# shall not at any point be above the level of the #street#, #residential plaza# or #urban plaza# that it adjoins, whichever is higher. Any portion of an #arcade# occupied by building columns shall be considered to be part of the area of the #arcade# for the purposes of computing a #floor area# bonus.

No off-street parking spaces, passenger dropoffs, driveways or off-street loading berths are permitted anywhere within an #arcade# or within 10 feet of any bonusable portion thereof. By certification, the Commission may permit such activity in the immediate vicinity of an #arcade# provided such activity will not adversely affect the functioning of the #arcade#. In no event shall such vehicular areas be eligible for an #arcade# bonus.

#Arcades# shall be accessible to the public at all times.

* * *

Article 3
Chapter 2
Use Regulations

* * *

32-00
GENERAL PROVISIONS

* * *

All districts in Column A shall comply with the regulations for districts indicated in Column B except as set forth in the sections indicated in Column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>			
C1 and C2 in R9A	R9	32-431	32-43		
C1 and C2 in R10A	R10	32-431	32-43		
C1-8A	C1-8	32-431	32-43		
C1-9A	C1-9	32-431	32-43		
C2-7A	C2-7	32-431	32-43		
C2-8A	C2-8	32-431	32-43		
C4-6A	C4-6	32-431	32-43		
C4-7A	C4-7	32-431	32-43		
C6-1A	C6-1	32-15	32-16	32-17	32-20 32-644

* * *

32-43

Ground Floor Use in Certain Locations

The following regulations shall apply to ground floor use in certain contextual districts and within Community Board 7, Borough of Manhattan:

(a) C1-8A C1-9A C2-7A C2-8A C4-6A C4-7A

In the districts indicated, and in C1 and C2 Districts mapped within R9A and R10A Districts, #uses# on the ground floor or within five feet of #curb level# fronting on a #wide street# shall be limited to non-#residential uses# and lobby space.

Lobbies shall not occupy more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#. Non-#residential use# shall have a depth of at least 15 feet from the #street wall#. No more than 8,000 square feet shall be devoted to Use Group 6B at the ground floor or within five feet of #curb level#.

The provisions of Section 32-512 (For corner lots) shall not apply.

The provisions of this Section, paragraph (a), shall not apply within Community Board 7, Borough of Manhattan.

(b) Community Board 7, Borough of Manhattan

Within the boundaries of Community Board 7 in the Borough of Manhattan, when a #development#, #enlargement# or change of #use# is located in an R10 equivalent #Commercial District, uses# on the ground floor or within five feet of #curb level# fronting on a #wide street# shall be limited to non-#residential uses#, except lobby space, and shall be subject to the provisions of Section 23-151 (R10 Infill).

~~32-431~~

~~Ground floor use in certain districts~~

~~C1-8A C1-9A C2-7A C2-8A C4-6A C4-7A~~

~~(delete entire Section)~~

* * *

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-01

Applicability of this Chapter

* * *

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections ~~33-120.5, 33-123, 33-131 and 33-151~~ ~~33-12, paragraph (c), 33-14, paragraph (a), and 33-16, paragraph (a).~~

* * *

33-12

Maximum Floor Area Ratio

C1 C2 C3 C4 C5 C6 C7 C8

(e) In all districts, as indicated, for any #building# on any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in this Section, except as otherwise provided in the following Sections:

Section 33-13 ~~(Floor Area Bonus for a Plaza or Plaza Connected Open Area)~~
~~(Floor Area Bonus for a Residential Plaza)~~

Section 33-14 ~~(Floor Area Bonus for Urban Open Space)~~
~~(Floor Area Bonus for a Urban Plaza)~~

Section 33-15 ~~(Floor Area Bonus for Arcade)~~
~~(Floor Area Bonus for Open Air Concourses and Sidewalk Widening)~~

Section 33-16 ~~(Floor Area Bonus for Front Yards)~~
~~(Floor Area Bonus for Arcades)~~

Section 33-17 ~~Special Provisions for Zoning Lots Divided by District Boundaries)~~
~~(Floor Area Bonus for Front Yards)~~

~~Section 33-18 (Special Provisions for Zoning Lots Divided by District Boundaries)~~

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

~~Within the boundaries of Community Board 7 in Manhattan, all #developments# or #enlargements# located in R10 equivalent #Commercial Districts# shall be limited to a maximum #floor area ratio# of 10.0 and shall be subject to the requirements of Section 23-151 (R10 Infill). No #floor area# bonus for #plazas# or #arcades# shall be permitted except as otherwise set forth in Section 23-151. However, notwithstanding this or any other provision of this Resolution, R10 Infill regulations shall not apply in R10A or R10X equivalent #Commercial Districts#.~~

~~C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C5-1A C6-2A C6-3A C6-3X C6-4A C6-4X~~

(b) ~~In the districts indicated, and in C1 and C2 Districts mapped within R9A, R9X, R10A or R10X Districts, the provisions of Section 33-13 (Floor Area Bonus for a Plaza or Plaza Connected Open Area) and 33-15 (Floor Area Bonus for Arcades) shall not apply, and no existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, pursuant to regulations antedating August 14, 1987, or June 29, 1994 for C6-3X or C6-4X Districts, shall be eliminated or reduced in size 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#.~~

~~Except where authorized by express provisions of this Resolution, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 20 percent.~~

~~In addition, the following limitations on maximum permitted #floor area# shall apply:~~

~~(a) In Contextual Commercial Districts~~

~~C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A~~

In the districts indicated, and in C1 and C2 Districts mapped within R9A, R9X, R10A or R10X Districts, no #floor area# bonuses are permitted.

(b) In Community Board 7, Borough of Manhattan

Within the boundaries of Community Board 7 in Manhattan, all #developments# or #enlargements# located in R10 equivalent #Commercial Districts# without a letter suffix shall be limited to a maximum #floor area ratio# of 10.0.

(c) In C6-1A Districts

In C6-1A District, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 50 percent.

(d) In C6-4X Districts

In C6-4X Districts, a #floor area# bonus shall only be permitted for an #urban plaza# pursuant to Section 33-14.

* * *

33-120.5

Maximum limit on floor area ratio
(delete existing Section)

* * *

33-124

Existing public amenities for which #floor area# bonuses have been received

(a) Elimination or reduction in size of existing public amenities

In all #Commercial Districts#, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#, #open air concourse#, #sidewalk widening#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, shall be eliminated or reduced in size, 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#.

(b) Kiosks and cafes

Kiosks and cafes may be placed within a #plaza# or #plaza#-connected open area for which a #floor area# bonus has been received, by certification of the City Planning Commission pursuant to Section 37-05 (Improvement of Existing Plazas or Plaza-Connected Open Areas).

(c) Nighttime closing of existing public open areas

In all ~~Commercial Districts~~, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing ~~plaza~~, ~~plaza~~-connected open area, ~~residential plaza~~ or ~~urban plaza~~ for which a ~~floor area~~ bonus has been received, pursuant to Section 37-06 (Nighttime Closing of Existing Public Open Areas)

**33-126
Special provisions for C5-2A Districts**

In a C5-2A District, the provisions of Section ~~33-120.5 (Maximum limit on floor area ratio)~~, ~~33-12 (Maximum Floor Area Ratio)~~, 33-43 (Maximum Height of Front Walls and Required Setbacks), 33-44 (Alternate Front Setbacks), 33-45 (Tower Regulations), and 33-47 (Modification of Height and Setback Regulations) shall be inapplicable to any ~~development~~ or ~~enlargement~~. No ~~floor area~~ bonuses are permitted. The following regulations shall apply to all such ~~developments~~ or ~~enlargements~~.

* * *

(d) Provision of pedestrian circulation space

* * *

Such pedestrian circulation spaces shall meet the requirements set forth in Section 81-451 (Design standards for pedestrian circulation spaces) except that references to urban plazas, subway connections and through block connections shall not be applicable within C5-2A Districts. Sidewalk widenings, arcades, and corner arcades shall not be subject to the standards set forth in ~~Section 12-10 (DEFINITIONS)~~ Section 27-60 (ARCADES), or Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widenings and Urban Plazas)

* * *

**33-13
~~Floor Area Bonus for a Plaza or Plaza Connected Open Area~~
(delete existing Section)**

Floor Area Bonus for a Residential Plaza

~~C1-8 C1-9 C2-7 C2-8~~

In the districts indicated, and in other C1 or C2 Districts when mapped within R9 or R10 Districts, for ~~community facility buildings~~, for each square foot of ~~residential plaza developed~~ in accordance with Article II, Chapter 7, the total ~~floor area~~ permitted on that ~~zoning lot~~ under the provisions of Section 33-12

(Maximum Floor Area Ratio) for a #community facility building# or a #building# used for both #commercial# and #community facility uses# may be increased by six square feet.

33-131

~~Commercial buildings in certain specified Commercial Districts
(delete entire Section)~~

33-132

~~Community facility buildings in C1 or C2 Districts with bulk governed by surrounding R9 or R10 District
(delete entire Section)~~

33-133

~~Community facility buildings in certain other specified Commercial Districts
(delete entire Section)~~

* * *

33-14

~~Floor Area Bonus for Urban Open Space
(delete existing Section)~~

~~Floor Area Bonus for an Urban Plaza~~

(a) #Commercial buildings#

C4-7 C5-2 C5-3 C5-4 C5-5
C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

In the districts indicated, for #commercial buildings#, for each square foot of #urban plaza developed# in accordance with Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas), the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #commercial building# may be increased as set forth in the following table:

Permitted Additional Square Feet
of #Floor Area# per Square Foot
of #Urban Plaza#

District

10 square feet C5-3 C5-5 C6-5 C6-7 C6-9

6 square feet C4-7 C5-2 C5-4 C6-1A C6-4 C6-5 C6-8

4 square feet

C6-1 C6-2 C6-3

~~(b) #Community facility buildings# or #buildings# used for both #commercial# and #community facility uses#~~

~~C4-6 C4-7 C5-1 C5-2 C5-3 C5-4~~
~~C6-1 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9~~

~~In the districts indicated, for #community facility buildings# or #buildings# used for both #commercial# or #community facility uses#, for each square foot of #urban plaza developed# in accordance with Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas), the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) may be increased as set forth in the following table:~~

~~Permitted Additional Square Feet~~
~~of #Floor Area# per Square Foot
of #Urban Plaza#~~
~~District~~
~~10 square feet~~
~~C5-3 C5-5 C6-6 C6-7 C6-9~~
~~6 square feet~~
~~C4-6 C4-7 C5-1 C5-2 C5-4
C6-3 C6-4 C6-5 C6-8~~
~~4 square feet~~
~~C6-1 C6-2~~

~~33-141~~

~~Commercial buildings in certain specified Commercial Districts
(delete entire Section)~~

~~33-142~~

~~Community facility buildings in C1 or C2 Districts with bulk governed by
surrounding R9 or R10 District
(delete entire Section)~~

~~33-143~~

~~Community facility buildings in certain other specified Commercial Districts
(delete entire Section)~~

33-15

Floor Area Bonus for Arcades

(delete Sections 33-15, 33-151, 33-152, and 33-153)

Floor Area Bonus for Open Air Concourses and Sidewalk Widening

C5-3 C5-5 C6-6 C6-7 C6-9

In the districts indicated, for each square foot of open air concourse or sidewalk widening provided on a zoning lot in accordance with Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas), the total floor area permitted on that zoning lot under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a commercial building, community facility building or building used for both community facility and commercial uses may be increased by ten square feet.

33-16

Floor Area Bonus for Front Yards

Floor Area Bonus for Arcades

C4-7 C5-2 C5-3 C5-4 C5-5 C6

(a) In the districts indicated, for commercial buildings, for each square foot of arcade provided on a zoning lot in accordance with the provisions of Section 27-60 (ARCADES), the total floor area permitted on that zoning lot under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a commercial building may be increased as set forth in the following table:

FLOOR AREA BONUS

Permitted Additional Square Feet of Floor Area per Square Foot of Arcade	Districts
3 square feet	C4-7 C5-2 C5-3 C5-4 C5-5 C6-1A C6-4 C6-5 C6-6 C6-7 C6-8 C6-9
2 square feet	C6-1 C6-2 C6-3

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6

(b) In the districts indicated, and in C1 or C2 Districts when mapped within an R9 or R10 District, for community facility buildings, for each square foot of arcade provided on a zoning lot in accordance with the provisions of Section 27-60 (Arcades), the total floor area permitted on that zoning lot under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a community facility

~~building#~~ or a ~~#building#~~ used for both ~~#commercial#~~ and ~~#community facility uses#~~ may be increased as set forth in the following table:

FLOOR AREA BONUS

Permitted Additional #Floor Area# per Square Foot of #Arcade#	Districts
3 square feet	C1 or C2 when mapped within an R9 or R10; C1-8 C1-9 C2-7 C2-8 C4-5 C4-7 C5 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9
2 square feet	C6-1 C6-2

~~33-16~~

~~33-17~~

Floor Area Bonus for Front Yards

~~33-161~~

~~33-171~~

In districts with bulk governed by Residence District bulk regulations

* * *

~~33-162~~

~~33-172~~

In certain other Commercial Districts

C3 C4-1

In the districts indicated, the provisions set forth in Section ~~33-161~~ ~~33-171~~ shall also apply as set forth in the following table:

* * *

~~33-17~~

~~33-18~~

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

~~33-23~~

Permitted Obstructions in Required Yards or Rear Yard Equivalents

* * *

(b) In any #rear yard# or #rear yard equivalent#:

* * *

Unenclosed balconies, subject to the provisions of Section 24-175 24-165 (Balconies in R3 through R10 Districts)

* * *

33-42

Permitted Obstructions

In all #Commercial Districts#, the following shall not...

(h) Unenclosed balconies, subject to the provisions of Section 24-175 24-165 (Balconies in R3 through R10 Districts).

* * *

33-433

Special regulations in R10 Districts within Community District 7, Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# located in R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-634.

* * *

33-44

Alternate Front Setbacks

* * *

If the open area provided under the terms of this Section is a #plaza#, #residential plaza# or #urban open space#, such open area may be counted for the bonus provided for a #plaza# #residential plaza# or #urban open space# in the districts indicated in Section 33-13 (Floor Area Bonus for a Residential Plaza), Section 33-14 (Floor Area Bonus for an Urban Plaza), or Section 33-15 (Floor Area Bonus for Open Air Concourses and Sidewalk Widening).

* * *

33-45

Tower Regulations

33-451

In certain specified Commercial Districts

C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

* * *

Unenclosed balconies, subject to the provisions of Section 24-175 ~~24-165~~ (Balconies in R3 through R10 Districts), are permitted to project into or over open areas not occupied by towers.

* * *

33-455

Alternate regulations for towers on lots bounded by two or more streets

C5-3 C5-5 C6-6 C6-7 C6-9

In the districts indicated, ...

- (a) The maximum percent of #lot area# ~~which that~~ may be occupied by such tower, shall be the sum of 40 percent plus one-half of one percent for every .1 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12 (Maximum Floor Area Ratio), Section ~~33-13 (Floor Area Bonus for a Plaza), 33-14 (Floor Area Bonus for an Urban Plaza), Section 33-15 (Floor Area Bonus for Open Air Concourses and Sidewalk Widening)~~ Section ~~33-14 (Floor Area Bonus for a Plaza-Connected Open Area),~~ or Section ~~33-15~~ ~~33-16~~ (Floor Area Bonus for Arcades). The maximum #lot coverage# for any tower built under the provisions of this Section or for any #building# or #buildings# on any #zoning lot# occupied by such tower shall be 55 percent of the #lot area# of such #zoning lot#.
- (b) At all levels, including ground level, such #building# shall be set back from the #street line# as follows:
- (1) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0667 for every .1 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12, ~~33-13, 33-14, or 33-15~~ ~~or 33-16~~, provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.

