

# CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:  
WEDNESDAY, MAY 6 1998  
10:00 A.M. CITY HALL  
NEW YORK, NEW YORK 10007**

**Rosa R. Romero, 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 980068 HAK	3	Scheduled to be Heard 5/20/98	17	C 980250 HAM	9	Favorable Report Adopted
2	C 980142 PPK	4	▪ ▪	18	C 980251 PCM	9	▪ ▪
3	C 980214 PPK	3	▪ ▪				
4	C 980259 PPK	4	▪ ▪				
5	C 980268 PPK	5	▪ ▪				
6	C 980443 PPK	9	▪ ▪				
	C 980444 PPK	9	▪ ▪				
7	C 980441 PPQ	8	▪ ▪				
	C 980442 PPQ	8	▪ ▪				
8	N 980429 HAK	4	Hearing Closed				
9	C 980272 ZMM	4,5	▪ ▪				
10	N 980271 ZRM	4,5	▪ ▪				
11	N 980430 HAQ	12	▪ ▪				
12	C 980274 ZSQ	12	▪ ▪				
13	C 980285 PCQ	2	▪ ▪				
14	C 980260 PPR	3	▪ ▪				
15	C 980237 HAM	10	Favorable Report Adopted				
16	N 980521 HKM	6	Forward Rep't to City Council				

COMMISSION ATTENDANCE:	Present (P)	Absent (A)	COMMISSION VOTING RECORD:														
			In Favor - Y Oppose - N Abstain - AB Recuse - R														
			Calendar Numbers:														
			15	16	17	18											
Joseph B. Rose, Chairman	P		Y	Y	Y	Y											
Victor G. Alicea, Vice Chairman	P		Y	Y	Y	Y											
Albert Abney	P		Y	Y	Y	Y											
Angela M. Battaglia	P		Y	Y	Y	Y											
Amanda M. Burden, A.I.C.P.	P		Y	Y	Y	Y											
Irwin Cantor, P.E.	P		Y	Y	Y	Y											
Kathy Hirata Chin, Esq.	P		Y	Y	Y	Y											
Alexander Garvin	P		Y	Y	Y	Y											
Anthony I. Giacobbe, Esq.	P		Y	Y	Y	Y											
William J. Grinker	P		Y	Y	Y	Y											
Brenda Levin	P		Y	Y	Y	Y											
Edward Rogowsky	P		Y	Y	Y	Y											
Jacob B. Ward, Esq., Commissioners	P		Y	Y	Y	Y											

MEETING ADJOURNED AT: 5:30 P.M.

**COMPREHENSIVE**  
**CITY PLANNING CALENDAR**  
**of**  
**The City of New York**  

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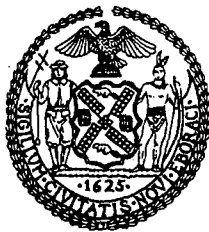
**CITY PLANNING COMMISSION**  

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**WEDNESDAY, MAY 6, 1998**  

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



**Rudolph W. Giuliani, Mayor**

**City of New York**

**[No. 9].**

**Prepared by Rosa R. Romero, Calendar Officer**

A

## CITY PLANNING COMMISSION

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### 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.

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**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**

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

JOSEPH B. ROSE, *Chairman*  
VICTOR G. ALICEA, *Vice-Chairman*  
ALBERT ABNEY  
ANGELA M. BATTAGLIA  
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  
JACOB B. WARD, *Esq., Commissioners*  
ROSA R. ROMERO, *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.

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**ORDER OF BUSINESS AND INDEX**

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**WEDNESDAY, MAY 6, 1998**

Roll Call; approval of minutes .....	1
I. Scheduling May 20, 1998 .....	1
II. Public Hearings .....	5
III. Reports .....	132

**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 May 20, 1998 in 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 called in the order these slips are submitted, with the exception that public officials and Community Board Chairpersons will be allowed to speak first. If a large number of people wish to speak on a particular item, statements will be taken alternating every 30 minutes between those speaking in opposition and those speaking in support of the proposal.

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

**Written Comments:** If you intend to submit a written statement and/or other documents please submit 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: \_\_\_\_\_

To view the Planning Commission Calendar on the World Wide Web, visit the Department of City Planning (DCP) home page at:

<http://www.ci.nyc.ny.us/html/dcp/home.html>

**WEDNESDAY, MAY 6, 1998**

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**APPROVAL OF MINUTES OF Regular Meeting of April 15, 1998  
and Special Meeting of April 27, 1998**

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**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE  
SCHEDULED FOR WEDNESDAY, MAY 20, 1998  
STARTING AT 10:00 A.M.  
IN CITY HALL,  
NEW YORK, NEW YORK**

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**BOROUGH OF BROOKLYN**

**No. 1**

**CD 3**

**C 980068 HAK**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of 7 - 13 Pulaski Street (Block 1770, Lots 91, 92, 93, 94), as an Urban Development Action Area;
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer/sponsor to be selected by HPD;

to facilitate construction of a one story building to provide rental housing for low income persons with disabilities under the Federal Section 811 Supportive Housing Program for Persons With Disabilities.

**Resolution for adoption scheduling May 20, 1998 for a public hearing.**

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No. 2

CD 4

C 980142 PPK

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the disposition of seven (7) city-owned properties 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, N.Y. 11241.

**Resolution for adoption scheduling May 20, 1998 for a public hearing.**

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No. 3

CD 3

C 980214 PPK

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the disposition of ten (10) city-owned properties 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, N.Y. 11241.

**Resolution for adoption scheduling May 20, 1998 for a public hearing.**

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No. 4

CD 4

C 980259 PPK

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the disposition of eleven (11) city-owned properties 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 11241.

**Resolution for adoption scheduling May 20, 1998 for a public hearing.**

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No. 5

CD 5

C 980268 PPK

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the disposition of twelve (12) city-owned properties 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 11241.

**Resolution for adoption scheduling May 20, 1998 for a public hearing.**

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No. 6

CD 9

C 980443 PPK

C 980444 POK

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services and the Deputy Mayor for Operations, pursuant to Section 197-c of the New York City Charter, for acquisition and disposition to the Dormitory Authority of the State of New York, and subsequent reacquisition and disposition to the Health and Hospitals Corporation, of property located at 451 Clarkson Avenue (Block 4829, Lot 1), for continued use as a hospital.

**Resolution for adoption scheduling May 20, 1998 for a public hearing.**

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**BOROUGH OF QUEENS**

**No. 7**

**CD 8**

**C 980441 PPQ  
C 980442 PQQ**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services and the Deputy Mayor for Operations, pursuant to Section 197-c of the New York City Charter, for acquisition and disposition to the Dormitory Authority of the State of New York, and subsequent reacquisition and disposition to the Health and Hospitals Corporation, of property located at 82-68 164th Street (Block 6858, Lot 1), for continued use as a hospital.

**Resolution for adoption scheduling May 20, 1998 for a public hearing.**

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**II. PUBLIC HEARINGS**

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**BOROUGH OF BROOKLYN**

**No. 8**

**CD 4**

**N 980429 HAK**

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for:

- 1) the designation of property generally located on the north side of Broadway between:
  - a) Jefferson Avenue and Hancock Street;
  - b) Covert and Schaeffer streets;
  - c) Decatur and Cooper streets; and
  - d) Moffat and Pilling streets;

as an Urban Development Action Area; and

- 2) an Urban Development Action Area Project for such area;

to facilitate commercial development under the ANCHOR/Partnership Retail Demonstration Program.

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 11241.

(On April 15, 1998, Cal. No. 1, the Commission scheduled May 6, 1998 for a public hearing which has been duly advertised.)

**Close the hearing.**

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## BOROUGH OF MANHATTAN

Nos. 9 and 10

*(Proposed amendments to the zoning map and sections of the Zoning Resolution related to modifications to the Theater Subdistrict within the Special Midtown District, and the Perimeter Area of the Special Clinton District concerning bulk and use regulations, the preservation of theaters and the extension of the Theater Subdistrict to the west side of Eighth Avenue overlapping a portion of the Perimeter Area of the Special Clinton District.)*

No. 9

CD 4,5

C 980272 ZMM

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8c and 8d, establishing a Special Midtown District within a portion of the Special Clinton District bounded by West 56th Street, Eighth Avenue, West 42nd Street, and a line 150 feet west of Eighth Avenue, as shown on a diagram (for illustrative purposes only) dated January 12, 1998.

(On April 15, 1998, Cal. 2, the Commission scheduled May 6, 1998, for a public hearing which has been duly advertised.)

Close the hearing.

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 No. 10

CD 4,5

N 980271 ZRM

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, to amend various sections of the Zoning Resolution of the City of New York relating to the Theater Subdistrict within the Special Midtown District (Article VIII, Chapter 1), and the Special Clinton District (Article IX, Chapter 6), concerning use and bulk regulations, and the preservation of theaters, and other related sections concerning the reorganization and relocation of certain provisions relating to pedestrian circulation and subway stair

relocation requirements and subway improvements.