- (2) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .1 for every .1 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12, ~~33-13~~, 33-14, ~~or 33-15 or 33-16~~, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

33-456

Alternate setback regulations on lots bounded by two or more streets

C5-3 C5-5 C6-6 C6-7 C6-9

In the districts ...

- (a) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0333 for each .1 by which the #floor area ratio# of the #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, ~~33-13~~, 33-14, ~~or 33-15 or 33-16~~, provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.
- (b) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .05 for each .1 by which the #floor area ratio# of the #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, ~~33-13~~, 33-14, ~~or 33-15 or 33-16~~, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

* * *

Chapter 4

Bulk Regulations for Residential Buildings in Commercial Districts

* * *

34-10

APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

34-11

General Provisions

C1 C2 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations for #residential buildings# set forth in Article II, Chapter 3, shall apply to all #residential buildings# in accordance with the provisions of this Section, except as modified by the provisions of Sections 34-21 to 34-24, ~~34-25~~, inclusive, relating to Exceptions to Applicability of Residence District Controls, and subject to the provisions of Article VIII, Chapter 2 (Special Lincoln Square District) and Chapter 5 (Special United Nations Development District), where applicable.

In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the bonus provisions of Sections 23-16 (Floor Area Bonus for a Plaza), 23-17 (Floor Area Bonus for a Plaza Connected Open Area), 23-18 (Floor Area Bonus for Arcade), 24-14 (Floor Area Bonus for a Plaza), 24-15 (Floor Area Bonus for a Plaza Connected Open Area) or 24-16 (Floor Area Bonus for Arcades), shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use# after February 9, 1994.

In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, #plaza# connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating February 9, 1994, shall be eliminated or reduced in size 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#.

* * *

34-112

Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the #bulk# regulations are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall not apply to #buildings or other structures# in C4-4, C4-5, C4-2F, C4-6, C4-7, C5 or C6 Districts, unless such #buildings# are #developed# or #enlarged# pursuant to the Quality Housing Program.

* * *

34-113

Existing public amenities for which floor area bonuses have been received

(a) Elimination or reduction in size of existing public open areas

In all #Commercial Districts#, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, shall be eliminated or reduced in size 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#.

(b) Kiosks and open air cafes

Kiosks or open air cafes may be placed within a #plaza# or #plaza#-connected open area for which a #floor area# bonus has been received, by certification of the City Planning Commission pursuant to Section 37-05 (Improvement of Existing Plazas or Plaza-Connected Open-Areas).

(c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #plaza#-connected open area, #residential plaza# or #urban plaza# for which a #floor area# bonus has been received, pursuant to Section 37-06 (Nighttime closing of existing public open areas).

* * *

34-20

EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS

* * *

34-22

34-24

Modification of Yard Regulations

34-221

34-241

Modification of front yard requirements

* * *

~~34-222~~

~~34-242~~

Modification of side yard requirements

* * *

~~34-223~~

~~34-243~~

Special provisions applying along district boundaries

* * *

34-22

Modification of Yard Regulations

(Move Modification of Yard Regulations to Section 34-24)

~~Modification of Floor Area and Open Space Regulations~~

~~C1 C2 C3 C4 C5 C6 C7 C8~~

~~In the districts indicated, the #floor area# and #open space# regulations as set forth in Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage, and Maximum Floor Area Ratio), and Section 23-15 (Maximum Floor Area Ratio in R10 Districts), and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.~~

~~34-221~~

~~Maximum floor area ratio~~

~~C1 C2 C3 C4 C5 C6 C7 C8~~

~~In the districts indicated, the maximum #floor area ratio# for a #residential building# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Article II, Chapter 3, except as provided for in the following Sections:~~

~~Section 34-223 (Floor area bonus for a residential plaza)~~

~~Section 34-224 (Floor area bonus for an arcade)~~

~~34-222~~

~~Change of use~~

C1 C2 C3 C4 C5 C6 C7 C8

A non-residential use occupying a building or portion thereof that was in existence on December 15, 1961, may be changed to a residential use and the regulations on minimum required open space ratio and maximum floor area ratio shall not apply to such change of use.

34-223

Floor area bonus for a residential plaza

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

In the districts indicated, except for buildings developed pursuant to the Quality Housing Program, for each square foot of residential plaza developed in accordance with the provisions of Article II, Chapter 7, the total floor area permitted on that zoning lot under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.

34-224

Floor area bonus for an arcade

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

In the districts indicated, except for buildings developed pursuant to the Quality Housing Program, for each square foot of arcade developed in accordance with the provisions of Section 27-60 (ARCADES), the total floor area permitted on that zoning lot under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by three square feet.

34-23

34-25

Modification of Height and Setback Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Sections 23-61 to 23-68, inclusive, relating to Height and Setback Regulations, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

C1 C2 C3 C4 C5 C6

(a) Application of sky exposure planes

In the districts indicated, Except as set forth in paragraph (a) of Section 34-223 34-243 (Special provisions applying along district boundaries), no #front yard# is required for any #residential building# in a #Commercial District#. Therefore, in applying the height and setback regulations in a #Commercial District#, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#. In cases where the provisions of paragraph (a) of Section 34-223 34-243 apply, the #sky exposure plane# is measured from a point above the #front yard line#.

C1 C2

(b) When mapped within R3 or R4A Districts

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for #residential buildings#.

C1 C2

(c) When mapped within R4, R4B, or R4-1 Districts

In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be used for #residential buildings#.

C4-4 C4-5 C4-2F C4-6 C4-7 C5 C6

(d) Special provisions for narrow buildings

In the districts indicated, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall not apply to #buildings or other structures# unless such #buildings# are #developed# or #enlarged# pursuant to the Quality Housing Program.

34-23

Density Bonus for a Residential Plaza or Arcade

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

In the districts indicated, for each percent of the total #lot area# provided as a #residential plaza#, or for each two percent of the total #lot area# covered by an #arcade#, the #lot area# requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room, or Floor Area per Room), shall be reduced by .6 of one percent. However, in no event shall such reduction exceed 17 percent of the applicable #lot area# requirements set forth in Section 23-22.

34-24

~~Modification of Floor Area and Open Space Regulations
(delete entire Section)~~

* * *

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-25

Special Street Wall Location and Height and Setback Regulations in Certain Districts

* * *

C4-6A C4-7A C5-1A C6-2A C6-3A C6-3X C6-4A C6-4X

(b)(3) In the districts indicated, and in other C4, C5 or C6 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the #street wall# location requirements shall be as set forth in paragraph (b)(2), inclusive, of this Section, except that a #street wall# with a minimum height of 12 feet shall be required on a #narrow street line# beyond 50 feet of its intersection with a #wide street#, and shall extend along such entire #narrow street# frontage of the #zoning lot#. ~~However, in C6-4X Districts, #street wall# location provisions shall not apply along any #street line# occupied by an #urban plaza#.~~

~~In C6-4X Districts, #urban plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by an #urban plaza#.~~

* * *

35-30

APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS TO MIXED BUILDINGS

35-31

Maximum Floor Area Ratio of Different Portions of Mixed Buildings

* * *

35-313

Residential portions

C1 C2 C3 C4 C5 C6

(a) In the districts indicated, the maximum #floor area ratio# for the #residential# portion of a #mixed building# shall be the applicable maximum #floor area ratio# permitted for #residential buildings# under the provisions of Sections 35-21 to 35-23, inclusive, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, except that as set forth in Section 35-35 (Floor Area Bonuses for a Residential Plaza, Urban Plaza, Open Air Concourse, Sidewalk Widening or Arcade in Connection with Mixed Buildings).

(b) A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961 may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

* * *

35-321

Existing public amenities for which #floor area# bonuses have been received

(a) Elimination or reduction in size of existing public amenity

In all #Commercial Districts#, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#, #arcade#, #open air concourse#, #sidewalk widening# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, shall be eliminated or reduced in size 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#.

(b) Kiosks and open air cafes

Kiosks or open air cafes may be placed within a #plaza# or #plaza#-connected open area for which a #floor area# bonus has been received, by certification of the City Planning Commission pursuant to Section 37-05 (Improvement of Existing Plazas or Plaza-Connected Open Areas).

(c) Nighttime closing of existing public open area

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #plaza#-connected open area, #residential plaza# or #urban plaza# for

which a #floor area# bonus has been received, pursuant to Section 37-06 (Nighttime closing of existing public open areas).

* * *

35-35

Floor Area Bonus for Plaza, Plaza-Connected Open Area or Arcade in Connection with Mixed Buildings
(eliminate existing Section)

Floor Area Bonuses for Residential Plazas, Urban Plazas, Open Air Concourses, Sidewalk Widening or Arcades in Connection with Mixed Buildings

C1-3 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6

(a) In the districts indicated, and in C1 and C2 Districts mapped within R9 or R10 Districts, any #floor area# bonus for a #residential plaza#, #urban plaza#, #open air concourse#, #sidewalk widening# or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #mixed building# may be applied to a #mixed building#, provided that any given #residential plaza#, #urban plaza#, #open air concourse#, #sidewalk widening# or #arcade# shall be counted only once in determining a bonus.

C1-3A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C5-1A C6-2A C6-3A C6-3X C6-4A

(b) In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, the #floor area# bonus provisions of Sections 35-351 through 35-354 shall not apply.

C6-4X

(c) In the district indicated, no #floor area# bonuses for public open areas are permitted except as set forth for an #urban plaza# in Section 35-352.

Community District 7, Manhattan

(d) Within the boundaries of Community District 7, Borough of Manhattan, the provisions of Sections 35-351 through 35-354 shall not apply.

35-351

Residential plazas

C1-8 C1-9 C2-7 C2-8

(a) In the districts indicated, and in other C1 or C2 Districts when mapped within R9 or R10 Districts, the bonus provisions of Section 33-13 shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

C4-6 C4-7 C5-1 C5-2 C5-4 C6-2 C6-3 C6-4 C6-5 C6-8

(b) In the districts indicated, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #residential plaza developed# in accordance with the provisions set forth in Article II, Chapter 7, the total #floor area# permitted on such #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.

35-352

Urban plazas

C4-6 C4-7 C5-1 C5-2 C5-4 C6-1 C6-2 C6-3 C6-4 C6-5 C6-8

(a) In the districts indicated, except C6-4X Districts, if 50 percent or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Section 33-14 shall apply.

C6-4X

(b) In the district indicated, if all #dwelling units# in the #development# are located above a height of 60 feet above the #base plane#, then the provisions of Section 33-14 shall apply.

C5-3 C5-5 C6-6 C6-7 C6-9

(c) In the districts indicated, the provisions of Section 33-14 shall apply.

35-353

Open air concourses and sidewalk widenings

C5-3 C5-5 C6-6 C6-7 C6-9

In the districts indicated, the provisions of Section 33-15 shall apply.

35-354
Arcades

C1-8 C1-9 C2-7 C2-8

(a) In the districts indicated, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 33-16 shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

C4-6 C4-7 C5 C6

(b) In the districts indicated, the provisions of Section 33-16 shall apply.

* * *

35-40

APPLICABILITY OF LOT AREA REQUIREMENTS TO MIXED BUILDINGS

35-41

Lot Area Requirements for Non-Residential Portions of Mixed Buildings

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Sections 35-42 (Density or Lot Area Bonus in Mixed Buildings), and ~~35-04 (Modifications of Bulk Regulations)~~, in addition to the #lot area# for the #residential# portion of a #mixed building# required under the provisions of Sections 35-21 to 35-23, inclusive, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, for each 100 square feet of #floor area# used for #commercial# or #community facility use#, an amount of #lot area# shall be provided not less than as set forth in this Section. Any given #lot area# shall be counted only once in meeting the #lot area# requirements.

However, the provisions of this Section shall not apply to any #building# within the boundaries of Community District 7, Borough of Manhattan, located in an R10 District or equivalent #Commercial District#, except R10A or R10X Districts and their #commercial# equivalents. In lieu thereof, where a #development# or #enlargement# contains #residential uses#, there shall be no more than one #room# for every 300 square feet of gross #residential floor area#.

* * *

35-42

Density or Lot Area Bonus in Mixed Buildings
(delete existing Section)

C1-3 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6

In the districts indicated, and in C1 or C2 Districts when mapped within R9 or R10 Districts, for each percent of the total #lot area# provided as a #residential plaza# or #urban plaza#, or for each two percent of the total #lot area# covered by an #arcade#, the #lot area# requirements set forth in Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) shall be reduced by .6 of one percent, to the extent that the #building# is used for #residential use#. However, in no event shall such reduction exceed 17 percent of the applicable #lot area# requirement set forth in Section 23-22.

For each percent of the total #lot area# provided as a #residential plaza# or #urban plaza#, or for each two percent of the total #lot area# covered by an #arcade#, the #lot area# requirements set forth in Section 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) shall be reduced by .6 of one percent, to the extent that the #building# is used for #commercial# or #community facility uses#. However, in no event shall such reduction exceed 17 percent of the applicable #lot area# requirement set forth in Section 23-22.

For #developments# or #enlargements# utilizing the Inclusionary Housing program, the #lot area# reduction set forth in Section 23-93 (Floor Area Compensation) shall be applicable.

* * *

35-70

SPECIAL PROVISIONS FOR CERTAIN MIXED BUILDINGS

In the #Commercial Districts# indicated with a suffix "CR", the #lot area# requirements of Sections 23-20 and 35-41 and the provisions of Section 35-35 shall not apply to any #mixed building development# on a #zoning lot# having a minimum area of 20,000 square feet and which complies with the following requirements:

* * *

- (d) The #development# shall provide #covered pedestrian space#, a #through block arcade# or other areas accessible to the public which ~~that~~ generate a #floor area# bonus and which, in the aggregate, earn a minimum bonus #floor area ratio# equivalent to 2.50. Such bonus shall be applied to increase the permitted #floor area# of the entire #development#. In no event, shall the resulting #floor area

ratio# exceed the amount set forth in Section 33-120.5 (~~Maximum limit on floor area ratio~~) 33-12 (~~Maximum Floor Area Ratio~~)

* * *

Chapter 7
Special Regulations

* * *

37-011
Applicability of Section 37-01

* * *

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

* * *

37-02
Applicability of Article II, Chapter 7 ~~—Special Urban Design Guidelines—~~
~~Residential Plazas~~ , to Residential Plazas and Arcades

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

~~C4-6 C4-7 C5-1 C5-2 C5-4 C6-2 C6-3 C6-4 C6-5 C6-8~~

(a) In the districts indicated, the provisions of Article II, Chapter 7 (~~Special Urban Design Guidelines—Residential Plazas and Arcades~~), shall apply to any ~~#residential development#~~ or to any ~~#development#~~ occupied by a ~~#predominantly residential use#~~ that obtains a ~~#floor area#~~ bonus pursuant to Section 34-223, 34-224, 35-351 or 35-354.

~~C1-8 C1-9 C2-7 C2-8~~

~~(b) In the districts indicated, and in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Article II, Chapter 7 (Special Urban Design Guidelines - Residential Plazas and Arcades), shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.~~

~~In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of this Section shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use# after February 9, 1994.~~

~~In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, #plaza# connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating February 9, 1994, shall be eliminated or reduced in size 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#.~~

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

* * *

37-021

Modifications to applicability of Article II, Chapter 7

In the districts in which this Chapter is applicable, the regulations of Article II, Chapter 7 - (Special Urban Design Guidelines - Residential Plazas and Arcades) are modified by the provisions of Section 37-022 (Retail frontage), 37-023 (Additional amenities), 37-024 (Additional amenities in northern plazas), 37-025 (Maintenance requirements), and 37-026 (Existing plazas). ~~37-05 (Improvement of Existing Plazas or Plaza-Connected Open Areas)~~. The purpose of these modifications is to make the regulations of Article II, Chapter 7, applicable to Commercial Districts.

* * *

37-023

Additional amenities

The amenities in this Section ... may not contain both an open air cafe ~~or~~ and a kiosk.

* * *

37-026

~~Existing plaza~~~~(delete entire Section)~~

* * *

~~37-04~~~~Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas~~

~~#Open air concourses#, #sidewalk widenings# and #urban plazas# are collectively referred to as #urban open spaces#. All #urban open spaces# shall comply with the following basic requirements of this Section and with additional requirements as specified for each type in accordance with the provisions of Section 37-041 (Open air concourses), 37-042 (Sidewalk widenings), and 37-043 (Urban plazas). These provisions may be modified pursuant to Section 74-91 (Urban Open Space Modifications) and Section 81-23 (Floor Area Bonus for Urban Plazas).~~

~~(a) Restrictions on location of non-qualifying open areas~~

~~To preserve the intent of the definitions relating to the boundaries, proportions and obstructions of #urban open spaces#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #urban plazas#, between an #open air concourse# and an #urban plaza#, or between an #urban plaza# or #open air concourse# and a building wall or #arcade# of the #development#.~~

~~(b) Planting and trees~~~~(1) #Street# trees adjacent to #urban open spaces#~~

~~Street trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #urban open space#. At least one tree of four-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 50 feet for each #street# intersection fronted by the #zoning lot#. The required trees shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil of at least three feet six inches. Species shall be selected, located and maintained in accordance with the specifications established by the Department of Parks and the Department of Highways. If the Commissioner of Buildings determines that the tree planting requirements of this paragraph cannot be met in part or in whole because of subsurface conditions such as the presence of a subway tunnel, the number of required #street# trees which cannot be planted as required in this paragraph shall be~~

planted in the public sidewalk areas of #streets# on the same #block# as the #zoning lot# to which it has frontage. Where an #urban plaza# is #developed#, such additional trees may be planted within the #urban plaza# in addition to the trees required in Section 37-043, PARAGRAPH (K). No trees shall be planted within a #sidewalk widening#.

(2) Trees within an #urban plaza# or #open air concourse#

Where trees are planted within an #urban plaza# or #open air concourse#, they shall measure at least four inches in caliper at the time of planting. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least three feet six inches. Any planting bed containing required plaza trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls and shall have bounding walls not higher than 20 inches above the adjacent walking surface. Trees shall be planted at a maximum spacing of 25 feet apart within a single planting bed.

(3) Planting within an #urban plaza# or #open air concourse#

When planting beds are provided, they shall have a soil depth of at least two feet for grass or other ground cover, three feet for shrubs and three feet six inches for trees.

For #open air concourses#, additional planting requirements are set forth in Section 34-042, paragraph (i).

For #urban plazas#, additional planting and tree requirements are set forth in Section 34-043, paragraph (k).

(c) Paving

The paving of the #urban open space# shall be of non-skid durable materials which are decorative and compatible in color and pattern. The paving of the #street# sidewalk area adjacent to the #development# may be treated with design patterns and materials sympathetic to that of the paving of the #urban open space#. Any change of paving materials within the public right-of-way shall require review by the Department of Highways and the Art Commission.

(d) Standards of accessibility for the handicapped to #urban plazas# and #open air concourse#

(1) There shall be at least one path of travel conforming to the standards set forth in paragraph (d)(2) of this Section providing access to each of the following:

- (i) the major portion of an #urban plaza# or #open air concourse#;
- (ii) any building lobby accessible to the #urban plaza# or #open air concourse#; and
- (iii) any #use# that may be present on or adjacent to the #urban plaza# or #open air concourse#.

(2) The following standards shall apply to assure access for handicapped persons:

- (i) Such paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.
- (ii) Ramps shall be provided alongside any stairs or steps for such paths. Ramps shall have a minimum width of three feet, a slope of not greater than one in 12, a non-skid surface and, for open-edged ramps, a two inch high safety curb. At each end of a ramp there shall be a level area, which may be a public sidewalk, at least five feet long. In an #open air concourse#, because elevator service shall be provided, no such ramps are required to connect the mezzanine portion with the #street# level portion.
- (iii) 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.
- (iv) 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 seven and one-half inches and a minimum tread width of eleven inches.

(e) Permitted obstructions

The provisions of paragraph (e) of this Section shall not apply to #sidewalk widenings#.

- (1) #Urban open spaces# shall be unobstructed from their lowest level to the sky except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: fountains and reflecting pools; waterfalls; sculptures and other works of art; benches; seats; trees planted at grade or in planting beds; bushes and flowers in planters or in planting beds; arbors or trellises; litter receptacles; bicycle racks; outdoor furniture; lights and lighting stanchions; flag poles; public telephones; public toilets; temporary

exhibitions, awnings or canopies, bollards, subway station entrances, which may include escalators, and drinking fountains. If drinking fountains are provided, at least one fountain shall be accessible to wheelchair users by being 30 inches high, hand-and-foot operated, and display the International Symbol of Access.

- (2) Permitted obstructions may occupy a maximum percentage of the area of an #open air concourse# as set forth in Section 37-042, paragraph (e), and an #urban plaza# as set forth in Section 37-043, paragraph (h). The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or movable, such as movable chairs or open air cafes, shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.
- (3) Trees do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions.
- (4) Kiosks, open air cafes, open air amphitheaters or open air ice skating rinks that charge admission may be placed within an #urban open space# upon certification pursuant to paragraph (e)(5) of this Section.

Where a kiosk is provided, it shall be a one-story structure, predominantly of light-colored materials, such as metal, glass, plastic or fabric as approved by the Department of Buildings in conformance with the Building Code, that, including roofed areas, does not occupy an area in excess of 150 square feet, except that where the #urban open space# has an area of less than 5,000 square feet, the aggregate area of the kiosks shall not exceed 100 square feet measured by exterior dimensions. The aggregate area occupied by kiosks in an #urban open space# larger than 5,000 square feet shall not exceed 150 square feet or 1.5 percent of the total area of the #urban open space#, whichever is greater, provided no one kiosk occupies an area of more than 150 square feet. A kiosk may be freestanding or may be attached on only one side to a wall of the #building# of the #development# or a #building# on the adjacent #zoning lot#. Any area occupied by a kiosk shall be excluded from the definition of #floor area#, and may be occupied by #uses# such as news or magazine stands, candy stands, flower stands or information booths.

Where an open air cafe is provided it, shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have a temporary fabric roof in conformance with the Building Code. An open air cafe must be accessible from all sides where there is a boundary with the remainder of the #urban open space#. An open air cafe may occupy an aggregate area not more than 20 percent of the total

area of the #urban open space#. No kitchen equipment shall be installed within an open air cafe, however, kitchen equipment may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in an #urban open space# through open windows. In all cases, only #uses# permitted by the applicable district regulations may occupy #urban open spaces# or front on #urban open spaces#.

(5) Kiosks, open air cafes, open air amphitheatres or open air ice skating rinks which charge admission and comply with the provisions of Section 37-04 paragraph (e)(4) may be placed within the area of an #urban open space# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that:

- (i) such #use# promotes public use and enjoyment of the #urban open space#;
- (ii) such #use# complements and stabilizes desirable #uses# in the surrounding area;
- (iii) such #use# is provided in accordance with the requirements set forth in this Section; and
- (iv) the owners of such #use# will maintain such #use# in accordance with the provisions of paragraph (k) (Maintenance) of this Section.

An application for certification shall be filed with the Chairperson of the City Planning Commission, and the Chairperson shall furnish a copy of the application for such certification to the affected Community Board at the earliest possible stage. The Chairperson will give due consideration to the Community Board's opinion as to the appropriateness of such a facility in the area and shall respond to such application for certification within 60 days of the application's receipt.

Such certification shall be effective for a period of three years but, upon application, may be renewed for a similar period by the Chairperson of the City Planning Commission.

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

(1) No parking spaces, passenger dropoffs or loading berths are permitted. Furthermore, driveways are prohibited within #urban plazas# and #open air concourses#, and are permitted within a #sidewalk widening# only in accordance with the provisions of Section 37-042 (Sidewalk widenings).

(2) No building trash storage facilities are permitted.

(3) No exhaust vents are permitted on any #urban open space# or on the building wall of the #development# fronting upon the #urban open space# except where such vents on the building wall are more than eight feet six inches above the level of the #urban open space#.

For #urban plazas#, additional prohibitions are set forth in Section 37-043, paragraph (f).

(g) Lighting and electrical power

#Urban open spaces# shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. Such level of illumination shall be maintained 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 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of an #urban open space#, except for a #sidewalk widening#.

(h) Public space signage systems

The following public space signage systems shall be required for all #open air concourses# and #urban plazas#:

(i) Entry plaque

The entry plaque shall be located at each #street# frontage or point of pedestrian entry to the #open air concourse# or #urban plaza#. A maximum of two entry plaques may be provided. 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;

(Illustration- tree symbol)

- (i) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located within nine inches of the public space symbol; and
- (ii) an International Symbol of Access for the physically handicapped that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free standing post with its center five feet above the elevation of the nearest walkable pavement. It shall be in a position that clearly identifies the entry into the #open air concourse# or #urban plaza#, and 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 #open air concourse# or #urban plaza#.

(2) Information plaque

An information plaque, with a surface area of not less than two feet square, constructed from the same permanent materials as the entry plaque and located within the most frequently used area of the #open air concourse# or #urban plaza#, with clear lettering consisting of:

- (i) the type and quantity of trees, moveable seating, permanent artwork;
- (ii) the name of the current owner of the building and the name, address and phone number of the person designated to maintain the #open air concourse# or #urban plaza# between the hours of 9:00 a.m. and 5:00 p.m.;
- (iii) the statement, "Complaints regarding this urban open space may be addressed to the Department of City Planning or the Department of Buildings of the City of New York"; and
- (iv) the statement, "This urban open space is accessible to the physically handicapped."

(3) Signs

An #urban open space# shall be treated as a #street# for the purpose of the applicable #sign# regulations. #Signs#, except for the plaque required by paragraph (i) of this Section, are permitted only as #accessory# to #uses# permitted within the #urban open space# and #uses# adjoining the #urban open space#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS).

(j) Mandatory allocation of frontages for permitted use

At least 50 percent of the total frontage of building walls of the #development# fronting on an #urban open space#, or fronting on an #arcade# adjoining an #urban open space#, 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 establishments permitted by the applicable district regulations. In addition, libraries, museums and art galleries shall be permitted.

All such #uses# shall be directly accessible from the #urban open space# or adjoining #arcade#. The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements in accordance with the district regulations.

For #urban plazas#, additional requirements are set forth in Section 37-043, paragraph (i).

For #open air concourses#, the provisions of this Section, paragraph (j) shall apply to both the mezzanine portion and the #street# level portion.

For #sidewalk widenings#, the provisions of this Section, paragraph (j) shall not apply along any #narrow street# frontage.

(k) Maintenance

(1) The building owner shall be responsible for the maintenance of the #urban open space# 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 open space# 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 open space# area in connection with outdoor eating services or other #uses# permitted within #urban open spaces# that generate litter.

(3) #Urban open space uses#, specified in paragraph (e)(2) of this Section, shall be confined within areas designated on building plans as available for occupancy by such #uses#. #Encroachment# by an #urban open space 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 open space# 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 Chairperson 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 Chairperson 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 that the building owner is required to provide.

In the event that the City enforces the aforementioned obligation as provided for in this Section, paragraph (k)(4), 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, 1989 shall be at a rate of \$750 per required tree, \$100 per moveable chair and \$200 per 1,000 square feet of #urban open space# for litter removal as set forth in this Section.

Effective January 1, 1989 and at five year intervals thereafter, the City Planning Commission shall establish new rates for the mandatory tree planting, moveable seating and litter free maintenance of the #urban open space#.

(l) Penalties for violations

Failure to comply with the conditions or restrictions of the bonused #urban open space# 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.

37-041

Open air concourses

An #open air concourse# shall include a portion located at the level of a subway platform, subway mezzanine or subway concourse, or at such higher level as permitted herein and shall have vertical circulation elements connecting such portion with either an open area adjoining a #street# at the level of its sidewalk or with an #arcade#. Such open area adjoining the #street# shall be part of the #open air concourse# to the extent that its function is limited to the accommodation of pedestrian movements to and from vertical circulation elements and around the perimeter of the #open air concourse's# lower level.

An #open air concourse# shall be open to the public during the same hours that the subway station entry is in operation.

The portion of an #open air concourse# which is hereinafter referred to as the "mezzanine portion" includes area at or near the platform or mezzanine level of the subway station.

Any portion of the #open air concourse# which is provided at or near #street# grade is hereinafter referred to as "the street level portion."

In order to qualify for bonus #floor area#, an #open air concourse# shall satisfy the following requirements:

(a) Area of mezzanine portion

The area of the mezzanine portion shall not be less than 4,000 square feet, nor more than 8,000 square feet. The area of the mezzanine portion shall include the area for vertical circulation elements connecting this level with the #street# level. Any area at the level of the mezzanine portion which is directly below a #street# level portion or a #sidewalk widening#, even though publicly accessible, shall be excluded in calculating the area of the mezzanine portion. Special permits for #open air concourses# whose mezzanine portions are to have areas greater than 8,000 square feet, or less than 4,000 square feet, may be granted by the City Planning Commission in accordance with the provisions of Section 74-91 (Urban Open Space Modifications).

(b) Area of #street# level portion

The #street# level portion shall consist of pedestrian ways at least 20 feet wide but not more than 30 feet wide around the entire periphery of the mezzanine portion, except where the mezzanine portion abuts a #street line# or a #sidewalk widening#. No #street# level portion is required. No #street# level portion of an #open air

concourse# is required where such area for pedestrian ways is accommodated within an #arcade#. Any additional open area in excess of such requirement and adjoining the #street# level portion of the #open air concourse# shall be developed in accordance with the provisions of Section 37-04, paragraphs (b) through (i).

(c) Location, dimensions and proportions

- (1) The mezzanine portion shall abut the #street# containing the transit line, and the public entrance from the mezzanine portion to the subway mezzanine shall be not more than 75 feet from the nearest turnstile in the subway station. Where a #sidewalk widening# is provided along the #street# containing the transit line, the mezzanine portion shall extend beneath the #sidewalk widening# to the #street line#, but the area of the mezzanine portion covered by such #sidewalk widening# shall not be bonused. Such requirement may be modified by special permit of the City Planning Commission in accordance with the provisions of Section 24-91 (Urban Open Space Modifications).
- (2) Where the mezzanine portion has a common boundary line with the subway station, at least 50 percent of the common boundary shall be open to the mezzanine portion of the #open air concourse# or separated therefrom only by either a wall which is transparent or a substantially open fence, approved by the New York City Transit Authority. Where the New York City Transit Authority reports that the above requirements are not feasible, the Commissioner of Buildings may waive the requirements of paragraph (c)(2) of this Section.
- (3) The mezzanine portion shall have a minimum horizontal dimension, measured at right angles to the perimeter of the mezzanine portion, of 40 feet or three times the depth of its floor below #curb level#, whichever is more.