Matter in ~~Grayton~~ 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 III  
COMMERCIAL DISTRICT REGULATIONS

\* \* \*

Chapter 7  
Special Regulations

\* \* \*

*The proposed Section 37-03 incorporates existing provisions of Section 81-47 (Off-street Relocation or Renovation of a Subway Stair) so that subway stair relocations or renovations city-wide will reference the same set of standards and procedures. No existing requirements will be removed or additional requirements imposed on Midtown. The proposed Section 81-47 will list the Midtown stations where relocations or renovations apply and reference the modified Section 37-03 for standards and procedures.*

37-03  
Off-Street Relocation or Renovation of a Subway Stair

~~37-031~~  
~~Applicability of this Section~~

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46 and those stations listed in this Section the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of this Section. ~~These provisions are in accordance with the New York City Transit Authority's "Station Planning Guidelines" (Revised, 1975, and as may be subsequently revised).~~



A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

<u>Station</u>	<u>Line</u>	<u>District</u>
Wall Street-Broadway	IRT (Lexington Ave)	C5-5CR
Fulton Street-Broadway	IRT (Lexington Ave)	C5-5CR
Brooklyn Bridge	IRT (Lexington Ave)	C6-4
8th Street	BMT (Broadway)	C6-4
23rd Street	BMT (Broadway)	C5-2
23rd Street	IRT (Lexington Ave)	C5-2
28th Street	IRT (Lexington Ave)	C5-2
33rd Street	IRT (Lexington Ave)	C5-3
34th Street	IND (8th Ave)	C6-4
59th Street	IRT (Lexington Ave)	C5-2
South Ferry	IRT (Bway/7th Ave)	C5-5CR
Cortlandt Street	IRT (Bway/7th Ave)	C5-3
Wall Street	IRT (Bway/7th Ave)	C5-5
Fulton Street	IRT (Bway/7th Ave)	C5-5CR
Park Place	IRT (Bway/7th Ave)	C5-5CR
Broad Street	BMT (Nassau)	C5-5
Fulton Street	BMT (Nassau)	C6-4
Chambers Street	BMT (Nassau)	C6-4
Whitehall Street	BMT (Broadway)	C5-5CR
Cortlandt Street	BMT (Broadway)	C5-5
City Hall	BMT (Broadway)	C5-5CR
8th Street	BMT (Broadway)	C6-4

23rd Street	BMT (Broadway)	C5-2
Lexington Avenue (60th Street)	BMT (Broadway)	C6-4
Broadway/Nassau	IND (8th Ave)	C5-5CR
Chambers Street	IND (8th Ave)	C6-4 C5-3CR
34th Street	IND (8th Ave)	C6-4
50th Street	IND (8th Ave)	C6-4

37-03237-031

Standards for location, design and hours of public accessibility

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

(a) Location

The relocated or renovated entrance shall be immediately adjacent to, and accessible without any obstruction from a public sidewalk, ~~or from within a space accessible to the public, as those spaces are defined in the applicable zoning district regulations as an #urban open space# or pedestrian circulation space as defined in Section 37-07 (Requirements for pedestrian circulation space).~~ Any such #urban open space# or pedestrian circulation space shall have a minimum horizontal dimension equal to the width of the relocated stairs or the minimum width of the pedestrian circulation space, whichever is greater.

- (b) The relocated or renovated entrance may be provided within a #building#, but shall not be enclosed by any doors. The area occupied by a relocated or renovated entrance within a #building# shall not be counted towards the #floor area# of the #enlargement# or #development#.

*Paragraphs (c) through (h) have been modified and rearranged as paragraph (b). Additional information from Section 81-47(b) has been incorporated.*

(c) Design standards

The relocated or renovated entrance shall have a stair width of at least eight feet for each run.

~~(c) The relocated entrance shall have a queuing space at the top and bottom of the stairs at least eight feet wide and 15 feet long, and such queuing space may overlap a #sidewalk widening#, an #arcade#, a #plaza#, a #residential plaza# or an #urban plaza#.~~

(d) Where two or more existing stairway entrances are being relocated or renovated as part of the same #development# or #enlargement#, the new entrance or entrances shall have a total stair width or widths equal to or greater than the sum of the stair widths of those existing stairway entrances being relocated, but in any case no less than eight feet in width.

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

(e) For a relocated entrance only, the entrance shall have a queuing space at the top and bottom of the stairs that is at least eight feet wide and 15 feet long. Such queuing space may overlap with an #urban plaza# or an #arcade# in accordance with the provisions of Sections 27-60 (ARCADES) or 37-073 (Design standards for pedestrian circulation spaces).

No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of five feet.

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

(e) The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.

~~(f) The relocated entrance may be relocated within a #plaza#, a #residential plaza# or an #urban plaza# provided that the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a #sidewalk widening#. A relocated entrance with a #plaza#, a #residential plaza# or an #urban plaza# is permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a #plaza#, a #residential plaza# or an #urban plaza#.~~

(g) The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.

- (h) The below-grade portion of a relocated entrance may be constructed within the #street#.
- (c) Hours of public accessibility
- (i) The relocated or renovated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by the New York City Transit Authority.

37-03337-032

Administrative procedure for a subway stair relocation or renovation

- (a) For any #development# or #enlargement# that is subject to the requirements for the relocation of a subway stair entrance or counts a renovated or reconstructed subway stair as pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space), ~~Except as otherwise provided in paragraph (b) of this Section,~~ no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued for any #development# or #enlargement# that is subject to the requirements for the relocation of a subway stair entrance, unless the following criteria are met:
- (1a) for a relocated entrance, such plan includes a stair relocation plan and the related documents that bind the developer to:
- (i) construct the new stair entrance in accordance with such plan;
  - (ii) demolish above-ground elements of the existing entrance; and
  - (iii) seal the existing entrance at the sidewalk level; and
  - (4) maintain the work performed on the relocated or renovated entrance; or
- (2b) for a renovated or reconstructed entrance, such plan includes a renovation or reconstruction plan and related documents that bind the developer to:
- (1) renovate or reconstruct the entrance in accordance with such plan; and
  - (2) maintain the work performed on the renovated or reconstructed entrance; and

- (2c) Such plan and related documents bear the ~~New York City Transit Authority's approval~~ ;
- (3d) Such plan is accompanied by a certified copy of an agreement, as recorded between the ~~New York City Transit Authority~~ and the owner for an easement on the #zoning lot# for subway-related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the #zoning lot# in the Office of the Register of the City of New York (~~County of New York~~) and is accompanied by the Register's receipt of recordation; and
- (4) ~~Such plan is accompanied by any request for modification of special urban design guidelines pursuant to Section 37-034.~~
- (b) ~~In the event that major construction problems render the stair relocation infeasible or that operating design considerations make it undesirable, the Transit Authority and the City Planning Commission, by joint certification, may release the developer from said requirement. In such event, the stair relocation requirement shall be satisfied by retention of the existing stair and provision on the #zoning lot# of an open area which accommodates pedestrian traffic passing the existing entrance. Such space shall have a width equal to at least one and one half times the width of the existing stair entrance and shall extend along the full length of the stair entrance. Incorporated into Section 37-034.~~
- (ee) ~~no permanent certificate of occupancy shall be issued for any #development# or #enlargement# subject to the subway stair relocation requirement or counting a renovated or reconstructed subway stair as pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space), unless and until all of the work required under paragraphs (a) or (b) of this Section has been completed and New York City Transit has so certified in writing to the Department of Buildings. Prior to obtaining a permanent certificate of occupancy, the relocated subway stair must be 100 percent complete in accordance with the approved plans and such completion shall have been certified by the Transit Authority.~~

### 37-034 37-033

~~Modification of special urban design guidelines and urban open space requirements for a relocated or renovated subway stair~~

~~The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of Section 37-01 (Special Urban Design Guidelines - Streetscape), Section 37-02 (Applicability of Article II, Chapter 7, to Residential Plazas and Arcades), and the applicable provisions of #urban open space# in Section 12-10 (DEFINITIONS), if it finds that the relocated subway stair cannot be accommodated without modification to these provisions.~~

Sections 37-01 (Special Urban Design Guidelines -- Streetscape), 37-02 (Applicability of Article II, Chapter 7, to Residential Plazas and Arcades), 37-031 (Standards for location, design and hours of public accessibility) and 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas) may be modified if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a relocated subway stair cannot be accommodated in any reasonable way without modification of these provisions:

\* \* \*

37-03537-034

Waiver of requirements

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

- ~~(a) the total #floor area# of all #developments# or #enlargements# after November 8, 1984, is less than 70,000 square feet; or~~
- ~~(b) there are major structural problems in creating space for a relocated stairway entrance in the existing #building#; or~~
- ~~(c) the space in an existing #building# which is required to relocate the stairway entrance is occupied by a tenant on a lease which was in effect prior to March 1, 1984, to which a member of the Bar of the State of New York shall attest, and that there is no opportunity to relocate the tenant within the #enlargement#.~~

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

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

The provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair) may be waived by joint certification of New York City Transit and the Chairperson of the City Planning Commission that major construction problems or operating design

considerations render the stair relocation infeasible. In such event, the stair relocation requirement may be satisfied by retention of the existing stair and the provision on the #zoning lot# of an open area, qualifying under the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space), that accommodates pedestrian traffic passing the existing stair entrance. *Adapted from Section 37-032(B).*

\* \* \*

*The requirements for pedestrian circulation space will be relocated from Section 81-45 in Midtown to a new Section 37-07. No changes to these requirements are proposed, nor will any requirements be added. All special districts of the city that have requirements for pedestrian circulation space will refer to 37-07 for a common set of standards. Any specific pedestrian circulation space requirements that are unique to a special purpose district will remain in the special purpose district text.*

**37-07**

**Requirements for Pedestrian Circulation Space**

All pedestrian circulation space required pursuant to the provisions of any special purpose district shall comply with the provisions of this Section.