(d) Circulation and access

- (1) The #street# level portion of an #open air concourse# shall be directly accessible from an adjoining public sidewalk or #sidewalk widening#.
- (2) The #street# level portion of the #open air concourse# shall at no point be more than three feet above or below the #curb level# of the nearest adjoining #street#. Ramps conforming to standards set forth in Section 37-04, paragraph (d), are required alongside any stairs within the #street# level portion.
- (3) Public access to the mezzanine portion shall be provided by means of stairs having a minimum width of 10 feet.

(4) Where subway stairs exist in the sidewalk area adjacent to the zoning lot, such stairs shall be removed from the sidewalk and relocated to the open air concourse, subject to the approval of the New York City Transit Authority, and the sidewalk restored in the area which the stairs previously occupied.

(5) An entrance to the building shall be provided from the mezzanine portion of the open air concourse and access to at least one building elevation shall be provided on the level of such entrance. The way to such elevator(s) shall be clearly indicated with signage of dark background and light lettering.

(6) Except for access stairs and escalators, all parts of the mezzanine portion shall be located at the same level as the level of the subway station platform or mezzanine with which it connects, or not more than three feet above such level. If the entrance to the subway station is at a lower elevation than parts of the mezzanine portion, the change in grade required for pedestrian access to the subway station shall be effected by stairs and ramps conforming to the provisions of Section 37-04, paragraph (d).

(e) Permitted obstructions

Permitted obstructions as set forth in Section 37-04, paragraph (e) shall not occupy more than 20 percent of the area of the mezzanine portion, exclusive of vertical circulation elements such as required stairs and escalators, and shall leave ways not less than 10 feet in width for free flow of pedestrian traffic between the subway station, building entrance and vertical circulation elements. The street level portion shall be unobstructed from its lowest level to the sky except for temporary elements of weather protection such as awnings or canopies.

(f) Planting

All open air concourses shall be landscaped and decoratively treated to the greatest extent possible, especially at the mezzanine portion.

(g) Administration

As a condition to the issuance of an excavation permit by the Department of Buildings for any development which includes an open air concourse, the Department of Buildings shall be in receipt of satisfactory evidence that the New York City Transit Authority has agreed and consented to the plans for the proposed open air concourse insofar as they affect Transit Authority property.

(h) Special authorizations in C5-5 or C6-9 Districts

In C5-5 or C6-9 Districts, no foundation permit shall be issued by the Department of Buildings for a development which includes bonus floor area for an open

air concourse# without special authorization by the City Planning Commission for such bonus #floor area#.

The Commission shall grant such authorization, based solely on provisions set forth in paragraphs (a) through (g) of this definition of #open air concourse#, provided the following findings are made:

- (1) that such #open air concourse#, because of its relationship to existing or planned pedestrian ways, provides the most desirable kind of pedestrian facility for the particular locality, and
- (2) that the location and the usage of the #open air concourse# will tend to complement and stabilize desirable #uses# in the surrounding area.

37-042

Sidewalk widenings

To qualify for bonus #floor area#, a #sidewalk widening# shall satisfy the following requirements:

(a) Dimensions

- (1) A #sidewalk widening# shall have a width (measured perpendicular to the #street line#):
 - (i) not less than five feet nor greater than ten feet along a #narrow street#, both of whose nearest intersections are at right angles;
 - (ii) of ten feet along a #wide street#, both of whose nearest intersections are at right angles;
 - (iii) averaging not less than five feet nor greater than ten feet along a #street#, one of both of whose nearest intersections are not at right angles.

For the purposes of this definition, a minor deviation from a right angle shall be construed as a right angle.

- (2) A #sidewalk widening# shall extend uninterrupted along the full length of the #street line# of the #zoning lot#. The #sidewalk widening# may be interrupted, however, for that portion of the #zoning lot# where existing #buildings# remain, for as long as such #buildings# remain.

A #sidewalk widening# may be further interrupted by a driveway that is located at the #side lot line#. Where the #zoning lot# has a through block

#urban plaza# along such #side lot line#, or where the #zoning lot# has no #side lot line#, the driveway may be located without regard to this requirement.

In all cases, however, any area occupied by a driveway shall not count as bonusable #urban open space#.

(b) Permitted obstructions

A #sidewalk widening# shall be unobstructed from its lowest level to the sky except for temporary elements of weather protection, such as awnings or canopies. No trees may be planted in a #sidewalk widening#.

(c) Location

(1) For #developments# that include an #urban plaza# or an #open air concourse# and front on a #wide street# having a width less than 90 feet, a #sidewalk widening# is required along such #wide street#, unless an #arcade#, extending the full length of the #building#, is provided along such #wide street#.

(2) For #developments# that include an #urban plaza# or an #open air concourse#, a #sidewalk widening# is required along any #street# frontage where a #sidewalk widening# exists on an adjacent #zoning lot# fronting on the same #street#, unless an #arcade# extending the full length of the #building# is provided along such #street#.

37-043

Urban plazas

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 #urban plazas#.

(b) Locational restrictions

In other than C5-5 or C6-9 Districts, 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

In other than C5-5 or C6-9 Districts, the following restrictions shall apply to all #urban plaza#:

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 only one #street line#, such major portion is not permitted to front on a north-facing #street line# of a #zoning lot#.
- (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 that is 40 feet or more in length on a south-facing #street line#.
- (3) An #urban plaza# that is located on an intersection of two #streets# must have its major portion, as defined in paragraph (d) of this Section, 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 for 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 purposes of this regulation, points that when viewed in plan may be joined by a straight line shall be considered visible one from the other; visibility between points shall not be 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) of this Section, 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) of this Section.

- (3) The major portion of an #urban plaza# shall have a minimum dimension of 40 feet. The remaining portion of such #urban plaza# shall have a minimum dimension of 20 feet. Dimensions shall be measured parallel and perpendicular to the #street line# on which the #urban plaza# fronts.

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

- (1) For major portions of #urban plazas# with frontage on two or more intersecting #streets#, the length of the frontage along any one #street# shall not be greater than three 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# that 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# that are parallel or within 45 degrees of being parallel to each other, and any building wall or walls adjoin 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 from the surface of the #urban plaza#. In addition to the 20 feet minimum width requirement described in paragraph (d)(3) of this Section, such a through #block urban 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 the major portion and the entire #streets# 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 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 and within 20 feet of the #street line#, no walls or other obstructions shall be higher than three feet above the #curb level# of the #street line# in front of the #urban plaza#. 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:

- (i) such obstructions are desirable or necessary features for the public enjoyment of the #urban plaza#; and
 - (ii) sufficient public access additional to the minimum required under the provisions of paragraph (g) of this Section is provided to offset any adverse impact on public circulation or access caused by the obstructions or features permitted by such authorization.
- (2) The level of an #urban plaza# shall not at any point be more than three feet above or 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 three feet above or below, but not more than five feet above or 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 that is not more than five feet above or 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 three feet above the level of the adjoining sidewalk may be constructed.
 - (4) For areas of #urban plazas# not obstructed by permitted obstructions as set forth in paragraph (g)(i) of this Section, a circulation path shall be provided of at least five feet clear width. A major public path at least eight feet in width shall extend to at least 75 percent of the depth of the major portion of the #urban plaza#, measured from the #street line#.
 - (5) Where an entry to a subway station exists in the sidewalk area of a #street# on which an #urban plaza# fronts and such entry is not replaced within the #urban plaza# itself, the #urban plaza# shall be #developed# at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #urban plaza# area around a subway entry shall be free of all obstructions.

(6) Where an entry to a subway station is provided within the #urban plaza# itself, stairs shall have a minimum width of 10 feet.

(h) Permitted obstructions

Permitted obstructions may occupy in the aggregate not more than the following percentages of total #urban plaza# area:

For #urban plazas# less than 5,000 square feet in area: 38 percent

For #urban plazas# at least 5,000 square feet in area and less than 10,000 square feet in area: 40 percent

For #urban plazas# 10,000 square feet or more in area: 50 percent

In addition to the obstructions permitted in Section 37-04, paragraph (e), #urban plazas# having an area of 10,000 square feet or more may include an open air amphitheater or an outdoor ice skating rink. However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (b) of this Section.

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

Building trash storage facilities may not be accessed or serviced through the #urban plaza#. If parking spaces, passenger drop-offs, driveways, loading berths or building trash storage facilities are located near or adjoin an #urban plaza#, they shall be separated from it by a building wall or planted area sufficient to visually conceal these facilities and any vehicles therein from any point in the #urban plaza#.

(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 sunset and sunrise.

The following standards shall be met for all required seating:

- (1) Seating shall have a minimum depth of 16 inches; however, seating with backs 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 50 percent of this seating shall have backs at least 12 inches high. Seating higher than 36 inches or lower than 12 inches above the level of the adjacent walking surface shall not count towards 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 paragraphs (g)(1) and (g)(2) of this Section, provided that they are made of stone, concrete or similar composite material, wood or plastic 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 for 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 requirement.
- (6) Seating for any #use# within an #urban open space# is subject to applicable articles and amendments of the New York City Building Code.
- (7) For the benefit of handicapped persons, a minimum of five percent of the required seating shall have backs.

(k) Planting and trees

For an #urban plaza# not exceeding 2,000 square feet in area, four trees are required.

For an #urban plaza# greater than 2,000 square feet in area, but not exceeding 6,000 square feet in area, one tree is required for every 600 square feet, or part thereof, of #urban 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 #urban 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 #urban plaza# area.

(f) Mandatory allocation of frontages for permitted #uses#

The requirements of Section 37-04, paragraph (f) relating to the mandatory allocation of frontages for permitted #uses#, shall apply to the building walls of the #development# facing on the major portion of the #urban plaza#. In addition, all such #uses# shall be directly accessible from the major portion of the #urban plaza#.

The building frontage on the major portion of the #urban plaza# shall be treated with clear, untinted transparent material for 50 percent of its surface area below 14 feet above the #urban 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 major portion of the #urban plaza#, whichever is less.

* * *

37-05

Improvement of Existing Plazas or Plaza-Connected Open Areas

In #Commercial# or #Manufacturing Districts#, kiosks and open air cafes may be placed within the area of a #plaza# or #plaza#-connected open area upon certification by the City Planning Commission to the Commissioner of Buildings that:

- (a) such #use# promotes public use and enjoyment of the #plaza# or #plaza#-connected open area;
- (b) such #use# complements and stabilizes desirable #uses# in the surrounding area;
- (c) such #use# is proposed as part of a general improvement of the #plaza# or #plaza#-connected open area where necessary, including as much landscaping and free public seating as is feasible;
- (d) such #use# is provided in accordance with the requirements set forth for kiosks and open air cafes in paragraph (e)(4) of Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas); and
- (e) the owner of such #use# will maintain such #use# in accordance with the maintenance and penalties for violations provisions of paragraph (k) and (l) of Section 37-04.

The Commission shall furnish a copy of the application for certification to the affected

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

37-06

Nighttime Closing of Existing Public Open Areas

In all districts, the City Planning Commission may authorize the closing during certain nighttime hours of existing #plazas#, #plaza#-connected open areas, #residential plazas#, or #urban plazas#, hereinafter referred to as "public open areas", if the Commission finds that:

- (a) such closing is necessary for public safety and maintenance of the public open areas as documented by the applicant;
- (b) the layout and design of the public open areas will promote public use and free and easy pedestrian circulation throughout the space;
- (c) the enclosure or barrier that limits public access shall:
 - (1) be of a design that is integrated with the design of the public open areas in a manner that would promote the attractiveness of the space for public use and enjoyment;
 - (2) be either removable or designed to be unobtrusive during the hours of public access;
 - (3) not inhibit or diminish access to the public open area nor impede pedestrian circulation into, through, or along the frontage of the public open area, and not obstruct access during the hours of public access; and
 - (4) not obstruct visual access to any portion of the public open areas;
- (d) public access to the public open areas between the hours of 7:00 a.m. and 8:30 p.m. from May 1 to September 30 and from 7:00 a.m. to 7:00 p.m. from October 1 to April 30, or a schedule specified by the Commission, is assured by appropriate legal documents and that an additional entry plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the public open areas;

(e) in the case of existing #plazas#:

(1) the #plaza# is in full compliance with the provisions of Section 27-50 (PLAZA STANDARDS OF 1961);

(2) the #plaza#, where appropriate, has been improved with adequate lighting, landscaping, planting, trees, flower beds, pedestrian walkways, sitting areas, works of art, drinking fountains or reflecting pools, and with access for the physically disabled;

(3) a program for continuing maintenance of the #plaza# has been established in accordance with the following requirements:

(i) In #Residence Districts#, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is in #residential# or #community facility use#, such maintenance shall be established pursuant to Sections 27-40 through 27-44;

(ii) In C1 or C2 Districts, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is occupied by #residential# or #community facility uses#, such maintenance shall be established pursuant to Sections 27-40 through 27-44 and Section 37-025;

(iii) In C4, C5, or C6 Districts with a base #floor area ratio# of not more than 10.0, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is occupied by #residential uses#, such maintenance shall be established pursuant to Sections 27-40 through 27-44 and Section 37-025;

(iv) In #Commercial# or #Manufacturing Districts#, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is occupied by #community facility#, #commercial# or #manufacturing uses#, such maintenance shall be established pursuant to Section 37-04;

(f) in the case of existing #residential plazas# or #urban plazas#:

(1) the #residential plaza# is in full compliance with the provisions of Section 27-40, inclusive, and the #urban plaza# with the provisions of Section 37-04, inclusive;

(2) the maintenance program for the upkeep and protection of the public open areas set forth in the existing restrictive declaration, or any modification thereof, is still in full force and effect and is not being violated and that the bond required pursuant to Section 27-44 for #residential plazas# or Section

37-04 for #urban plazas# is in full force and in the amount specified in such Sections.

In order to promote increased public use of the public open areas in #Commercial# or #Manufacturing Districts#, the Commission may require, or the applicant may request, additional improvements to the existing public open areas, including, where appropriate, amenities such as kiosks or open air cafes as described in Section 37-023 for #residential plazas#, or in Section 37-04 paragraph (e)(4) for #urban plazas# or #plazas#. In no event shall any public open area be reduced in size.

The land use application for an authorization under this Section shall be sent to the applicable Community Board, local Council Member and Borough President. If the Community Board, local Council Member or Borough President elects to comment on such application, it must be done within 30 days of receipt of such application.

The Commission shall retain the right to revoke the authorization at any time if it determines that the maintenance or manner of operation of the public open areas has been altered from that authorized.

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Article 4
Manufacturing District Regulations

* * *

Chapter 3
Bulk Regulations

* * *

43-12
Maximum Floor Area Ratio

M1 M2 M3

In all districts, as indicated, for any #building# on any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table, except as otherwise provided in the following Sections:

Section 43-121 (~~Expansion of existing M~~ manufacturing buildings)

Section 43-122 (Maximum floor area ratio for community facility buildings)

Section 43-13 (Floor Area Bonus for a Plaza ~~Urban Plazas~~)

Section 43-14 (Floor Area Bonus for a Plaza Connected Open Area ~~Arcades~~)

Section 43-15 (~~Floor Area Bonus for Arcades Existing Plazas, Plaza-connected Open Areas, Arcades and Urban Plazas~~)

* * *

In #buildings# used partly for #community facility use# and partly for #manufacturing# or #commercial use#, the total #floor area# used for #manufacturing# or #commercial use# shall not exceed the amount permitted in the preceding table or by the bonus provisions in Section 43-13, ~~or 43-14, or 43-15.~~

~~Notwithstanding any other provisions of this Resolution, the maximum #floor area ratio# in an M1-6 District shall not exceed 12.0.~~

43-120.5

Maximum limit on floor area ratio

M1 M2 M3

~~In all districts, as indicated, notwithstanding any other provisions of this Resolution, the maximum #floor area ratio# in an M1-6 District shall not exceed 12.0.~~

43-13

Floor Area Bonus for a Plaza ~~Urban Plazas~~

M1-6

In the district indicated, for each square foot of #plaza# or portion of a #plaza# ~~#urban plaza#~~ provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by six square feet.

43-14

~~Floor Area Bonus for a Plaza Connected Open Area
(delete existing Section)~~

43-15

~~43-14~~

Floor Area Bonus for Arcades

M1-6

In the district indicated, for each square foot of #arcade# provided on a #zoning lot#, the total #floor area# permitted on the #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by three square feet.

43-15

Existing Plazas, Plaza-Connected Open Areas, Arcades and Urban Plazas

The following provisions shall apply, as indicated, to all #plazas#, #plaza#-connected open areas, #arcades# and #urban plazas# for which #floor area# bonuses have been received:

- (a) Elimination or reduction of existing #plazas#, #plaza-connected open areas#, #arcades# or #urban plazas#

No existing #plaza#, #plaza-connected open area#, #arcade# or #urban plaza#, for which a #floor area# bonus has been received, shall be eliminated or reduced in size 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#.

- (b) Kiosks and open air cafes

Kiosk and open air cafes may be placed within a #plaza# or #plaza#-connected open area for which a #floor area# bonus has been received, by certification of the City Planning Commission pursuant to Section 37-05 (Improvement of Existing Plazas or Plaza-connected Open Areas).

- (c) Nighttime closing of existing #plazas#, #plaza-connected open areas and #urban plazas#

The Commission may, upon application, authorize the closing of an existing #plaza#, #plaza#-connected open area or #urban plaza#, for which a #floor area# bonus has been received, during certain nighttime hours pursuant to Section 37-06.

* | * *

43-44

Alternate Front Setbacks

M1 M2 M3

* * *

In an M1-6 District, if the open area provided under the terms of this Section is a #plaza#, an #urban plaza#, such open area may be counted for toward the bonus provided for a #plaza#, an #urban plaza# in the districts indicated in pursuant to Section 43-13 (Floor Area Bonus for a Plaza Urban Plazas).

* * *

Article 7 Administration

* * *

Chapter 4 Special Permits by the City Planning Commission

* * *

74-634

Subway station improvements in commercial zones of 10 FAR and above in Manhattan

* * *

(e) Modification of special urban design guidelines and urban open space

The City Planning Commission may modify the requirements of Section 37-01 (Special Urban Design Guidelines-Streetscape), Section 37-02 (~~Special Urban Design Guidelines Residential Plazas~~ Applicability of Article II, Chapter 7, to Residential Plazas and Arcades), and the requirement for #urban open space# in Section 42-10 (~~DEFINITIONS~~) 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas) if it finds the provisions of a subway improvement cannot be accommodated without modification to these requirements.

* * *

74-72 Bulk Modification

74-721 Height and setback and yard regulations

(a) In C4-7, C5-2, C5-3, C5-4, C6-1A, C6-4, C6-5, C6-6, C6-7 or M1-6 Districts, the City Planning Commission may permit modification of the height and setback regulations including tower coverage controls for #developments# or

~~#enlargements# located on a #zoning lot# having a minimum area of 40,000 square feet or occupying an entire #block#. For such #developments# or #enlargements# the Commission may modify the minimum required distance between a new #building# and an existing #building# as set forth in Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) provided that the following findings are met:~~

- ~~(1) the minimum distance provided between a new #building# and an existing #building# is 60 feet;~~
- ~~(2) "La + Lb" as defined in Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) is not more than 150 feet; and~~
- ~~(3) the relationship of the said #buildings# permits the best site planning and distribution of open area possible on the #zoning lot#.~~

* * *

(d) In C5-3, C6-6 and C6-7 Districts excluding...

* * *

(3) that the #development# or #enlargement#...

* * *

Such public open space areas shall have a southern exposure, and adjoin a public sidewalk and maintained by #developed# pursuant to the provisions of Section 12-10 (Urban Open Space), paragraphs (c) to (m), and (Urban Plaza) paragraphs (h) and (i). Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas), paragraphs (b) through (l), and Section 37-043 (Urban plazas), paragraphs (j) and (k). A plan for the development and maintenance of such off-site public space shall be approved by the Commission. The off-site public space area shall be kept open to the general public in accordance with a time schedule specified by the Commission. In no event shall such off-site public open space be eligible for #floor area# or bonus computation in connection with this or any other #development# or #enlargement#.

* * *

74-722

Special floor area regulations
(delete entire Section)

* * *

74-74

General Large-Scale Development

* * *

Notwithstanding any provision to the contrary contained in Sections ~~23-151 (R-10 Infill)~~, 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room), and ~~23-23 (Density Bonus for a Plaza, Plaza Connected Open Area, or Aroade)~~, or ~~35-42 (Density or Lot Area Bonus in Mixed Buildings)~~, the #lot area# requirement for a #residential use# within a #general large-scale development# shall be expressed in terms of #dwelling units# or #rooming units# as set forth below:

* * *

74-748

Previously granted special permits

* * *

No existing #plaza#, #residential plaza#, #urban plaza#, or other public amenity for which a #floor area# bonus or any increase in tower coverage above 40 percent of the #lot area# of the #zoning lot# has been received under Section 74-74 (Commercial Development Extending into More than One Block) prior to February 22, 1990 shall be eliminated or reduced in size except by special permit of the Commission pursuant to a finding that a proposed change will provide a greater public benefit in the light of the public amenity's purpose.

* * *

74-761

Elevated plazas

In C5-5 or C6-9 Districts, the City Planning Commission may permit #urban plazas# at levels consistent with existing or contemplated public pedestrian circulation to be more than five feet above the #curb level# of the nearest adjoining #street#, provided that the following findings are made:

- (a) that the #urban plaza# by itself or together with a #plaza# adjacent and accessible to it, has an area of not less than 8,000 square feet with a minimum dimension of 80 feet; and
- (b) that easy access to the #urban plaza# level is provided from the #street# level below.

* * *

74-762

Sunken plazas

In C6-1A Districts, the City Planning Commission may permit a portion of the #urban plaza# area to be depressed more than ten feet below the #curb level# of the nearest adjoining #street# to provide access of light and air and direct pedestrian access by stairs or escalators from an adjoining #street#, #arcade#, #plaza#, #through block arcade#, #plaza#-connected open space, #court#, or #yard#, to a subway station, mezzanine or concourse. The #urban plaza# bonus may be increased from six square feet to ten square feet of #floor area# for every one square foot of such depressed #urban plaza# area. Such stairs or escalators above the depressed level of the #urban plaza# are permissible obstructions, provided that they:

- (a) do not occupy in the aggregate more than 15 percent of the #urban plaza# area; and
- (b) are kept open to the general public during normal working hours.

Not more than 50 percent of the #urban plaza# area shall be depressed.

* * *

74-79

Transfer of Development Rights from Landmark Sites

In all districts except R1, R2, R3, R4 or R5 Districts or C1 or C2 Districts mapped within such districts, for new #developments# or #enlargements#, the City Planning Commission may permit development rights to be transferred to adjacent lots from lots occupied by landmark #buildings or other structures#, may permit the maximum permitted #floor area# on such adjacent lot to be increased on the basis of such transfer of development rights, may permit, in the case of #residential developments# or #enlargements#, the minimum required #open space# or the minimum #lot area per room# to be reduced on the basis of such transfer of development rights, may permit variations in the front height and setback regulations and the regulations governing the size of required loading berths, and minor variations in #plaza#, #residential plaza#, #urban plaza#, #arcade# and #yard# regulations, for the purpose of providing a harmonious architectural relationship between the #development# or #enlargement# and the landmark #building or other structure#.

* * *

74-792

Conditions and limitations

- (a) For the purposes of this Section, except in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the basic maximum allowable #floor area# for a #zoning lot# occupied by a landmark shall be the maximum #floor area# allowed by the applicable district regulations on maximum #floor area ratio# or minimum required #open space ratio# and shall not include any additional #floor area# allowed for #plazas#, #residential plazas# or #urban plazas#, #arcades#, or #plaza#-connected open areas or any other form of bonus whether by right or special permit.

* * *

- (c) When adjacent lots are located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts and are to be #developed# with #commercial buildings#, the following conditions and limitations shall apply:

- (1) the maximum amount of #floor area# that may be transferred from any #zoning lot# occupied by a landmark building, shall be the maximum #floor area# allowed by Section 33-120.5 33-12 for #commercial buildings# on said landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;

* * *

- (3) the City Planning Commission may require, where appropriate, that the design of the #development# include provisions for public amenities such as, but not limited to, open public spaces, subsurface pedestrian passageways leading to public transportation facilities, #plazas#, #urban plazas# and #arcades#.

* * *

74-844

Preservation of community facility uses within certain developments containing public open areas

* * *

- (d) that the #development# provides a minimum of...

* * *

A portion of the open area shall be developed as a park area concentrated in one location and having a minimum dimension of 45 feet and a minimum area of 4,500 square feet. The park area shall be accessible to the public from 9 a.m. to 9 p.m.

each day from May 1 to September 30 and from 9 a.m. to 6 p.m. each day from October 1 to April 30, and such hours shall be posted on a sign which ~~that~~ is plainly visible from the sidewalk adjoining the principal entrance to the park. In addition to the 4,500 square feet of park area, in meeting the 25 percent public open area requirements of this Section, the ~~development~~ may provide a non-bonusable ~~plaza~~, ~~residential plaza~~, ~~arcade~~ or sidewalk continuation area;

* * *

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area. The ~~zoning lot~~ containing such ~~development~~ shall be subject to all the regulations applicable to a C1-9 District subject to the provisions of any special purpose district within which the ~~zoning lot~~ is located, except that the maximum permitted ~~floor area ratio~~ shall be 11.0. The ~~floor area~~ bonus provision for ~~plazas~~, ~~plaza~~ ~~connected open areas~~ or ~~residential plazas~~ or ~~arcades~~ shall not apply. The ~~accessory~~ off-street parking requirements of Section 36-332 shall be 20 percent.

* * *

74-87

Covered Pedestrian Space
(delete entire Section)

~~C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9~~

~~In the districts indicated, the City Planning Commission may permit ~~floor area~~ bonuses for ~~covered pedestrian space~~ in accordance with the provisions of Sections 74-871 through 74-873, inclusive.~~

~~74-871~~

~~Floor area bonus for covered pedestrian space~~

~~For a ~~commercial~~ or ~~community facility development~~ or ~~mixed building~~, for each square foot of ~~covered pedestrian space~~ provided on a ~~zoning lot~~, the total ~~floor area~~ permitted on that ~~zoning lot~~ under the provisions of Section 33-12 (Maximum floor area ratio) may be increased as set forth in Table A of this Section:~~

TABLE A

PERMITTED ADDITIONAL FLOOR AREA PER SQUARE FOOT OF COVERED PEDESTRIAN SPACE

Basic	Maximum	District
(in square feet)	(in square feet)	
11	14	C5-3 C5-5 C6-6 C6-7 C6-9
8	11	C4-7 C5-2 C5-4 C6-4 C6-5 C6-8

In no event shall the resulting floor area ratio exceed the amount set forth in Section 33-12 (Maximum floor area ratio) by more than 20 percent. Any floor area bonus earned by providing a covered pedestrian space may be applied to increase the residential bulk of a mixed building provided the maximum floor area ratio for the residential portion does not exceed 12.0.

Any portion of the covered pedestrian space that is within ten feet of a street line or floor line and that is extended along such street line or floor line on either side of an entrance to it from an adjoining street, arcade, plaza, residential plaza, urban plaza, court, yard or other covered pedestrian space, may receive only that floor area bonus accorded to an arcade.

The basic floor area bonus may be increased by providing one or more of the following additional amenities:

(a) An escalator, providing pedestrian access from sidewalk level to any floor level containing uses specified in paragraph (c) of Section 74-872 (Design requirements for covered pedestrian space). Such escalator may be either within or directly accessible from the covered pedestrian space. The basic floor area bonus may be increased by 1.5 square feet per square foot of covered pedestrian space for each floor level connected by such escalator. However, the floor area bonus earned for the total covered pedestrian space by providing such escalator shall not exceed the allowable maximum set forth in Table A of this Section.

(b) Where the height over at least one-third of the covered pedestrian space in one location is increased by more than one story of the building above the required height, the basic floor area bonus for that portion may be increased by 1.5 square feet per square foot of such raised portion for each story. However, the floor area bonus earned for the total covered pedestrian space by providing such additional height shall not exceed the allowable maximum set forth in Table A of this Section.

(c) Where direct access from the #covered pedestrian space# to a subway station mezzanine or concourse is provided in the #development# and such connection is major, necessary, and kept open to the general public for the same hours as the #covered pedestrian space# or as specified by the Commission, an additional bonus of two square feet of #floor area# per square foot of #covered pedestrian space# may be permitted over the amount specified in Table A of this Section.

74-872

Design requirements for covered pedestrian spaces

In order to qualify for a #floor area# bonus, a #covered pedestrian space# shall be directly accessible to the public from the adjoining #street#, #arcade#, #through block arcade#, #plaza#, #residential plaza#, #urban plaza#, #court#, #yard#, #pedestrian mall# or other #covered pedestrian space# which is a part of the public pedestrian circulation system, and shall:

(a) have an area of at least 3,000 square feet and a minimum width, at any point, of 20 feet. For spaces between 100 feet and 150 feet in length, the minimum width shall be 25 feet. For spaces longer than 150 feet, the average width shall be at least 30 feet;

(b) have a height of at least 30 feet;

(c) have appropriate #uses# permitted in the district, such as, but not limited to, small stores and cafes, occupying the maximum feasible frontage along those bounding walls of the #covered pedestrian space# which do not abut #lot lines# or #street lines#. At least 50 percent of such frontage shall be developed with individual #uses# each of which has a frontage not exceeding 25 feet and the frontage of any other single #use# may not exceed 40 feet. In no event may banks, loan offices, insurance offices or similar office type #uses# occupy any portion of the frontage of the #covered pedestrian space#. Access to other #uses# within a #building# may be provided from the #covered pedestrian space# if such #uses# are not located at the same #story# as the pedestrian space;

(d) be adequately illuminated, utilizing natural daylight wherever possible; and

(e) be suitably maintained and kept open to the public between 7 a.m. and 12 midnight or on a schedule suitable to meet the public need.

Obstructions such as awnings, canopies, pedestrian bridges, escalators, stairs, balconies or other architectural elements above the floor level of the #covered pedestrian space# are prohibited unless it can be clearly demonstrated that they will enhance design or pedestrian circulation. In any event, horizontal projection of balconies into any #covered pedestrian space# shall not exceed five feet.

Planting, landscaping, ornamental fountains, statuary, outdoor furniture, kiosks, works of art, light walls and other features may be permitted in a portion of the pedestrian space, but not to the extent of impeding pedestrian movement.

Columns or similar elements may be permitted within a #covered pedestrian space#, but the aggregate area of such elements may not exceed two percent of the total pedestrian space. The clear span along the main path of pedestrian traffic shall not be less than the figure indicated for minimum dimensions of pedestrian space in paragraph (a) of this Section. However, when two or more pedestrian paths are provided, the minimum clear span widths of such paths may be reduced by five feet.