**37-071**

**Amount of pedestrian circulation space**

The minimum amount of pedestrian circulation space to be provided for #developments# or #enlargements# shall be determined by the following table:

**MINIMUM PEDESTRIAN CIRCULATION SPACE REQUIREMENTS**

Size of #zoning lot#	Required #floor area#
5,000 to 20,000 square feet	1 square foot per 350 square feet of new #floor area#
Above 20,000 square feet	1 square foot per 300 square feet of new #floor area#

**37-072**

**Types of pedestrian circulation space**

The pedestrian circulation space provided shall be of one or more of the following types: an arcade, building entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, subway station improvement, through #block# connection or #urban plaza#.

Each #zoning lot# shall be categorized as either a #corner lot#, #through lot# or #interior lot#, and pedestrian circulation space shall be provided on each #zoning lot# in at least one of the applicable types, or combinations of types, specified in the following table:

**PROVISION OF PEDESTRIAN CIRCULATION SPACE ON CERTAIN TYPES OF LOTS**

Type of Pedestrian Circulation Space	#Corner lot#	#Through lot#	#Interior lot#
Arcade	X	X	X
Building entrance recess area	X	X	X
Corner arcade	X		
Corner circulation space	X		
Relocation or renovation of subway stair	X	X	X
Sidewalk widening	X	X	X
Subway station improvement	X	X	X
Through #block# connection	X	X	
Urban plaza#	X	X	X

Minimum design standards for each type of pedestrian circulation space and, where applicable, the maximum amount of each type of pedestrian circulation space that may be counted towards meeting the requirements of Section 37-071 (Amount of pedestrian circulation space) are set forth in Section 37-073 (Design standards for pedestrian circulation spaces).

**37-073**

**Design standards for pedestrian circulation spaces**

**(a) Arcade**

Arcades shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 27-60 (ARCADES). In lieu thereof, the provisions of this Section shall



apply.

An arcade is a continuous covered space that adjoins and extends along a #front lot line#, is at the same elevation as the adjoining sidewalk, is open for its entire length to the sidewalk except for columns and is accessible to the public at all times. An arcade shall be provided on the #wide street# frontage of a #zoning lot# of a new #development# or #enlargement# where the #zoning lot# lies directly adjacent to an existing arcade on a #wide street#, except where an existing #building# without an arcade extends along a portion of the #wide street front lot line# of the #zoning lot# containing the new #development# or #enlargement#. Where an arcade abuts another arcade, there shall be a clear, unobstructed passage between both arcades.

An arcade shall meet the following requirements:

(I) Dimensions

An arcade with columns shall have a minimum clear width of 10 feet, exclusive of all columns, and a maximum width of 15 feet, inclusive of columns. No column width shall be greater than five feet. Columns shall be spaced along the #street# with a minimum clear width between columns of 15 feet. An arcade shall have a clear height of not less than 12 feet and not more than 30 feet.

(i) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade without columns is permitted only if:

(a) it has a continuous, unobstructed minimum length of 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the new #building# frontage, whichever is greater, and

(b) the entire #front lot line# shall be unobstructed for the same depth of the arcade, except for that portion of the #front lot line# occupied by an existing #building#.

(ii) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade with columns is permitted only if it connects directly to an existing arcade on an adjacent #zoning lot#, matching it in width and alignment and has a continuous, unobstructed minimum length beyond the existing adjacent arcade of at least 100 feet or, with the exception of the width

of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, is unobstructed for the full length of the new #building# frontage, whichever is greater:

(iii) On a #corner lot# fronting on a #narrow street#, 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: a corner arcade, a #plaza#, an off-street rail mass transit access improvement, an intersecting sidewalk widening, an intersecting #street#, a relocated or renovated subway entrance, a through #block# connection, a through #block# Galleria or an #urban plaza#.

(iv) On a #wide street#, an arcade shall be permitted, provided that:

(a) the arcade extends along the full length of the #street line# between intersecting #streets#; or

(b) in the case of a #building# that occupies less than the entire #street# frontage between intersecting #streets#, on a full #block# front #zoning lot#, unobstructed pedestrian flow along 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: a corner circulation space, a #plaza#, an intersecting sidewalk widening 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, a #plaza# or an #urban plaza# on an adjacent #zoning lot#, so that unobstructed pedestrian flow along the entire #block# front is provided by the arcade in combination with such existing spaces.

## (2) Full #block#front arcade

When a #zoning lot# occupies a full #block#front, both ends of the arcade on that #street# frontage shall be open and accessible directly from the sidewalk of the intersecting #street# or any other qualifying pedestrian circulation space.

## (3) Permitted obstructions

Except for building columns, an arcade shall be free from obstructions of any kind.

## (4) Specific prohibitions

No vehicular driveways, except as permitted under paragraph (a)(1) (Dimensions) of this Section, parking spaces, passenger drop-offs, loading berths or trash storage facilities are permitted within an arcade, nor shall such facilities be permitted immediately adjacent to an arcade.

In the Theater Subdistrict of the #Special Midtown District#, where a new #building# or #enlarged# portion of an existing #building# provides an arcade, no obstructions, including columns, shall be permitted within such arcade, and the maximum height of such arcade shall be 20 feet and the maximum width shall be 10 feet.

## (5) Illumination

All existing and new arcades shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise.

## (b) Building entrance recess area

A building entrance recess area is a space that adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the building's lobby entrance or to the entrance to a ground floor #use#.

A building entrance recess area shall meet the following requirements:

## (1) Dimensions

A building entrance recess area shall have a minimum length of 15 feet and a maximum length of 50 feet measured parallel to the #street line# at a building's lobby entrance and a maximum length of 30 feet parallel to the #street line# at a ground floor #use# entrance. It shall have a

maximum depth of 15 feet measured from the #street line# and shall have a minimum depth of 10 feet measured from the #street line#.

(2) Obstructions

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

(3) Permitted overlap

A building entrance recess area may overlap with an arcade, a corner arcade, a corner circulation space or a sidewalk widening, and may adjoin or overlap and connect directly without obstruction to another building entrance recess area except that, on any one #street# frontage, each lobby or ground floor #use# shall connect to only one building entrance recess area.

(c) Corner arcade

A corner arcade shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and 27-60 (ARCADES). In lieu thereof, a corner arcade shall be a small covered space adjoining the intersection of two #streets# at the same elevation as the adjoining sidewalk or sidewalk widening and directly accessible to the public at all times.

A corner arcade shall meet the following requirements:

(1) Dimensions

(i) a corner arcade shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting #street lines#, and shall extend along both #street lines# for at least 15 feet but not more than 40 feet from the intersection of the two #street lines#; and

(ii) the height of a corner arcade shall be not less than 12 feet and a clear path at least 12 feet wide shall be provided from one #street line# to another #street line#.

## (2) Permitted obstructions

Except for building columns, a corner arcade shall be free from obstructions of any kind.

## (3) Specific prohibitions

The specific prohibitions pertaining to an arcade as described in paragraph (a)(4) of this Section shall also be applicable to a corner arcade.

## (4) Permitted overlap

A corner arcade may overlap with an arcade; however, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

## (d) Corner circulation space

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

A corner circulation space shall meet the following requirements:

## (1) Dimensions

A corner circulation space shall have the same minimum dimensions as a corner arcade, as described in paragraph (c)(1) of this Section.

## (2) Obstructions

A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements does not exceed 20 percent of the area of the corner circulation space and that such elements and any attachments thereto are at least eight feet above #curb level#. A corner circulation space shall be clear of all other obstructions including, without limitation, door swings, building columns, #street# trees, planters, vehicle storage, parking or trash storage. No gratings, except for drainage, shall be permitted.

## (3) Building entrances

Entrances to ground level #uses# are permitted from a corner circulation space.

An entrance to a building lobby is permitted from a corner circulation space, provided that the entrance is at no point within 20 feet of the intersection of the two #street lines# that bound the corner circulation space.

## (4) Permitted overlap

A corner circulation space may overlap with a sidewalk widening.

## (e) Relocation or renovation of a subway stair

When a #development# or #enlargement# is constructed on a #zoning lot# containing a relocated stairway entrance or entrances to a subway, or an existing stairway entrance or entrances to a subway, and such entrance or entrances are relocated or renovated in accordance with the provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair), one and a half times the area, measured at #street# level, of such entrance or entrances may count toward meeting the pedestrian circulation space requirement.

## (f) Sidewalk widening

Sidewalk widenings provided to meet the requirements for pedestrian circulation space shall not be subject to the provisions of Sections 12-10 (DEFINITIONS), including the definition for #urban plaza#, and 37-04 (Requirements for Open Air Concourses, Sidewalk Widenings and Urban Plazas). In lieu thereof, the provisions of this Section shall apply.

A sidewalk widening is a continuous paved open area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. A sidewalk widening shall be provided on the #wide street# frontage of a #zoning lot# of a new #development# or #enlargement# where all existing #buildings# on the same #block# frontage, whether on the same or another #zoning lot#, provide sidewalk widenings.

A sidewalk widening shall meet the following requirements:

## (1) Dimensions

A sidewalk widening shall have a width of no less than five feet nor more than 10 feet measured perpendicular to the #street line#, and shall

be contiguous along its entire length to a sidewalk.

A sidewalk widening shall extend along the full length of the #front lot line# except for the portion of the #front lot line# interrupted by an existing #building# which is located at a #side lot line# or, in the case of a full #block# frontage, located at the intersection of two #streets#.

A required sidewalk widening on a #wide street# shall connect directly to any existing adjoining sidewalk widening and shall extend the entire length of the new #front lot line#.

The width of such a required sidewalk widening shall equal that of the existing adjoining sidewalk widening. If there is more than one such existing sidewalk widening, the width of such a required sidewalk widening shall equal that of the existing sidewalk widening that is longest.