Where multiple access to the #covered pedestrian space# is provided from an #arcade#, the minimum clear spacing between columns at the face of the #building# may be reduced to 18 feet, provided the height of the #arcade# is not less than 30 feet.

A portion of the #covered pedestrian space# shall be developed as public sitting areas with appropriate facilities such as cafes or other public seating arrangements.

Entrances to lobbies may be permitted along the boundary of a #covered pedestrian space#. The #floor area# of an entrance lobby shall not be considered as part of the #covered pedestrian space#. Where a #zoning lot# is bounded by more than one #street#, or by the combination of #streets#, #plazas# or other public rights-of-way, the #covered pedestrian space# will provide a connection between at least two such areas.

Where the space is heated or air-conditioned, the standards for heating, ventilating and air-conditioning shall be at least equal to that of the lobby.

For the purpose of ensuring prominent public attention to the #covered pedestrian space#, the openings at the face of the #building# for entrances to the #covered pedestrian space# shall be at least 20 feet wide, 30 feet high and unobstructed for a depth of 30 feet, except, where the #covered pedestrian space# is air-conditioned, the openings at the entrances may be partially enclosed. Such enclosure at the entrances shall be transparent in nature, commence at a height not less than eight feet above the floor level at the entrances, and be set back from the face of the #building# at least 12 feet. Air curtains are permitted but shall be located at a height not less than eight feet. Such entrances are permitted to be fully enclosed only for that portion of the year between October 15 and April 15, provided, however, that such space is readily accessible to the public between 7 a.m. and 12 midnight or on a schedule suitable to meet the public need.

When a #through block arcade# provides public access to a #covered pedestrian space#, the opening at the point shall be at least 30 feet wide and 30 feet high. The two openings at the face of the #building# to the #through block arcade# shall be at least 20 feet wide and 30 feet high for a depth of 30 feet and shall be unobstructed except for stairs, ramps and escalators. If such space is air-conditioned only one opening at

the face of the #building# need comply with the partial enclosure requirements of the preceding paragraph.

A #covered pedestrian space# located at 12 feet or more below the sidewalk level shall provide direct subway or below grade pedestrian concourse access. For such #covered pedestrian spaces#, the entrance openings at the sidewalk level may be less than 30 feet in height, but not less than 15 feet, provided the entrance opening is unenclosed for its full height and is extended along the face of the #building# for the entire width of the #covered pedestrian space#.

74-873

Findings for covered pedestrian spaces

As a condition for permitting such bonus #floor area#, the Commission shall find that:

- (a) the proposed #covered pedestrian space# will have a useful role in meeting existing needs for sheltered space for the comfort and convenience of the general public;
- (b) the proposed #covered pedestrian space# is located at or close to the principal level of pedestrian circulation in adjacent areas, with prominent and obvious public entrances;
- (c) the public character of the proposed #covered pedestrian space# shall be obvious from the outside of the #building#;
- (d) appropriate #commercial uses# including, but not limited to, small stores and cafes fronting on the #covered pedestrian space# are provided;
- (e) the distribution of the #bulk# of the total #development# permits satisfactory access of light and air to surrounding #streets# and properties; and
- (f) the proposed connection to an underground subway station from a #covered pedestrian space# is necessary to ease pedestrian movement and sidewalk congestion in the area and the construction cost of the proposed amenity is substantial enough to justify the granting of additional #floor area ratio# bonus.

The Commission may permit modification of the entrance requirements for #covered pedestrian spaces#, provided that the Commission finds that the entrance is so designed as to ensure prominent public notice and promote public pedestrian circulation through such space.

74-91

Urban Open Space Modifications

In C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the City Planning Commission may permit modifications of the provisions of ~~Section 12-10 (DEFINITIONS—Urban Open Space)~~, ~~Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas)~~ affecting the eligibility of ~~#urban plazas#~~, ~~#sidewalk widenings#~~ or ~~#open air concourses#~~ for bonus ~~#floor area#~~, provided that such modifications shall not include any modification of Section 33-14 (Floor Area Bonus for ~~Urban Open Space in Urban Plaza~~) or Section 33-15 (Floor Area Bonus for ~~Open Air Concourses and Sidewalk Widening~~) for the bonus ~~#floor area#~~ of 10 square feet for each square foot of ~~#urban open space#~~, and that such modifications shall be conditioned upon findings made by the Commission in accordance with the provisions of this Section.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such ~~#urban open spaces#~~ to surrounding development.

74-911

Urban plazas

For ~~#urban plazas#~~, the City Planning Commission may permit modifications of the requirements set forth in ~~Section 12-10 (DEFINITIONS—Urban Open Space and Urban Plaza)~~, ~~Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas)~~, provided that the Commission finds that the ~~#urban plaza's#~~ usefulness and attractiveness as an ~~#urban open space#~~ will be assured by the proposed layout and design and that the ~~#development#~~ as a whole will produce a good urban design relationship with surrounding ~~#buildings#~~ and ~~#open spaces#~~.

74-912

Sidewalk widenings

For ~~#sidewalk widenings#~~, the City Planning Commission may permit modifications of the requirements relating to ~~#sidewalk widenings#~~, as set forth in ~~Section 12-10 (DEFINITIONS—Urban Open Space and Sidewalk Widening)~~, ~~Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas)~~, provided that the Commission finds that such modifications will assure the usefulness of the ~~#sidewalk widening#~~ for its intended purpose of improving pedestrian circulation and will produce an overall good site plan.

74-913

Open air concourses

For ~~#open air concourses#~~, the City Planning Commission may permit modifications of the requirements set forth in ~~Section 12-10 (DEFINITIONS—Urban Open Space and~~

~~Open Air Concourses), Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas), provided that the Commission finds that:~~

* * *

74-96

Special Urban Design Guidelines - Residential Plaza Modifications

In R10, C1-9, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within an R10 District, the City Planning Commission may permit modifications of the provisions of Article II, Chapter 7 (Special Urban Design Guidelines - Residential Plazas and Arcades) and Section 37-02 (Applicability of Article II, Chapter 7 ~~Special Urban Design Guidelines Residential Plaza~~ to Residential Plazas and Arcades), provided that such modifications shall not include any modifications of Section 23-16 (Floor Area Bonus for a Plaza) and Section 24-14 (Floor Area Bonus for a Residential Plaza) for the bonus #floor area# of six square feet for each square foot of #residential plaza#. Such modifications shall be conditioned upon the Commission finding that the #residential plaza#'s usefulness and attractiveness will be assured by the proposed layout and design and that the #development# as a whole will produce a superior relationship with surrounding #buildings# than that achieved through these urban design guidelines.

* * *

Chapter 7

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

77-22

Floor Area Ratio

* * *

In applying this provision, the #floor area# bonus permitted for #plazas#, #plaza# ~~connected open areas~~ #residential plazas#, #urban plazas# or #arcades#, under the applicable regulations of this Resolution, shall apply only to such #plazas#, #plaza# ~~connected open areas~~ or #residential plazas#, #urban plazas#, #arcades# or portions thereof, as are located in a district in which such bonus is granted.

* * *

77-25

Lot Area Requirements

* * *

In applying this provision, the density bonus permitted for ~~#plazas#, #plaza# connected open areas, #residential plazas#, #urban plazas# or #arcades#,~~ under the applicable regulations of this Resolution, shall apply only to such ~~#plazas#, #plaza# connected open areas, #residential plazas#, #urban plazas# or #arcades#,~~ as are located in a district in which such bonus is granted.

* * *

Chapter 8
Special Regulations Applying to Large-Scale Residential Developments

* * *

78-31
Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks

* * *

(e) In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, ~~the bonus provisions of Sections 23-16 (Floor Area Bonus for a Plaza), 23-17 (Floor Area Bonus for a Plaza Connected Open Area), 23-18 (Floor Area Bonus for Arcades), 24-14 (Floor Area Bonus for a Plaza), 24-15 (Floor Area Bonus for a Plaza Connected Open Area), 24-16 (Floor Area Bonus for Arcades) or 27-00 (GENERAL PURPOSES) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use# after February 9, 1994. #floor area# bonuses for #residential plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.~~

~~In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing #plaza#, #plaza# connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating February 9, 1994, shall be eliminated or reduced in size 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#.~~

* * *

Chapter 9
Special Regulations Applying to Large-Scale Community Facility Developments

* * *

79-21

General Provisions

* * *

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the bonus provisions of Sections 23-16 (Floor Area Bonus for a Plaza), 23-17 (Floor Area Bonus for a Plaza Connected Open Area), 23-18 (Floor Area Bonus for Arcades), 24-14 (Floor Area Bonus for a Plaza), 24-15 (Floor Area Bonus for a Plaza Connected Open Area), 24-16 (Floor Area Bonus for Arcades), or 27-00 (GENERAL PURPOSES) shall not apply to any #development or #enlargement# with more than 25 percent of its total floor area in #residential use# after February 9, 1994. #floor area# bonuses for #residential plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

* * *

Article 8

Special Purpose Districts

Chapter 1

Special Midtown District

* * *

81-062

Applicability of Chapter 4 of Article VII

Within the #Special Midtown District#, the following provisions regarding special permits by the City Planning Commission shall not be applicable:

Section 74-72 (Bulk Modification)

~~Section 74-74 (Commercial Developments Extending into More than One Block)~~

Section 74-75 (Educational Construction Fund Projects)

Section 74-82 (Through Block Arcades)

Section 74-83 (Court Houses)

Section 74-841 (Developments in ~~e~~Certain Commercial Districts)

Section 74-852 (Height and setback regulations for developments on lots divided by district boundaries)

Section 74-87 (Covered Pedestrian Space)

Section 74-91 (~~Urban Plaza~~)(~~Urban Open Space Modifications~~)

Section 74-95 (~~Housing Quality Developments~~ ~~Modifications of Housing Quality Special Permits~~)

* * *

81-22

~~Floor Area Bonus Provisions (As of Right) As-of-Right Floor Area Bonuses~~

~~As-of-right #floor area# bonuses are not permitted in the #Special Midtown District#, except in accordance with the provisions of the following Sections:~~

~~Section 81-23 (Floor Area Bonus for Urban Plazas), and~~

~~Section 81-743 (Floor area bonus for through block galleries).~~

~~81-221~~

~~Bonus provisions not applicable~~

~~The provisions of the following chapters relating to as of right #floor area# bonuses and are not applicable in the #Special Midtown District:~~

~~Article II, Chapters 3, 4, 5, 6 and 7~~

~~Article III, Chapters 3, 4, 5, 7 and 8~~

~~Article IV, Chapter 3~~

~~81-222~~

~~Applicable provisions~~

~~As of right #floor area# bonuses for urban plazas are applicable in accordance with the provisions of Section 81-23 (Floor Area Bonuses for Urban Plazas). As of right #floor area# bonuses for through #block# galleries are applicable only in the Theater Subdistrict in accordance with the provisions of Section 81-743 (Floor area bonus for through block galleries).~~

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.~~

~~Except as set forth in this Section, w~~Within the #Special Midtown District#, for each square foot of an #urban plaza# provided on a #zoning lot#, ~~which #urban plaza# meets the standards 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 six square feet, provided that in no case shall such bonus #floor area# exceed a #floor area ratio# of 1.0.

~~All #urban plazas# provided within the #Special Midtown District# shall comply with the requirements for #urban plazas# set forth in Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas), and further requirements as specified in Section 81-231 (Standards for urban plazas).~~

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

- (a) there shall be no #floor area# bonus for an #urban plaza# on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) no #development# or #enlargement# on a #zoning lot# shall receive a bonus for an #urban plaza# ~~which that~~ 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 ~~a~~ Along Designated Streets) or 81-43 (Street Wall Continuity ~~a~~ Along Designated Streets);
- (c) no #development# or #enlargement# on a #zoning lot# within the ~~Theatre~~ Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), shall receive a bonus for an #urban plaza#; and
- (d) there shall be no #floor area# bonus for an #urban plaza# on #zoning lots# in the Grand Central Subdistrict.

81-231

Standards for urban plazas

~~An "urban plaza" is a continuous area open to the sky and fronting upon a #street# or sidewalk widening and is accessible to the public at all times, except as set forth in paragraph (c) of this Section, for the use and enjoyment of large numbers of people.~~

No foundation permit shall be issued by the Department of Buildings for any ~~development~~ which ~~that~~ includes an ~~urban plaza~~ without certification by the Chairperson 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 Chairperson 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 location 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 of 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~~ in Section 37-04 and in this Section.

The applicant ~~for an urban plaza floor area bonus~~ 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 Chairperson 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 Chairperson's certification.

~~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 Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas) paragraph (e).~~

(delete remainder of Section)

81-232

Existing plazas or other public amenities

~~(a) Elimination or reduction in size of existing plazas, plaza-connected open areas, residential plazas and arcades~~

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 the size of, or of any other design 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 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#.

(b) Kiosks and open air cafes

Kiosks or open air cafes may be placed within a #plaza# or #plaza#-connected open area for which a #floor area# bonus has been received, by certification of the City Planning Commission pursuant to Section 37-05 (Improvement of Existing Plazas or Plaza-connected Open Areas).

(c) Nighttime closing of existing #plazas#, #plaza#-connected open areas and #residential plazas#

The City Planning Commission may, upon application, authorize the closing of an existing #plaza#, #plaza#-connected open area, or #residential plaza#, for which a #floor area# bonus has been received, during certain nighttime hours pursuant to Section 37-06.

(d) Special provisions for certain #covered pedestrian spaces#

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 City Council~~ 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.

81-233

Special provisions for zoning lots divided by district boundaries

Where an #urban plaza# is located on a #zoning lot# divided by a district boundary, the #floor area# bonus for such #urban plaza# may be credited to either portion of the #zoning lot# regardless of the #urban plaza#'s location or the date when the #zoning lot# was created, provided that the amount of such bonus permitted on either portion of the #zoning lot# shall not exceed the maximum amount that would be permitted on such portion if it were a separate #zoning lot# and subject to all other applicable provisions of Article VII, Chapter 7.

81-413

Provisions for handicapped

All mandatory district plan elements required by the provisions of Section 81-45 (Provision of Pedestrian Circulation Space) or Section 81-46 (Through Block Connection) shall be accessible to the handicapped, meeting the standards set forth in ~~Section 81-231 (Standards for urban plazas), paragraph (e)(2). Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas), paragraph (d).~~

* * *

81-43

Street Wall Continuity Along Designated Streets

* * *

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...

* * *

81-45

Provision of Pedestrian Circulation Space

* * *

Such pedestrian circulation space shall meet the requirements set forth in Section 81-451 (Design standards for pedestrian circulation spaces), Section 81-46 (Through Block Connection), Section 81-47 (Off-Street Relocation or Renovation of a Subway Stair) or Section 81-49 (Off-Street Improvement of Access to Rail Mass Transit Facility). ~~Sidewalk widenings, arcades and corner arcades shall not be subject to the standards set forth in Section 12-10 (DEFINITIONS). Arcades shall not be subject to the provisions of Section 27-60 (ARCADES), and sidewalk widenings shall not be subject to the provisions of Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas).~~

* * *

81-451

Design standards for pedestrian circulation spaces

(a) Sidewalk widening

* * *

(2) Permitted interruptions

* * *

- (iii) A sidewalk widening may be overlapped by an #urban plaza# (see Section 31-23) as set forth in Section 31-23, provided that the overlapping portion of such #urban plaza# conforms to the design standard of a sidewalk widening.

* * *

- (vi) A sidewalk widening may be interrupted by a driveway which ~~is~~ 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# ...

* * *

(c) Arcade

* * *

An arcade shall meet the following requirements:

(1) Dimensions

* * *

- (iii) On a ~~the~~ #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 if the arcade 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, a relocated or renovated subway entrance, or an off-street rail mass transit access improvement.