A sidewalk widening is permitted on a #wide street# when not adjacent to an existing sidewalk widening only if either the sidewalk widening extends along the #street line# of the #wide street# for the full length of the #block# front, or the #zoning lot# is a #corner lot# and the sidewalk widening extends along the full length of the #street line# of the #wide street# to its intersection with the #street line# of the other #street# on which the #zoning lot# fronts.

Except for the permitted interruptions, as set forth in paragraph (1)(2) of this Section, a sidewalk widening is permitted on a #narrow street# only if it has a length of at least 100 feet.

(2) Permitted interruptions

Interruptions of the continuity of a qualifying sidewalk widening shall be permitted only under the following conditions:

(i) by an arcade that has a width equal to or greater than the width of the sidewalk widening and which is directly connected to the sidewalk widening;

(ii) if overlapped by a corner circulation space or a building entrance recess area that permits uninterrupted pedestrian flow;

(iii) if overlapped by an #urban plaza#, provided that the

overlapping portion of such #urban plaza# conforms to the design standard of a sidewalk widening,

- (iv) by an off-street subway entrance provided such an entrance is located at a #side lot line# or is located at the intersection of two #street lines#;
- (v) if overlapped by the queuing space of a relocated or renovated subway entrance, provided that the queuing space for the entrance leaves at least a five foot uninterrupted width of sidewalk widening along the entire length of the queuing space; or
- (vi) by a driveway that is located at a #side lot line#; however, where the #zoning lot# has a through #block# connection, a through #block# galleria or a through #block urban plaza# at such a #side lot line#, the location of its driveway is not restricted. The area occupied by the driveway, up to the width of the sidewalk widening, may be counted towards meeting the pedestrian circulation space requirement, provided that there shall be no change of grade within the area of the sidewalk widening.

### (3) Permitted obstructions

A sidewalk widening shall be unobstructed from its lowest level to the sky except for those obstructions permitted under paragraph (f)(2) of this Section and for temporary elements of weather protection, such as awnings or canopies, provided that the total area of such elements, measured on the plan, does not exceed 20 percent of the sidewalk widening area, and that such elements and any attachments thereto are at least eight feet above #curb level#.

### (4) Specific prohibitions

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

### (5) Special design treatment

When one end of the sidewalk widening abuts an existing #building# on the #zoning lot# or an existing #building# on the #side lot line# of



the adjacent #zoning lot#, design treatment of the termination of the sidewalk widening is required to smooth pedestrian flow. The portion of the sidewalk widening subject to design treatment, hereinafter called the transition area, shall not extend more than 10 feet nor less than five feet along the sidewalk widening from its termination.

The transition area shall receive special design treatment which may include, but is not limited to, landscaping, sculpture or building transparency. The transition area shall be designed to effect a gradual change of the sidewalk widening width to match the #street wall# line of the existing #building# at the sidewalk widening's termination. This may be accomplished by a curved or diagonal edge of paving along a landscaped bed, the use of stepped edges of the #building# or other architectural treatment of the #building# or paving which avoids an abrupt visual termination of the sidewalk widening. Such special design treatment may be considered a permitted obstruction.

(g) Subway station improvement

For #developments# or #enlargements# that are granted a special permit pursuant to Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan), no more than 3,000 square feet may count toward meeting the pedestrian circulation space requirement.

*Paragraph (h) has been adapted from Section 81-46 (Through Block Connection) which will be deleted. No new requirements have been added.*

(h) Through #block# connection

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

Up to a maximum of 3,000 square feet of a through #block# connection may count towards the minimum pedestrian circulation space requirement.

A through #block# connection shall meet the following requirements:

(i) Location

(i) A through #block# connection shall be located at least 150 feet from the intersection of two #streets#.

(ii) 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# and the existing connection is at least 150 feet from the intersection of two #streets#, 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#.

(iii) Where there are already two through #block# connections located on the same #block#, a new through #block# connection shall not count towards meeting the pedestrian circulation space requirement.

(iv) No through #block# connection shall be permitted on any portion of a #zoning lot# occupied by a landmark or interior landmark so designated by the Landmarks Preservation Commission, or occupied by a #building# whose designation as a landmark or interior landmark has been calendared for public hearing and is pending before the Landmarks Preservation Commission.

## (2) Design standards for a through #block# connection

(i) A through #block# connection shall provide a straight continuous unobstructed path at least 15 feet wide. If covered, the clear unobstructed height of a through #block# connection shall not be less than 15 feet.

(ii) At no point shall the level of a through #block# connection be more than five feet above or below #curb level#. In all cases, the through #block# connection must provide a clear path, accessible to people with disabilities, through its entire length.

(iii) A through #block# connection may be located inside or outside of a #building#. The area of a through #block# connection located within a #building# shall be counted as #floor area#.

(iv) A through #block# connection located partially or wholly within a #building# shall adjoin and connect directly to the building's main lobby via unobstructed openings with an aggregate width exceeding that of any other entrances to the lobby.

(v) A through #block# connection located wholly or partially outside a #building# shall provide unobstructed access directly to the building's main lobby through the major entrance. For the purposes of this Section, the major entrance shall be that entrance to the main lobby which has the greatest aggregate width of clear openings for access.

(vi) Any portion of a through #block# connection located outside a #building# shall be illuminated throughout with a minimum level of illumination of not less than five horizontal foot candles (lumens per candle). Such illumination shall be maintained throughout the hours of darkness.

(vii) A through #block# connection shall at a minimum be accessible to the public from 8:00 a.m. to 7:00 p.m. on the days the #building# or #development# is open for business and shall have posted, in prominent, visible locations at its entrances, signs meeting the standards set forth in paragraph (h)(2)(vii)(a) of this Section.

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

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

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

(Tree Symbol)

(2) 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

- (3) an international Symbol of Access for people with disabilities that is at least three inches square.

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

- (b) For an enclosed through #block# connection or a portion thereof:

- (1) a public space symbol as described in paragraph (h)(2)(viii) of this Section, not less than six inches square, shall be mounted with its center five feet above the elevation of the nearest walkable pavement;

- (2) lettering stating "PUBLIC ACCESS TO \_\_\_\_\_ STREET," indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol; and

- (3) lettering not more than two inches or less than one and a half inches in height stating "OPEN TO PUBLIC" with the hours and days of operation of the through #block# connection. This lettering shall be located not more than three inches from the public space symbol.

The above required information shall be permanently affixed on the glass panel of the entry doors of the through #block# connection clearly facing the direction of pedestrian flow. The information shall be located not higher than six feet or lower than

three feet above the level of the pedestrian path at the entry, and shall be in a format and color which will ensure legibility.

(i) Urban plaza

A maximum of 30 percent of the area of an #urban plaza# that faces a #street# intersection, or provides access to a major building entrance, may be counted toward meeting the pedestrian circulation space requirement.

A maximum of 3,000 square feet of a through #block urban plaza# may be counted toward meeting the pedestrian circulation space requirement.

For all other #urban plazas#, the first 10 feet of depth from the #street line# may be counted toward meeting the pedestrian circulation space requirement, provided that the #urban plaza# conforms to the design standards of a sidewalk widening as set forth in paragraph (f) of this Section.

All #urban plazas# shall comply with Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas).

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

*The following is a revision of Section 81-454 (Modification of design standards of pedestrian circulation spaces within existing buildings), which will be deleted. No new requirements will be added.*

37-074

Modification of design standards of pedestrian circulation spaces within existing buildings

The City Planning Commission may authorize a modification of any required minimum amount of pedestrian circulation space to be provided on #wide street# frontages and design standards, as indicated, for the following required pedestrian circulation spaces, to be provided within or under an existing #building# to remain on a #zoning lot#:

- (a) Arcade: minimum width, minimum height, obstructions, minimum clear width between obstructions, minimum length, column sizes
- (b) Building entrance recess area: minimum length, minimum depth from #street line#, minimum height, obstructions, clear space between obstructions and clear space between obstructions and building wall

- (c) Corner arcade or corner circulation space: minimum depth, minimum width of clear path, minimum height, obstructions
- (d) Through #block# connection: minimum width of unobstructed path, minimum height, through #block# level

The Commission may authorize a modification of design standards for pedestrian circulation spaces when the following conditions are met:

- (1) a modification is needed because of the inherent constraints of the existing #building#;
- (2) the modification is limited to the minimum needed because of the inherent constraints of the existing #building#; and
- (3) the pedestrian circulation space being modified shall be equal in area, and substantially equivalent, to the required space in terms of quality, effectiveness and suitability for public use.