- (iv) On a #wide street#...

* * *

- (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 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 paragraph (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.

* * *

81-452

Bonused amenities qualifying as pedestrian circulation spaces

* * *

- (b) Through #block# urban plaza# (see Section 81-23), up to a maximum of 3,000 square feet.
- (c) #Urban plaza# (see Section 81-23)
- (1) For an #urban plaza# that faces a #street# intersection or provides access to a major #building# entrance: 30 percent of the #urban plaza#'s# area.
 - (2) For other #urban plazas#: the first 10 feet of depth from the #street line#, provided that it conforms to the design standards of a sidewalk widening.

* * *

81-453

Exemptions from the pedestrian circulation space requirements

* * *

- (c) the #zoning lot# is an #interior# or #through lot# fronting only on a #street# or #streets# where no arcade, sidewalk widening or #urban plaza# is permitted, ~~i.e.,~~ such as Fifth Avenue, 42nd Street, 34th Street and 57th Street or any #street# within the Preservation Subdistrict;

* * *

81-461

Locational standards

* * *

(b) To count as...

* * *

- (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 150 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#.

* * *

81-471

Standards for location and design

(a) Location

The relocated or renovated 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)

* * *

(b) Design standards

* * *

In addition, and for a relocated entrance only, 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. Such queuing space may overlap with a sidewalk widening, or an arcade, or an #urban plaza#.

* * *

The relocated or renovated entrance may be located within an #urban plaza#, provided that the minimum width of the stairs is 10 feet and the queuing area required for a relocated entrance is unobstructed and contiguous to a sidewalk or a sidewalk widening. A relocated or renovated 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#.

* * *

81-48

Major Building Entrances

* * *

- (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:

* * *

81-49

Off-street Improvement of Access to Rail Mass Transit Facility

An off-street rail mass transit access improvement shall provide a new point of unobstructed off-street public access to a rail mass transit station or facility. It shall immediately adjoin, and be accessible without any obstruction from, a public sidewalk, a sidewalk widening, a corner circulation space, an arcade, a corner arcade, a building entrance recess area, or an #urban plaza#, each of which...

* * *

(b) Obstructions

An off-street mass transit access improvement shall be free of obstructions except for building columns and shall provide a continuous unobstructed path at least 15 feet wide connecting the public sidewalk, pedestrian circulation space or urban plaza with the rail mass transit station or facility.

* * *

81-632

Conditions and limitations

The transfer of development rights from a "granting lot" to a "receiving lot" pursuant to Section 81-63 shall be subject to the following conditions and limitations:

- (a) the maximum amount of #floor area# that may be transferred from a "granting lot", shall be the maximum #floor area# allowed by Section ~~33-120.5~~ 33-12 for #commercial buildings# on said ~~such~~ landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;

* * *

81-748

Floor area bonus for through block galleries

* * *

(b) Location

At each end it shall adjoin and open onto a #street#, a sidewalk widening, a #plaza# or an urban plaza adjacent to the #street#. It shall provide continuous, unobstructed access from one end to the other.

(c) Elevation

It shall have the same grade elevation at each end as the sidewalk, sidewalk widening or urban plaza which it adjoins. This elevation shall be maintained for at least 20 feet from the end, beyond which a grade change, if any, is permitted only to reconcile grade differences between the two ends. Provisions for changes in grade shall include ramps for wheelchair users with a maximum slope of one to twelve.

* * *

(f) Minimum clear path

Except as provided in paragraph (g) (Permitted obstructions) there shall be a straight path, clear of all obstructions, including door swings, extending from one end of the galleria to the other, with a minimum width of 15 feet. Where the through #block# galleria is adjoined at one or both ends by a sidewalk widening, #plaza# or #urban plaza#, such minimum width of clear path shall be continued across the adjoining #open space# to the #street line#.

(g) Permitted obstructions

* * *

- (3) For through #block# gallerias with areas larger than 3,000 square feet, public seating is required. There shall be at least one linear foot of seating for each 20 square feet of through #block# galleria area in excess of 3,000 square feet. The design standards for seating shall be as set forth in ~~Section 81-231 (Standards for urban plazas) paragraph (i)~~ paragraph (3) of Section 17-043 (Urban plaza). Eating or drinking service may be provided adjacent to, but not within, the through #block# galleria. All seating within the through #block# galleria shall be accessible to the public.

* * *

81-84

Mandatory Regulations and Prohibitions

The following requirements listed in this Section shall apply to all #developments#, #enlargements#, #extensions#, or changes of #use# within the Subdistrict:

(a) Pedestrian access to #uses#

* * *

No #urban plaza# or any part thereof shall be permitted on or within 50 feet of the Fifth Avenue #street line#.

* * *

Chapter 2

Special Lincoln Square District

* * *

82-32

Special Provisions for Increases in Floor Area

~~The provisions of Sections 23-16, 24-14 or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15 or 33-14 (Floor Area Bonus for a Plaza Connected Open Area), Sections 23-18, 24-16 or 33-15 (Floor Area Bonus for Arcades), or Section 23-23 (Density Bonus for a Plaza Connected Open Area or Arcade) 33-15 (Floor Area Bonus for Open Air Concourses and Sidewalk Widening), 33-16 (Floor Area Bonus shall not apply. In lieu thereof, the following provisions shall apply which may be used separately or in combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0:~~

~~No #floor area# bonuses shall be permitted within the Special Lincoln Square District except as provided in this Section. The following #floor area# increases may be used separately or in combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0:~~

* * *

Chapter 6

Special Greenwich Street Development District

* * *

86-052

Frontage allocated for Use Group G

Frontage along the inside boundary of an #arcade# shall be #developed# and used in accordance with the provisions of this Section:

* * *

(b) the remainder of such frontage may be devoted to access to lobbies, #plazas#, #residential plazas#, #urban plazas#, or other pedestrian spaces, escalators or stairs, or to...

* * *

86-053

Floor area bonus for special lot improvements

Bonus #floor area# may be granted for #covered pedestrian spaces#, elevated #urban plazas#, #through block arcades#, or other significant improvements to pedestrian circulation, collectively known as special lot improvements, where such features are designated on the District Plan as lot improvements and are constructed in accordance with the provisions of this Section.

(a) The grant of bonus #floor area# for #covered pedestrian spaces# shall be conditioned upon compliance with the definition of #covered pedestrian space# as set forth in Section 12-10 (DEFINITIONS) and with the provisions of Section 74-87 (Covered Pedestrian Space), except that:

- (1) the #covered pedestrian space# may qualify by being directly accessible to the public from any adjoining part of the public pedestrian circulation system; ~~as well as from an adjoining #street#, #arcade#, #plaza#, #court#, #yard#, #pedestrian mall#, or other #covered pedestrian space#;~~

* * *

(b) The grant of bonus #floor area# for elevated #urban plazas# shall be conditioned upon compliance with the definition of #plaza# as set forth in Section 12-10 (DEFINITIONS), requirements for #urban plazas# set forth in Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas) except that:

- (1) the level of the elevated #urban plaza# shall be limited to not more than three feet above or below the level of an adjacent lot or pedestrian circulation improvements by which public access to the elevated #urban plaza# is provided;
- (2) the elevated #urban plaza# shall have not less than one tree per 1,300 square feet of elevated #urban plaza#, each tree being of a minimum caliper of 6 inches and being watered by an automatic watering system, the measurement of caliper and the specifications for planting being in accordance with the standards and specifications of the American Society of Nurserymen; and
- (3) the Commission may authorize obstructions in addition to those permitted by the definition of #plaza# standards for #urban plazas#. Such obstructions may generally include features of an artistic nature, kiosks or open #uses# for public recreation, eating, entertainment and enjoyment, such as open air cafes. Not more than two-thirds of the #urban plaza's# area may be occupied by such obstructions or #uses#, and they shall be restricted to appropriate areas so that suitable space is reserved and conveniently located for walking, standing, sitting and the providing of any pedestrian connection required by the District Plan.

Bonus #floor area# allowance shall be as set forth in Section 33-13 33-14 (Floor Area Bonus for an Urban Plaza) or as modified by the provisions of Section 86-048 (Basic maximum floor-area ratio).

(c) The grant of bonus #floor area# for #through block arcades# shall be conditioned upon compliance with the definition of #through block arcade# as set forth in

Section 12-10 (DEFINITIONS) and the provisions of Section 74-82 (Through Block Arcades), except that:

- (1) the #through block arcade# may qualify by being directly accessible to the public from an elevated #plaza#, #covered pedestrian space#, or any part of the public pedestrian circulation system, as well as from an adjoining #street#, #urban plaza#, #residential plaza#, #plaza# or #arcade#; and
- (2) #uses# permitted to occupy frontage along a #through block arcade# are limited to those #uses# listed in Use Group G.

* * *

86-054

Permitted obstructions in plazas, residential plazas and urban plazas

The City Planning Commission may authorize obstructions in addition to those permitted by the definition of #plaza# the provisions of Article II, Chapter 7 for #residential plazas#, and Section 37-04 for #urban plazas#, upon the terms and conditions set forth in paragraph (b)(3) of Section 86-053 (Floor area bonus for special lot improvements).

* * *

86-061

Additional floor area ratio for pedestrian circulation improvements or special lot improvements

A #developer# in the case of ...

* * *

(a) For any #development# ...

* * *

If a #development's# adjusted basic maximum #floor area ratio# is 15.0, the bonus rates established in the regulations of the C5-5 District shall apply to any #covered pedestrian space#, #through block arcade#, elevated #urban plaza# or special lot improvement provided by such #development#. When additional #floor area# attributable to the provision of elective pedestrian circulation improvements or special lot improvements would result in a #floor area ratio# in excess of 15, the excess #floor area# shall be credited as bonus #floor area# subject to the provisions of Section 86-062 (Bonus floor area limitations).

* * *

86-13

Authorization by Commission

* * *

The Commission may also grant, upon application, authorizations:

* * *

- (2) modifying the provisions of this Chapter in accordance with the provisions of Section 86-081 (Minimum retail requirement), Section 86-082 (Use Group G), and 86-054 (Permitted obstructions in residential plazas and urban plazas); and
- (3) modifying the proportionality and elevation of #urban plaza# requirements as defined in Section 12-10, as set forth in Section 37-04 (Requirements for Open Air Concourses, Sidewalk widenings, and Urban Plazas) where such modifications would enhance the pedestrian circulation system.

* * *

Chapter 8

Special South Street Seaport District

* * *

88-02

Definitions

* * *

Development rights

The basic maximum permitted #floor area# for a #granting lot# if it were undeveloped allowed by the applicable district #floor area# regulations and shall not include any additional #floor area# allowed for #plazas#, or #plaza# connected open areas or any other form of bonus whether by right or special permit. shall be that which is allowed by the applicable district regulations as if such #granting lot# were undeveloped, and shall not include any additional #floor area# bonuses for #urban plazas#, #arcades#, or any other public amenity, or any other form of #floor area# increase, whether as-of-right or by special permit. #Streets# located...

* * *

Article 9
Special Purpose Districts

Chapter 2
Special Park Improvement District

* * *

92-03
Special Bulk Provisions

For the purposes of this Chapter, the maximum #floor area ratio# for any #development# or #enlargement# on a #zoning lot# shall not exceed 10.0. ~~Plazas#, #plaza# connected open areas and #arcades# shall not be eligible for a #floor area# bonus. However, where building plans have been filed with the Department of Buildings prior to May 31, 1981 and a #floor area# bonus has been received either by providing on site bonusable public amenities or by making a contribution to the Park Improvement Account, such #developments# or #enlargements# may reach a maximum #floor area# of 12.0, if a building permit has been issued and construction of 50 percent of the #building# in accordance with the plans for which such permit was granted has been completed prior to May 31, 1984. No #floor area# bonuses shall be permitted.~~

* * *

92-08
~~Special Regulations for Zoning Lots Opposite C5-3 CR Districts~~
~~(delete entire Section)~~

* * *

92-09
~~Special Regulations for Narrow Buildings]~~
~~(delete entire Section)~~

* * *

Chapter 3
Special Jacob K. Javits Convention Center District

* * *

93-222
Design standards

* * *

(b) Permitted obstructions

Obstructions permitted in ~~Section 12-10 (DEFINITIONS—Urban Open Space) paragraph (f) (Permitted Obstructions) paragraphs (1, 4, 5, 6, 7), paragraphs (e)(1) and (e)(4) of Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening, and Urban Plazas)~~ shall be permitted in the pedestrian way. In addition, the following shall be permitted obstructions in a pedestrian way: architectural ornamentation of building walls adjacent to a pedestrian way, such as cornices, moldings or lighting, provided such elements do not project more than one foot from such building wall over the pedestrian way.

* * *

(e) Standards of accessibility for the handicapped

The standards of accessibility shall be as permitted in ~~Section 12-10 (DEFINITIONS—Urban Open Space) paragraph (e) (Standards of Accessibility for the Handicapped) paragraph (d) of Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening, and Urban Plazas)~~.

* * *

(l) Signs

The standards for signs on a pedestrian way shall be as permitted in ~~Section 12-10 (DEFINITIONS—Urban Open Space) paragraph (k) (Signs) paragraph (i) of Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening, and Urban Plazas)~~.

* * *

(n) Maintenance

The standards for maintenance shall be as set forth in ~~Section 12-10 (DEFINITIONS—Urban Open Space) paragraph (m) (Maintenance) as these may be modified) paragraph (k) of Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening, and Urban Plazas)~~.

* * *

93-26

Maximum Limit on Floor Area Ratio

~~The #floor-area# bonus provisions allowed in the underlying districts for #plazas#~~

~~#plaza# connected open areas, #urban open spaces#, #arcades# and all other #floor area# bonus provisions shall not be permitted in the Special District. No #floor area# bonuses shall be permitted within the Special Jacob K. Javits Convention Center District. However, for any predominantly #residential development# located on a #zoning lot# in any district in which such a #development# is permitted, the #floor area ratio# may be increased from 10.0 to 12.0 by complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING).~~

* * *

Chapter 4
Special Sheepshead Bay District

* * *

94-062
Use Group SB

In Areas A, B, C, D and E, except as stated in this Section, all #commercial uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at ground floor level of 35 feet when facing any ~~—#plaza#—~~, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (*) shall not be located on the ground floor of a #building#.

* * *

Chapter 5
Special Transit Land Use District

* * *

95-032
Location of transit easements

The transit easement volume may be located within a #building#, in open areas, including ~~#plazas#, #residential plazas#, #urban plazas#~~, or in areas covered by projected overhangs of a #building#. At least one vertical face of the easement volume shall be at a #front lot line#. The easement volume shall be located on the #zoning lot# as close as possible to the #street# containing the transit line.

* * *

95-05

Terms and Conditions for Permitted Uses and Construction within Transit Easement Volume

* * *

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#. When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area shall be considered as #plaza# or a #residential plaza# or an #urban plaza# in the districts which allow a #plaza# bonus. such plaza bonuses.

The transit easement volume, any construction allowed therein or any weather protection provided thereon by an overhang or roofed area pursuant to Section 95-053, shall be considered permitted obstructions within required #yards#, #open space# or in a #plaza# #residential plaza# or #urban plaza# area.

* * *

95-051

Development of transit access facilities

All access facilities, including any lightwells or sky lights required within a transit easement volume, shall be constructed and maintained by the Transit Authority except for any building columns, footings or any other permitted obstructions allowed therein.