\* \* \*

*Existing Sections 81-53 and 74-634 both permit bonus floor area for subway station improvements in accordance with essentially the same requirements. They are proposed to be combined into one action under Section 74-634 which would apply city-wide. No new requirements would be added.*

#### 74-634

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

The City Planning Commission may grant, by special permit, after public notice and hearing and subject to a Board of Estimate action, grant a #floor area# bonuses, modify Section 37-01 (Special Urban Design Guidelines Streetscape), Section 37-02 (Applicability of Article II, Chapter 7, to Residential Plazas and Arcades), the provisions of #urban open space# in Section 12-10 (DEFINITIONS), and in a C5-5 District, height and setback and #rear yard# regulations up to but not exceeding 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations, and may waive or modify the provisions of Article III, Chapter 7 (Special Regulations) and the #street wall# continuity provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) for #developments# or #enlargements# located on #zoning lots# where which provide major improvements for to adjacent subway stations are provided in accordance with the provisions of this Section. For the purposes of this Section, "adjacent" shall mean that upon completion of the improvement, the #zoning lot# will The subway stations in districts where such improvements may be constructed are listed in paragraph (a) of this Section. The #zoning lot# for the #development# or

~~#enlargement# on which such #floor area# bonus is requested shall be adjacent to the subway station for which the improvement is proposed. In order for the #zoning lot# of the #development# or #enlargement# to qualify as "adjacent," it must physically adjoin a subway station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the #zoning lot# from these elements. Subway stations where such improvements may be constructed are those stations located within the #Special Midtown District# as listed in Section 81-511 (Subway Station Improvements) and those stations listed in the following table:~~

(a) ~~Bonus eligible subway stations by line and zone~~

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

<u>Station</u>	<u>Line</u>	<u>District</u>
Wall Street-Broadway	IRT (Lexington Ave)	<del>C5-5CR</del>
Fulton Street-Broadway	IRT (Lexington Ave)	<del>C5-5CR</del>
Brooklyn Bridge	IRT (Lexington Ave)	<del>C6-4</del>
8th Street	BMT (Broadway)	<del>C6-4</del>
23rd Street	BMT (Broadway)	<del>C5-2</del>
23rd Street	IRT (Lexington Ave)	<del>C5-2</del>
28th Street	IRT (Lexington Ave)	<del>C5-2</del>
33rd Street	IRT (Lexington Ave)	<del>C5-3</del>
34th Street	IND (8th Ave)	<del>C6-4</del>
59th Street	IRT (Lexington Ave)	<del>C5-2</del>
South Ferry	IRT (Bway/7th Ave)	<del>C5-5CR</del>
Cortlandt Street	IRT (Bway/7th Ave)	<del>C5-3</del>
Wall Street	IRT (Bway/7th Ave)	<del>C5-5</del>
Fulton Street	IRT (Bway/7th Ave)	<del>C5-5CR</del>

Park Place	IRT (Bway/7th Ave)	<del>C5-5CR</del>
Broad Street	BMT (Nassau)	<del>C5-5</del>
Fulton Street	BMT (Nassau)	<del>C6-4</del>
Chambers Street	BMT (Nassau)	<del>C6-4</del>
Whitehall Street	BMT (Broadway)	<del>C5-5CR</del>
Cortlandt Street	BMT (Broadway)	<del>C5-5</del>
City Hall	BMT (Broadway)	<del>C5-5CR</del>
8th Street	BMT (Broadway)	<del>C6-4</del>
23rd Street	BMT (Broadway)	<del>C5-2</del>
Lexington Avenue (60th Street)	BMT (Broadway)	<del>C6-4</del>
Broadway/Nassau	IND (8th Ave)	<del>C5-5CR</del>
Chambers Street	IND (8th Ave)	<del>C6-4 C5-3CR</del>
34th Street	IND (8th Ave)	<del>C6-4</del>
<del>50th Street</del>	<del>IND (8th Ave)</del>	<del>C6-4</del>

~~The selection of subway station improvements shall be on a case-by-case basis and shall be subject to the approval of the Metropolitan Transportation Authority, New York City Transit and the City Planning Commission. All such improvements shall comply with all applicable design standards of the current station planning guidelines of New York City Transit.~~

~~(b) — Compliance with Transit Authority design standards~~

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

~~(c) — Procedure~~

~~(1) — Pre-application~~



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

~~(2) Application pre certification~~

~~After review and agreement on the concept by the Metropolitan Transportation Authority, Transit Authority and the City Planning Commission, the applicant shall submit necessary documentation in conformance with the New York City Transit Authority's "Guidelines for Submission and Approval of Outside Projects". Prior to certification by the City Planning Commission, the Transit Authority shall provide a letter to the Commission containing conceptual approval of the improvement and a statement of any special considerations regarding the Transit Authority's future operation of the improvement.~~

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

~~(4) The special permit application shall include any request for modification of special urban design guidelines pursuant to Section 24-634 paragraph (e) and of height and setback and #rear yard# regulations pursuant to Section 24-634 paragraph (f).~~

~~(5) Uniform Land Use Review Procedure certification~~

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

~~(6) Prior to the granting of a special permit:~~

~~(i) the Transit Authority shall have submitted a letter to the City Planning Commission:~~

~~(a) stating that the drawings and other documents submitted by the applicant have been determined by the Transit Authority to be of sufficient scope and~~

detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and such other elements as may be appropriate; and

(b) ~~confirming that the construction of the subway improvement in accordance with such submission is feasible; and~~

(ii) ~~the applicant shall sign a legally enforceable instrument, running with the land containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.~~

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

(8) ~~Prior to obtaining a temporary certificate of occupancy for the bonus #floor area#, the bonused subway improvement shall be substantially complete, which shall, for this purpose, mean usable by the public, as determined by the Transit Authority.~~

(9) ~~Prior to obtaining a permanent certificate of occupancy, the bonused subway improvement must be 100 percent complete in accordance with the approved plans and such completion shall have been certified by the Transit Authority.~~

(d) ~~Floor area bonus~~

~~The amount of the #floor area# bonus shall be at the discretion of the City Planning Commission and may range from no #floor area# bonus to the maximum amount allowable by special permit pursuant to the provisions of this Section. For a #residential# or mixed #use development#, when a #floor area# bonus is granted pursuant to this Section, alone or in combination with other bonuses, the #lot area# requirements of Section 23-20 (DENSITY REGULATIONS REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM, OR FLOOR AREA PER ROOM) and 35-40~~

~~(APPLICABILITY OF LOT AREA REQUIREMENTS TO MIXED BUILDINGS)~~ shall not apply. Instead for every 750 square feet of gross #residential floor area# provided, there shall be not more than one #dwelling unit#. In determining whether to grant a special permit and the precise amount of #floor area# bonus pursuant to the special permit, the Commission shall make all of the following findings:

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

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

~~The City Planning Commission may modify the requirements of Section 37-01 (Special Urban Design Guidelines Streetscape), Section 37-02 (Applicability of Article II, Chapter 7, to Residential Plazas and Arcades), and the requirement for #urban open space# in Section 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.~~

~~(f) — Modification of height and setback and yard regulations~~

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

~~The City Planning Commission may grant such modification upon consideration that the applicable height and setback or #rear yard# regulations cannot be complied with by some method feasible for the applicant to pursue because of the provision of a subway station improvement, the size or irregular shape of the lot, the size or irregular shape of the #block# or width of #streets#. The~~

~~Commission shall also consider the characteristics of surrounding development. The Commission shall require, where appropriate, sufficient safeguards to insure the free flow of pedestrian and vehicular traffic in the general area.~~

~~The City Planning Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.~~

*The following paragraphs incorporate existing requirements in the preceding paragraphs that are proposed to be deleted: (b), (c)(1) through (c)(9), (d)(1) through (d)(4), (e) and (f) — and those in Section 81-534 (Procedure) which would also be deleted.*

(a) Pre-application requirements

Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the Metropolitan Transportation Authority, New York City Transit and the Chairperson of the City Planning Commission.

(b) Requirements for application

An application for a special permit pursuant to this Section shall include a letter from New York City Transit to the City Planning Commission containing conceptual approval of the improvement and a statement of any special considerations regarding New York City Transit's future operation of the improvement. The applicant shall submit all information and justification sufficient to enable the Commission to:

- (1) evaluate the benefits to the City;
- (2) determine the appropriate amount of bonus #floor area#; and
- (3) where applicable, assess the advantages and disadvantages of waiving or modifying #street wall# community requirements.

(c) Findings

(f) In determining the amount of #floor area# bonus, the City Planning Commission shall consider:

- (i) the degree to which the general accessibility and/or security of the subway station will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators; and

- (ii) the degree to which significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and appropriate integration of the #street# level entryway into the #development# or #enlargement# will occur.
- (2) In determining modifications to the requirements of Article 3, Chapter 7 (Special Regulations), the Commission shall find that the provisions of a subway improvement cannot be accommodated without modification to these requirements.
- (3) In determining modifications to the #street wall# continuity provisions of Section 81-43 in the #Special Midtown District#, the Commission shall find that the modification will permit the proposed design to provide for improved access of daylight or air to the subway platform, mezzanine or concourse and that the advantages of such access outweigh the disadvantages incurred by the interruption of #street wall# and retail continuity.
- (4) Within the #Special Midtown District#, for a #development# or #enlargement# within the Theater Subdistrict on a #zoning lot# containing a theater designated as listed pursuant to Section 81-742 (Listed theaters), the Commission shall find that the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) have been met.
- (5) Within the #Special Midtown District#, for a #development# or #enlargement# located on a #zoning lot# divided by a Theater Subdistrict Core boundary, as defined in Section 81-71 (General Provisions), the amount of #lot area# eligible for determining permitted bonus #floor area# shall not exceed an amount equal to twice the #lot area# of that portion of the #zoning lot# located outside the Theater Subdistrict Core.

(d) Procedural requirements

Prior to the granting of a special permit, the City Planning Commission shall be provided with the following:

- (1) a letter from New York City Transit stating that the drawings and other documents submitted by the applicant have been determined by New York City Transit to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to

architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the subway improvement in accordance with such submission is feasible.

- (2) a legally enforceable instrument running with the land and signed by the applicant and all parties in interest, other than parties in interest who have waived and subordinated their interests, containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and provide capital maintenance for the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.