The subway entrance within the transit easement volume and any adjoining #plaza# #residential plaza# or #urban plaza# shall be at the same elevation as the adjoining sidewalk and shall be directly accessible to the public at all times. When such...

* * *

95-052

Special access facilities for the handicapped

Special elevators for the handicapped may locate within a transit easement volume provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

Such special elevators shall be designed by the New York City Transit Authority in

consultation with the owner of the #zoning lot# and shall be integrated architecturally, including color and material, with the #development# and adjoining #plaza# #residential plaza# or #urban plaza# area. Design concept for such elevators shall be submitted to the City Planning Commission for certification.

* * *

95-053

Weather protection

The stairs or escalators providing pedestrian access to the subway mezzanine, which are not covered at the entrance level, shall be weather protected by the #building# or portion thereof including an overhang, or by a roofed area provided by the owner of the #zoning lot# in accordance with the New York City Transit Authority requirements. Such overhang or roofed area shall cover either or both the stairway and the escalator which are uncovered at the ground level. Any Overhang or roofed area shall be sufficient to cover the access facilities within the easement volume and may not otherwise obstruct the #plaza# #residential plaza# or #urban plaza#.

When the subway entrance is within an open #plaza# #residential plaza# or #urban plaza# area, a roof area shall be provided with either a glazed or translucent material for at least 50 percent of its surface area. The roofed area shall be no more than 15 feet above #curb level# and shall blend harmoniously with the development on the #zoning lot# and any surrounding #plaza# #residential plaza# or #urban plaza# or open area.

95-054

Permitted uses and other constructions

* * *

In addition, any portion of the transit easement volume at #curb level# not to be covered for weather protection, may contain trees, benches, or any obstructions permitted in a #plaza# area #residential plaza# or #urban plaza#. However, such elements shall not interfere with the pedestrian movement.

* * *

95-06

Temporary Use of the Easement Area

* * *

Temporary ~~use# of the~~ of the transit easement volume above ~~curb level#~~ in a ~~plaza# residential plaza# urban plaza#~~ or ~~open space#~~ area shall be limited to ~~use#~~ as a landscaped open area ~~which~~ that may contain obstructions permitted in a ~~plaza# residential plaza# or urban plaza#~~. Improvements or construction of a temporary nature within the easement volume for such temporary ~~uses#~~ shall be removed by the owner of the ~~zoning lot#~~ prior to the time at which public ~~use#~~ of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the ~~zoning lot#~~ in order to vacate the tenants of such temporary ~~uses#~~.

95-11

Miscellaneous Provisions

The pavement on a public sidewalk fronting a ~~development#~~ within the ~~Special Transit Land Use District#~~ shall be consistent in color and material with all pavements located within the transit easement volume and in the ~~any~~ adjoining ~~plaza# residential plaza# or urban plaza#~~.

* * *

Chapter 8

Special Manhattan Landing Development District

* * *

98-13

Pedestrian Connection

"Pedestrian connections" as shown in the District Plan are two types: connections between two elements specified in the District Plan, which are approximately at the same level, and connections between two clearly separate levels. In the former case, the connection shall be not less than a level, or approximately level, walkway 15 feet in width; in the latter case, the connection shall not be less than a pair of 32 inch wide escalators. In either case, the connection may be effected by means of a ~~plaza#, arcade#, plaza# connected open area, through block arcade#, elevated plaza#, covered pedestrian space#, loggia# or combination thereof. any publicly accessible space.~~ When the ~~pedestrian connection#~~ connects two points, as described in the District Plan, the length of the ~~pedestrian connection#~~ shall not exceed the straight line distance between the two points by more than 50 percent.

* * *

98-14

Pedestrian Way

A "pedestrian way" is that part of a #district parcel# including #pedestrian spaces# or #visual corridors# ~~which that:~~

* * *

Arbors, trellises, awnings, canopies, balconies (subject to the provisions of Section 23-13 or ~~24-175~~ ~~24-165~~), or bridges shall be permitted above a #pedestrian way# provided that the aggregate area of such overhead obstructions projected to the surface of the #pedestrian way# is less than 20 percent of the surface area of the #pedestrian way#, or as specified in the District Plan.

* * *

98-17
Pedestrian Space

A "pedestrian space" is a landscaped open area, accessible to the public at all times ~~which that:~~

- (a) provides a #plaza# ~~as defined in Section 12-10~~ #residential plaza# in accordance with the provisions of Article II, Chapter 7, or an #urban plaza# in accordance with the provisions of Section 37-04, except that the Commission may authorize obstructions in additions to those ~~otherwise permitted~~ by the definition of #plaza#. Such obstructions may ...

* * *

98-20
RESIDENTIAL OPEN SPACE

The #developer# of a #zoning lot# shall provide recreational space for the #residential# portion, exclusive of any area such as a #plaza, #residential plaza#, #urban plaza#, #arcade# or other required amenity, in an amount not less than 14.4 square feet of space for each #room# in C4-6 or C2-8 Districts and not less than 6.25 square feet of space for each #room# in C5-3CR or C6-4 Districts. Such #residential open space#:

* * *

98-23
Frontage Allocated for Use Groups ~~6-A and 6-C~~ ~~6A and 6C~~.

* * *

- (b) the remainder of such frontage may be devoted to access to lobbies, #plazas# #residential plazas#, #urban plazas# or other #pedestrian spaces#, escalators ...

* * *

98-30

MAXIMUM FLOOR AREA RATIO

For any #district parcel# or #zoning lot# within the MLD #Special Manhattan Landing Development District#, the maximum #floor area ratio# shall be as follows:

- (a) in C5-3CR Districts, the maximum #floor area ratio# as set forth in Section 33-120.5 (Maximum limit of floor area ratio); Section 33-12 (Maximum Floor Area Ratio) shall be not more than 18.0 by complying with the #mandatory lot improvements# of the District Plan. The maximum #floor area ratio# may exceed 18.0 by complying with applicable provisions of the #Special South Street Seaport District# (Article VIII, Chapter 8). In no event shall the #floor area ratio# of a #residential building# or portion thereof exceed 9.0;
- (b) in C2-8 Districts, the maximum #floor area ratio# as set forth in Section 33-120.5 33-12 may be raised from 2.0 to not more than 2.4 by complying with the requirements of the District Plan. Maximum #floor area ratio# for #residential uses# in C2-8 Districts shall be 2.4;
- (c) in C4-6 Districts, the maximum #floor area ratio# as set forth in Section 33-120.5 33-12 may be raised from 3.40 to not more than 4.08 by complying with the requirements of the District Plan. In no event shall the #floor area ratio# of a #residential building# or portion thereof exceed 9.0; for #mixed buildings#, the maximum #floor area ratio# shall not exceed 12.0; and

* * *

98-51

Minimum Retail Requirement

* * *

By special authorization, the City Planning Commission may permit #floor area# not exceeding 20 percent of the total #floor area# required to be allocated for #uses# in Section 98-23 to be located in an area other than one of the aforementioned areas. Alternate areas include, but are not limited to, the top #story# of a #building# for a rooftop restaurant open to the public or an #urban plaza# for an open air cafe. Such alternate areas may qualify under Commission authorization only if the Commission finds that their arrangement and intended #use# is suitable from the standpoint of service to the public.

* * *

APPENDIX B
DESCRIPTION OF IMPROVEMENTS BY DISTRICT PARCEL

* * *

District Parcel 21

* * *

- (d) A #pedestrian connection# below grade along the southeast #street line# of Water Street, between Maiden Lane and John Street, connecting the mezzanine of the Second Avenue subway extension along Water Street with #plazas# #residential plazas# #urban plazas# or #arcades# or other pedestrian areas adjacent to Water Street at Fletcher Street and at John Street. If the subway mezzanine is not yet built or designed, easements for the #pedestrian connection# shall be provided.

* * *

Article 10
Special Purpose Districts

* * *

Chapter 7
Special South Richmond Development District

* * *

107-44
Maximum Floor Area Ratio for Community Facility Uses

The provisions of Section 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and of Section ~~33-16~~ 33-17 (Floor Area Bonus for Front Yards) shall not apply to any #community facility uses# located in the Special District.

* * *

Chapter 9
Special Little Italy District

* * *

109-123

Floor area per room regulations

For the purposes of this Chapter, the requirement of #lot area per room# for a #residential building# or #residential# portion of a #mixed building#, and the #lot area# requirement for the non-#residential# portion of a #mixed building# as set forth in Sections 23-22, ~~23-25~~ ~~23-24~~ or 35-40, shall not apply to any #development# or #enlargement#. In lieu thereof, there shall be not more than one #room# for each 230 square feet of gross #residential floor area#.

* * *

Article 11

Special Purpose Districts

* * *

Chapter 5

Special Fulton Mall District

* * *

115-08

Continuity of Street Wall

No #arcade# or any portion thereof shall be permitted within the #Special Fulton Mall District#. ~~#Plaza# or #plaza# connected open areas~~ #Residential plazas# or #urban plazas# are permitted within the Special District provided that no portion of such ~~#plaza# or #plaza# connected open area~~ #residential plaza# or #urban plaza# is located within 50 feet of the #street line# of Fulton Street.

* * *

115-11

Special Floor Area Regulations

* * *

(b) a contribution to the Fulton Mall District Fund in accordance with the provisions of Section 115-13.

Such contribution to the #Fund shall be made at the time of filing for a building permit with the Department of Buildings. For any #building# containing #residential uses# within an R-10 ~~R10~~ equivalent #Commercial District#, any

reduction in the #lot area per room# requirement shall not exceed 17 percent, as set forth in Section 23-22.

In no case shall the #floor area ratio# exceed the amount set forth in ~~Section 33-120.5 (Maximum limit on floor area ratio).~~

~~Section 33-12 (Maximum Floor Area Ratio).~~

* * *

Chapter 7

Special Hunters Point Mixed Use District

* * *

117-651

Bulk regulations

- (a) Within the Court Square Subdistrict, the following provisions affecting #Commercial Districts# shall not apply: Section 33-14 ~~33-15~~ (Floor Area Bonus for Urban Open Space); Section 33-15 ~~33-16~~ (Floor Area Bonus for Arcades); and Section 33-26 (Minimum Required Rear Yards).

* * *

(On February 14, 1996, Cal. No. 9, the Commission scheduled February 28, 1996 for a public hearing which has been duly advertised.)

Close the hearing.

III. REPORTS

BOROUGH OF THE BRONX

No. 18

CD 2

C 940513 PPX

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the **disposition of one (1) city-owned property, located at 953-59 Westchester Avenue (Block 2704, Lot 39), pursuant to zoning.**

(On January 17, 1996, Cal. No. 1, the Commission scheduled January 31, 1996 for a public hearing. On January 31, 1996, Cal. No. 5, the hearing was closed.)

For consideration.

No. 19

CD 3

C 960092 PPX

IN THE MATTER OF an application submitted by the Department of General Services pursuant to Section 197-c of the New York Charter, for the **disposition of one (1) city-owned property located at 507 East 165th Street (Block 2370, Lot 45), pursuant to zoning.**

(On January 17, 1996, Cal. No. 2, the Commission scheduled January 31, 1996 for a public hearing. On January 31, 1996, Cal. No. 6, the hearing was closed.)

For consideration.

No. 20

CD 3

C 960106 HAX

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State for:

- a) **the designation of 1348, 1352 and 1356 Clinton Avenue and 658 Jefferson Place, (Block 2934, Lots 23, 26, 29 and 31), as an Urban Development Action Area;**

b) an Urban Development Action Area project for such area.

2) pursuant to Section 197-c of the New York City Charter for **the disposition of such property to a developer** to be selected by the New York State Division of Housing and Community Renewal.

Approval of this application would **facilitate the construction of a four-story elevator building containing 29 dwelling units of rental housing for low-income tenants and one superintendent's apartment.** This project is tentatively known as the J. Arthur Jones Arms apartments.

(On January 17, 1996, Cal. No. 3, the Commission scheduled January 31, 1996 for a public hearing. On January 31, Cal. No. 7, the hearing was closed.)

For consideration.

BOROUGH OF BROOKLYN

No. 21

CD 2

C 960091 DMK

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter for **the disposition of one (1) city owned property, located at 66 Vanderbilt Avenue (Block 2046, Lot 49), pursuant to zoning.**

(On January 17, 1996, Cal. No. 4, the Commission scheduled January 31, 1996 for a public hearing. On January 31, 1996, Cal. No. 8, the hearing was closed.)

For consideration.

BOROUGH OF MANHATTAN

No. 22

CD 6

C 950452 PQM

IN THE MATTER OF an application submitted by the Police Department and the Department of General Services, pursuant to Section 197-c of the New York City Charter for **acquisition of property located at 167 East 51st Street (Block 1306, Lot 33), for continued use as a stationhouse.**

(On January 17, 1996, Cal. No. 5, the Commission scheduled January 31, 1996 for a public hearing. On January 31, 1996, Cal. No. 10, the hearing was closed.)

For consideration.

BOROUGH OF QUEENS

No. 23

CD 5

C 950624 ZMQ

IN THE MATTER OF an application submitted by Sheldon Lobel, P.C. pursuant to Sections 197-c and 201 of the New York City Charter for an **amendment of the Zoning Map, Section No. 13c**, establishing within an existing R4-1 District a C1-2 District bounded by Hull Avenue, a line midway between 69th Street and 69th Place, a line 100 feet northwesterly of Grand Avenue, 69th Street, Clinton Avenue, a line 100 feet westerly of 69th Street, a line perpendicular to 69th Street distant 330 feet northerly from the intersection of 69th Street and Clinton Avenue, and 69th Street, as shown on a diagram (for illustrative purposes only) dated October 16, 1995.

(On January 17, 1996, Cal. No. 6, the Commission scheduled January 31, 1996 for a public hearing. On January 31, 1996, Cal. No. 11, the hearing was closed.)

For consideration.

No. 24

CD 13

C 960051 PPQ

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for the **disposition of one (1) city-owned property located at 89-29 Moline Street (Block 7973, Lot 9)**, pursuant to zoning.

(On January 17, 1996, Cal. No. 7, the Commission scheduled January 31, 1996 for a public hearing. On January 31, 1996, Cal. No. 12, the hearing was closed.)

For consideration.

No. 25

CD 14

C 940446 PQQ

IN THE MATTER OF an application submitted by the Queens Borough Public Library and the Department of General Services, pursuant to Section 197-c of the New York City Charter, for **acquisition of property located at 312 Beach 54th Street (Block 15890, Lot 18), for continued use as a public library.**

(On January 17, 1996, Cal. No. 8, the Commission scheduled January 31, 1996 for a public hearing. On January 31, 1996, Cal. No. 13, the hearing was closed.)

For consideration.

 No. 26

CD 12

C 960120 PPQ

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for **the disposition of one (1) city-owned property located at 155-03 Liberty Avenue (Block 10108, Lot 316), pursuant to zoning.**

(On January 17, 1996, Cal. No. 9, the Commission scheduled January 31, 1996 for a public hearing. On January 31, 1996, Cal. No. 14, the hearing was closed.)

For consideration.

 BOROUGH OF STATEN ISLAND

No. 27

CD 1

C 960152 PPR

IN THE MATTER OF an application submitted by the Department of General Services, pursuant to Section 197-c of the New York City Charter, for **the disposition of two (2) city-owned properties pursuant to zoning:**

<u>Block</u>	<u>Lot</u>	<u>Address</u>
25	8	405 Westervelt Avenue
25	9	403 Westervelt Avenue

(On January 17, 1996, Cal. No. 11, the Commission scheduled January 31, 1996 for a public hearing. On January 31, 1996, Cal. No. 16, the hearing was closed.)

For consideration.