(e) Density

For a #residential# or mixed #development#, when a #floor area# bonus is granted pursuant to this Section, alone or in combination with other bonuses, the #lot area# requirements of Sections 23-20 (DENSITY REGULATIONS-REQUIRED LOT AREA PER DWELLING UNIT, LOT AREA PER ROOM OR FLOOR AREA PER ROOM) and 35-40 (APPLICABILITY OF LOT AREA REQUIREMENTS TO MIXED BUILDINGS) shall not apply. Instead, for every 790 square feet of #residential floor area# provided, there shall be not more than one #dwelling unit#.

(g) Recordation & completion procedures

Any instrument creating a transit easement on the #zoning lot# shall be recorded against the #zoning lot# in the Office of the Register of the City of New York and a certified copy of the instrument shall be submitted to the City Planning Commission and New York City Transit. The applicant shall not apply for nor accept a temporary certificate of occupancy for the bonus #floor area#, and the Department of Buildings shall not issue such a temporary certificate of occupancy, until New York City Transit has determined that the bonused subway improvement is substantially complete which shall, for this purpose, mean open to and usable by the public.

The applicant shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue such permanent certificate of occupancy, until the bonused subway improvement has been completed in accordance with the approved plans and such completion has been certified by New York City Transit.

The City Planning Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

\* \* \*

Article VIII  
Special Purpose Districts

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\* \* \*

Chapter 1  
Special Midtown District

81-00  
GENERAL PURPOSES

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

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;

\* \* \*

- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;

- ~~(i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;~~

- ~~(j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton Community to the west;~~

- ~~(k)~~ to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique combination of building scale, large illuminated signs and entertainment and entertainment-related uses;

- ~~(l)~~ to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;

- ~~(m)~~ to preserve the midblock area around the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;

- ~~(n)~~ to expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the area's special character;



(m)(o) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and

(n)(p) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

81-01  
Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), in Section 81-261 (Definitions), or in Section 81-271 (Definitions).

Special Midtown District  
(repeated from Section 12-10)

The "Special Midtown District" is a Special Purpose District designated by the letters "MiD" in which special regulations set forth in Article VIII, Chapter 1, apply. The #Special Midtown District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement and modify those of the districts on which it is superimposed.

Special Clinton District  
(repeated from Section 12-10)

The #Special Clinton District# is a Special Purpose District designated by the letters "CL" in which the regulations set forth in Article IX, Chapter 6 apply

81-02  
General Provisions

81-021  
Applicability of underlying district regulations

\* \* \*

81-022  
Applicability of Special Transit Land Use District regulations

\* \* \*

### Applicability of Special Clinton District Regulations

Wherever the #Special Midtown District# includes an area which also lies within the #Special Clinton District#, the regulations of the #Special Clinton District# as set forth in Article IX, Chapter 6, shall also apply. However, if there is any conflict or discrepancy between the regulations, the Special Midtown District regulations shall supersede the Special Clinton District regulations.

The portion of the #Special Clinton District# within the #Special Midtown District# includes the area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 42nd Street. The area is designated on the #zoning maps# by the letters CL-MiD

81-02381-024

Integration clauses

\* \* \*

81-04

### Subdistricts

In order to carry out the purposes and provisions of this Chapter, four special subdistricts are established within the #Special Midtown District#. In each of these subdistricts certain special regulations apply which do not apply in the remainder of the #Special Midtown District#. The subdistricts are outlined on Map 1 (Special Midtown District and Subdistricts) in Appendix A.

The subdistricts, together with the sections of this Chapter specially applying to each, are as follows:

Subdistricts	Sections Having Special Application
The Grand Central Subdistrict	81-60
The Theater Subdistrict	81-70
The Fifth Avenue Subdistrict	81-80
The Preservation Subdistrict	81-90

The subdistricts are also subject to all other regulations of the #Special Midtown District#, and, where applicable pursuant to Section 81-023, the #Special Clinton District#, and the underlying districts, except as otherwise specifically provided in the subdistrict regulations themselves.

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 (General Large-Scale Development)~~

Section 74-75 (Educational Construction Fund Projects)

\* \* \*

81-063

Regulations for Developments or Enlargements on Lots Divided by District Boundaries, Within or Partially Within the Theater Subdistrict

Within the Theater Subdistrict of the #Special Midtown District#, the provisions of Chapter 7 of Article VII (Special Provisions for Zoning Lots Divided by District Boundaries) are modified in part by the provisions of Section 81-746 (~~Special modification of Additional~~ provisions for zoning lots divided by district or subdistrict core boundaries).

\* \* \*

81-20

BULK REGULATIONS

81-21

Floor Area Ratio Regulations

The #floor area ratio# regulations of the underlying districts are modified in accordance with the provisions of this Section or Section 81-241 (Maximum floor area ratios for a residential building or the residential portion of a mixed building).

81-211

Maximum floor area ratio for non-residential or mixed buildings

- (a) For non-#residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.

- (b) In the #Special Midtown District, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

(delete existing table and replace with following table)

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND MAXIMUM FLOOR AREA RATIOS BY UNDERLYING DISTRICTS								
Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Maximum Floor Area Ratio (FAR)							
	Outside the Grand Central Subdistrict					Grand Central Subdistrict		
	CG-1	CG-4 CG-5 MI-4	CG-23 CG-44 CG-54 CG-63	CG-7T	CG-3 CG-6 CG-7	CG-25	CG-1	
<b>A</b>	<b>Basic Maximum FAR</b>	8.0	10.0	12.0	14.0	15.0	12.0	15.0
<b>B</b>	<b>Maximum As-of-Right #Floor Area# Allowances (District-Wide Incentives)</b>							
	Urban plaza (Section 81-23)	1	1.0 <sup>1</sup>	1.0 <sup>1</sup>	1	1.0 <sup>1</sup>	1	1
<b>C</b>	<b>MAXIMUM TOTAL FAR WITH AS-OF-RIGHT INCENTIVES</b>	8.0	11.0 <sup>2</sup>	13.0 <sup>2</sup>	14.0	15.0	12.0	15.0
<b>D</b>	<b>Maximum Special Permit #Floor Area# Allowances (District-Wide Incentives)</b>							
	Subway station improvement (Section 81-511)	1	2.0 <sup>1</sup>	2.4 <sup>1</sup>	1	3.0	2.4	3.0
<b>E</b>	<b>MAXIMUM TOTAL FAR WITH DISTRICT-WIDE AND AS-OF-RIGHT INCENTIVES</b>	8.0	12.0	14.4	14.0	18.0	14.4	18.0
<b>F</b>	<b>Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict</b>							
	Development rights (FAR) of a "granting site" (Section 81-744)	1	10.0	12.0	14.0	15.0	1	1
	Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving sites" (Section 81-744, paragraph a)	1	2.0 2.4 <sup>1</sup>	2.4	2.8	3.0	1	1
	Inclusionary Housing (Sections 23-90 and 81-22)	1	2.0 <sup>1</sup>	1	1	1	1	1

<b>G</b>	<b>MAXIMUM TOTAL FAR WITH AS-OF-RIGHT FLOOR AREA ALLOWANCES IN THEATER SUBDISTRICT</b>		120 144	144	168	180		
<b>H</b>	<i>Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:</i>							
	<b>Rehabilitation of listed theater (Section 81-745)</b>		42	24	28	30		
	<b>Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on "receiving sites" (paragraph b of Section 81-744)</b>				28	30		
	<b>Floor Area for New Legitimate Theater (Section 81-748)</b>				20	20		
<b>I</b>	<b>MAXIMUM TOTAL FAR WITH THEATER SUBDISTRICT OR DISTRICT-WIDE INCENTIVES, AND AS-OF-RIGHT INCENTIVES</b>	80	144	144	216	216	144	180
<b>J</b>	<i>Maximum FAR of Lots Involving Landmarks:</i>							
	<b>Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)</b>	80	100	120	140	150	120	150
	<b>Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)</b>	80	100	130	140	160	120	150
	<b>Maximum amount of transferable development rights (FAR) from landmark #zoning lot# that may be utilized on:</b>							
	<b>(a) an "adjacent lot" (Section 74-79)</b>	1.5	2.0	2.4	No limit	No limit	2.4	No limit
	<b>(b) a "receiving lot" (Section 81-634)</b>						1.0	1.0
	<b>(c) a "receiving lot" (Section 81-635)</b>						0.6	0.6

K	MAXIMUM TOTAL FAR WITH TRANSFERRED DEVELOPMENT RIGHTS FROM LANDMARK #ZONING LOTS, THEATER SUBDISTRICT OR DISTRICT-WIDE INCENTIVES, AND AL-OF-RIGHT INCENTIVES	9.6	14.4	14.4	No limit	No limit	21.6	No limit
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- 1. Not available for "filling lots" located wholly or partially within the Theater Subdistrict Core.
- 2. Not available within the Eighth Avenue Corridor.
- 3. 4.4 only within the Eighth Avenue Corridor.
- 4. Applicable only within that portion of the Theater Subdistrict also located within the Special Climate District.
- 5. 12.8 in portion of C6-5.5 District within the Theater Subdistrict Core.
- 6. Limited to 21.6 FAR on a "resolving lot" pursuant to Section 31-615 in the Grand Central Subdistrict.

81-22

## 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)

~~Section 81-748 (Floor area bonus for through block gallerias)~~

In addition, the provisions of Article II, Chapter 3, Section 23-90 (Inclusionary Housing) shall be applicable in that portion of the #Special Midtown District# which is also within the #Special Clinton District# pursuant to Section 81-023 (Applicability of the Special Clinton District Regulations).

ANY FLOOR AREA BONUS GRANTED by certification FOR THROUGH BLOCK GALLERIAS prior to (the effective date of this amendment) shall remain in effect, provided however that such certification shall automatically lapse if substantial construction, in accordance with the plans for which such certification was granted, has not been completed within four years from the effective date of such certification.

81-23

## Floor Area Bonus for Urban Plazas

Within the #Special Midtown District#, for each square foot of #urban plaza# provided on a #zoning lot#, 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.

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

- (a) there shall be no #floor area# bonus for an #urban plaza# on #zoning lots# in the CSP District within the Preservation Subdistrict;
- (b) no #development# or #enlargement# on a #zoning lot# shall receive a bonus for an urban plaza 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 Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);



- (c) no #development# or #enlargement# on a #zoning lot#, any portion of which is within the 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.

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).

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 37-07 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, paragraph (e).

\* \* \*

#### 81-24

#### Floor Area, Density and Building Spacing Regulations for Residential Uses

#### 81-241

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

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

- (a) In the C5-P District the maximum #floor area ratio# is 8.0, and no additional #floor area# shall be allowed above this limit.
- (b) In all underlying districts other than the C5-P District, except as provided in paragraph (c) of this Section, the maximum #residential floor area ratio# is 10.0.
- (c) A #residential building# or the #residential# portion of a #mixed building# in any underlying district other than a C5-P, C6-4 or C6-5 District or a #residential building# or the #residential# portion of a #mixed building# in a C6-4 or C6-5 District within the Theater Subdistrict which has been granted bonus #floor area# or other #floor area# allowances in accordance with the provisions of Section 81-

741 (General provisions), shall qualify for a maximum #residential floor area ratio# of 12.0 if the #building# includes recreational space for the #residential# occupants in an amount not less than 6.5 square feet for each #room#, or a total area of at least 5,000 square feet, whichever is greater. The recreational space may be located at any level including a roof. Such recreational space shall:

- (1) be restricted to #residential# occupants of the #building# and their guests for whom no admission or membership fees may be charged;
- (2) be directly accessible from a lobby or other public area served by the #residential# elevators;
- (3) be landscaped including trees or shrubbery, except where covered or developed with recreational facilities and seating areas;
- (4) contain not less than 500 square feet of continuous area on a single level with no dimension of less than 15 feet;
- (5) have not less than 50 percent of the area open from its lowest level to the sky. The remaining portion may be roofed and up to 50 percent of its perimeter may be enclosed. In no event may more than 25 percent of the required recreational space be fully enclosed. All enclosures shall be transparent except when located within the #building#. Covered areas shall contain recreational facilities or seating areas.

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

~~(d) A #residential building# or the #residential# portion of a #mixed building# in a C6 4 or C6 5 underlying district within the Theater Subdistrict may qualify for bonus #floor area# or other #floor area# allowances in accordance with the provisions of Section 81-741 (General provisions), provided that the #residential floor area ratio# with such #floor area# allowances shall not exceed 12.0 and that such #building# also provides recreational space for the #residential# occupants in accordance with the requirements of paragraph (c) of this Section.~~

~~(e) The applicable maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall not be increased by any bonuses or other #floor area# allowances except as provided in paragraph (c) or (d) of this Section.~~

\* \* \*

## 81-25

## General Provisions Relating to Height and Setback of Buildings

For all #buildings# in the #Special Midtown District#, except as provided in Section 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT), the height and setback regulations of the underlying districts, ~~including tower regulations,~~ are superseded by the provisions of this Section, and by the two alternate sets of regulations controlling the height and setback of #buildings#, as set forth in Sections 81-26 and 81-27 respectively.

An applicant for plan approval by the Department of Buildings may elect to be governed by the provisions of either Section 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation) in addition to the provisions of this Section; ~~and of Section 81-622 (Special height and setback requirements) applicable to a #development# or #enlargement# within the Grand Central Subdistrict.~~

This Section sets forth the provisions which are common to both sets of regulations.

\* \* \*

## 81-40

## MANDATORY DISTRICT PLAN ELEMENTS

\* \* \*

## 81-43

## Street Wall Continuity Along Designated Streets

\* \* \*

Pedestrian circulation spaces may be provided to meet the requirements of Section 81-45 (Pedestrian Circulation Space), ~~81-46 or 81-47~~ subject to the setback restrictions of this Section and to the minimum length of the #street wall# subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station improvement for which bonus #floor area# is granted, in accordance with the provisions of Section ~~81-53~~ 81-511 (Subway Station Improvements).

\* \* \*) \*

No arcades, sidewalk widenings or #urban plazas# shall be permitted on Fifth Avenue, 42nd Street, 34th Street or 57th Street frontages. ~~Between 42nd and 56th Street, no arcades or #urban plazas# shall be permitted on Eighth Avenue.~~ Between 43rd and

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

For #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway the minimum and maximum heights of #street walls# subject to the setback restrictions on all #street# frontages shall be in accordance with Section 81-75 (Special Street Wall and Setback Requirements).

~~For #zoning lots# located wholly or partially within the Eighth Avenue Corridor the minimum and maximum heights of #street walls# subject to the setback restrictions on all #street# frontages shall be in accordance with Section 81-75 (Special Street Wall and Setback Requirements).~~

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

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

\* \* \*

81-45

~~Provision of Pedestrian Circulation Space~~

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

~~TABLE A~~  
~~MINIMUM PEDESTRIAN CIRCULATION SPACE~~  
~~REQUIREMENTS~~

<del>Lot Size in</del> <del>Square Feet</del>	<del>Minimum Area of Pedestrian</del> <del>Circulation Space</del>
--	---

<del>5,000 to 20,000</del>	<del>1 square foot per 350 square feet</del> <del>of new #floor area#</del>
----------------------------	--

<del>Above 20,000</del>	<del>1 square foot per 300 square feet</del> <del>of new #floor area#</del>
-------------------------	--

~~The pedestrian circulation space provided shall be of one or more of the following types: sidewalk widening, arcade, corner arcade, corner circulation space, building entrance recess area, through #block# connection, subway stair relocation, renovation or reconstruction of a subway stair pre-existing on the #zoning lot#, or off street rail mass transit access improvement.~~

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

~~Such pedestrian circulation space shall meet the requirements set forth in Sections 81-451 (Design standards for pedestrian circulation spaces), 81-46 (Through Block Connection), 81-47 (Off Street Relocation or Renovation of a Subway Stair) or 81-49 (Off Street Improvement of Access to Rail Mass Transit Facility). 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 Widenings and Urban Plazas).~~

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

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

TABLE B

~~LOT TYPE WHERE CIRCULATION SPACE MAY BE PROVIDED~~

Type of Circulation Space (Section 81-45)	#Corner Lot#	#Through Lot#	#Interior Lot#
Sidewalk Widening	X	X	X
Corner Circulation Space	X		
Building Entrance Recess Area	X	X	X
Through #Block# Connection	X	X	
Subway Stair Relocation of Renovation	X	X	X
Off-Street Rail Mass Transit Access Improvement	X	X	X

~~No arcades or sidewalk widenings shall be permitted on Fifth Avenue, 42nd Street, 34th Street or 57th Street frontages or on any #street# frontage within the Preservation Subdistrict. Between 43rd and 50th Streets, no arcades shall be permitted parallel to and along Seventh Avenue or Broadway and where pedestrian circulation space is provided along such #street# frontages, #signs# and marquees shall be permitted as exceptions to the requirements related to obstructions or permitted obstructions of Section 81-451 (Design standards for pedestrian circulation spaces). Special dimensional requirements for arcades and sidewalk widenings along designated #streets# are set forth in Section 81-43 (Street Wall Continuity along Designated Streets).~~

~~New #developments# or #enlargements# on a #zoning lot# having a full #block# frontage on a #wide street# other than Fifth Avenue, 42nd Street, 34th Street, or 57th Street shall provide a minimum of 50 percent of their required pedestrian circulation space on that #wide street#.~~

In the case of a #zoning lot# having two full #block# frontages on #wide streets#, this minimum amount may be allocated on either one or both #wide streets#; where each #street# bounding a #zoning lot# with at least one full #block# frontage is a #wide street#, the minimum amount may be allowed on one or more of those #wide streets#.

Within the #Special Midtown District#, all new #developments# or #enlargements# on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

The requirements for pedestrian circulation space may be met by providing one or more of the following types of spaces: arcade, building entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, subway station improvement, through #block# connection or #urban plaza#. Design requirements and, where applicable, the maximum amount of each space that may be counted towards the minimum pedestrian circulation space requirement are set forth in Section 37-07 (Requirements for Pedestrian Circulation Space).

In addition, the following may be counted towards meeting the minimum pedestrian circulation space requirement:

- (a) up to a maximum of 3,000 square feet of an access improvement to rail mass transit provided pursuant to Section 81-49 (Off-street Improvement of Access to Rail Mass Transit Facility);
- (b) within the Theater Subdistrict, theater waiting space provided pursuant to Section 81-451 (Theater waiting space).

New #developments# or #enlargements# on a #zoning lot# having a full #block# frontage on a #wide street# other than Fifth Avenue, 42nd Street, 34th Street or 57th Street shall provide a minimum of 50 percent of their required pedestrian circulation space on that #street#. In the case of a #zoning lot# having two full #block# frontages on #wide streets#, this minimum amount may be allocated on either one or both #wide streets#, where each #street# bounding a #zoning lot# with at least one full #block# frontage is a #wide street#, the minimum amount may be allowed on one or more of those #wide streets#.

However, pedestrian circulation space shall not be required if any of the following conditions exist:

- (a) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;
- (b) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage;

- (c) the #zoning lot# is an #interior# or #through lot# fronting only on a #street# or #streets# where arcades, sidewalk widenings or #urban plazas# are prohibited;
- (d) the #zoning lot# is an #interior lot# fronting on either 34th Street, 42nd Street, 57th Street or Fifth Avenue, with another interior frontage of lesser length on any other #street#, or
- (e) the #zoning lot# is a #through lot# with both #street# frontages less than 25 feet in length.

Arcades or sidewalk widenings shall not be permitted on 34th Street, 42nd Street, 57th Street or Fifth Avenue frontages or on any #street# frontage within the Preservation Subdistrict. Between 43rd and 50th Streets, no arcades shall be permitted parallel to and along Seventh Avenue or Broadway. Where pedestrian circulation space is provided along Seventh Avenue or Broadway between 43rd and 50th Streets, #signs# and marquees shall be permitted as exceptions to the requirements relating to obstructions or permitted obstructions in Section 37-07 (Requirements for Pedestrian Circulation Space). Special dimensional requirements for arcades and sidewalk widenings along designated #streets# are set forth in Section 81-43 (Street Wall Continuity Along Designated Streets).

## 81-451

### Design standards for pedestrian circulation spaces

#### Theater waiting space

##### (a) Sidewalk widening

~~A sidewalk widening is a continuous paved open area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. A sidewalk widening shall be provided on the #wide street# frontage of a #zoning lot# of a new #development# or #enlargement# where all existing #buildings# on the same #block# frontage, whether on the same or another #zoning lot#, provide sidewalk widenings. A sidewalk widening shall meet the following requirements:~~

##### ~~(1) Dimensions~~

~~A sidewalk widening shall have a width of no less than 5 feet nor greater than 10 feet measured perpendicular to the #street line#, and shall be contiguous along its entire length to a sidewalk. Except for the permitted interruptions, as set forth in paragraph (a)(2), a sidewalk widening is permitted on a #narrow street# only if it has a length of at least 100 feet.~~



~~It shall extend along the full length of the #front lot line# except for the portion of the #front lot line# interrupted by an existing #building# which is located at a #side lot line# or, in the case of a full #block# frontage, located at the intersection of two #streets#. A required sidewalk widening on a #wide street# shall connect directly to any existing adjoining sidewalk widening and shall extend the entire length of the new #front lot line#.~~

~~The width of such a required sidewalk widening shall equal that of the existing adjoining sidewalk widening. If there is more than one such existing sidewalk widening, the width of such a required sidewalk widening shall equal that of the existing sidewalk widening that is longest.~~

~~A sidewalk widening is permitted on a #wide street# when not adjacent to an existing sidewalk widening only if either the sidewalk widening extends along the #wide street line# for the full length of the #block# front, or the #zoning lot# is a #corner lot# and the sidewalk widening extends along the full length of the #wide street street line# to its intersection with the other #street street line# on which the #zoning lot# fronts.~~

~~(2) Permitted interruptions~~

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

~~(i) A sidewalk widening may be interrupted by an arcade which has a width equal to or greater than the width of the sidewalk widening and which is directly connected to the sidewalk widening.~~

~~(ii) A sidewalk widening may be overlapped by a corner circulation space or a #building# entrance recess area which permits uninterrupted pedestrian flow.~~

~~(iii) A sidewalk widening may be overlapped by an #urban plaza# as set forth in Section 81-23, provided that the overlapping portion of such #urban plaza# conforms to the design standard of a sidewalk widening.~~

~~(iv) An off street subway entrance may interrupt a sidewalk widening provided such an entrance is located at a #side lot line# or is located at the intersection of two #street lines#.~~

~~(v) A sidewalk widening may be overlapped by the queuing space of a relocated or renovated subway entrance provided that the queuing space for the entrance leaves at least a 5 foot uninterrupted width of sidewalk widening along the entire length of the queuing space.~~

~~(vi) A sidewalk widening may be interrupted by a driveway that is located at a #side lot line#; however, where the #zoning lot# has a through #block# connection, or a through #block urban plaza#, or a through #block# galleria at such a #side lot line#, the location of its driveway is not restricted. The area occupied by the driveway, up to the width of the sidewalk widening, may be counted towards meeting the pedestrian circulation space requirement, provided that there shall be no change of grade within the area of the sidewalk widening.~~

~~(3) Permitted obstructions~~

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

~~(4) Specific prohibitions~~

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

~~(5) Special design treatment~~

~~When one end of the sidewalk widening abuts an existing #building# on the #zoning lot# or an existing #building# on the #side lot line# of the adjacent #zoning lot#, design treatment of the termination of the sidewalk widening is required to smooth pedestrian flow. The portion of the sidewalk widening subject to design treatment, hereinafter called the transition area, shall not extend more than 10 feet nor less than 5 feet along the sidewalk widening from its termination.~~

~~The transition area shall receive special design treatment which may include, but is not limited to, landscaping, sculpture, or #building# transparency. The transition area shall be designed to effect a gradual change of the sidewalk widening width to match the #street wall# line of the existing #building# at the sidewalk widening's termination. This may be accomplished by a curved or diagonal edge of paving along a landscaped bed, the use of stepped edges of the #building#, or other architectural treatment of the #building# or paving which avoids an abrupt visual termination of the sidewalk widening. Such special design treatment may be considered a permitted obstruction.~~

~~(b) Corner circulation space~~

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

~~(1) Dimensions~~

~~A corner circulation space shall have a minimum area of 200 square feet, a minimum depth of 15 feet measured along a line bisecting the angle of intersecting #street lines#, and shall extend along both #street lines# for at least 15 feet but not more than 40 feet from the intersection of the two #street lines#.~~

~~(2) Obstructions~~

~~A corner circulation space shall be completely open to the sky from its lowest level, except for temporary elements of weather protection, such as awnings or canopies; provided that the total area of such elements does not exceed 20 percent of the corner circulation space area; and that such elements and any attachments thereto are at least 8 feet above #curb level#. A corner circulation space shall be clear of all other obstructions including, without limitation, door swings, building columns, #street# trees, planters, vehicle storage, parking or trash storage. No gratings except for drainage are permitted.~~

~~(3) Building entrances~~

~~Entrances to ground level #uses# are permitted from a corner circulation space. An entrance to a building lobby is permitted from a corner circulation space, provided that the entrance is at no point within 20 feet of the intersection of the two #street lines# that bound~~

~~the corner circulation space.~~

~~(4) Permitted overlap~~

~~A corner circulation space may overlap with a sidewalk widening.~~

~~(c) Arcade~~

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

~~An arcade shall meet the following requirements:~~

~~(1) Dimensions~~

~~An arcade with columns shall have a minimum clear width of 10 feet exclusive of all columns and a maximum width of 15 feet inclusive of columns. No column width shall be greater than 5 feet. Columns shall be spaced along the #street# with a minimum clear width between columns of 15 feet. An arcade shall have a clear height of not less than 12 feet.~~

~~(i) On an #interior lot# or a #through lot# fronting on a #narrow street#, an arcade without columns is permitted only if:~~

~~(a) it has a continuous unobstructed minimum length of 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, the full length of the new #building# frontage, whichever is greater; and~~

~~(b) the entire #front lot line# shall be unobstructed for the same depth of the arcade, except for that portion of the #front lot line# occupied by an existing #building#.~~

~~(ii) On an #interior lot# or on a #through lot# fronting on a~~

~~#narrow street#, an arcade with columns is permitted only if it connects directly to an existing arcade on an adjacent lot matching it in width and alignment and has a continuous, unobstructed minimum length beyond the existing adjacent arcade of at least 100 feet or, with the exception of the width of driveways for the required loading berths located at the #side lot line# of the #zoning lot#, for the full length of the new #building# frontage, whichever is greater.~~

~~(iii) On 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#, 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#, an arcade is permitted only if:~~

~~(a) the arcade extends along the full length of the #street line# between intersecting #streets#, or~~

~~(b) in the case of a #building# that occupies less than the entire #street# frontage between intersecting #streets#, on a full #block# front #zoning lot#, unobstructed pedestrian flow along 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 (iv)(c), a #plaza# or an #urban plaza# on an adjacent #zoning lot#, so that unobstructed pedestrian flow along the~~

~~entire #block# front is provided by the arcade in combination with such existing spaces.~~

~~(2) Full #block# front arcade~~

~~When a #zoning lot# occupies a full #block# front, both ends of the arcade on that #street# frontage shall be open and accessible directly from the sidewalk of the intersecting #street# or any other qualifying pedestrian circulation space.~~

~~(3) Permitted obstructions~~

~~Except for building columns, an arcade shall be completely free from obstructions of any kind.~~

~~(4) Specific prohibitions~~

~~No vehicular driveways, except as permitted under paragraph (c)(1), parking spaces, passenger drop offs, loading berths or trash storage facilities are permitted within an arcade, nor shall such facilities be permitted immediately adjacent to an arcade.~~

~~(5) In the Theater Subdistrict, where a new #building# or #enlarged# portion of an existing #building# provides an arcade, no obstructions, including columns, are permitted within such arcade, and the height and width of such arcade shall be limited to a maximum of 20 feet and 10 feet respectively.~~

~~(6) All existing and new arcades shall maintain a minimum level of illumination of not less than five horizontal foot candles between sunset and sunrise.~~

~~(d) Corner arcade~~

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

~~(1) Dimensions~~

~~A corner arcade shall have the same minimum dimensions as a corner circulation space and in addition shall have a height of not less than 12 feet and shall provide a clear path at least 12 feet wide from one #street line# to another #street line#.~~

~~(2) Permitted obstructions~~~~Except for building columns a corner arcade shall be free of obstructions of any kind.~~~~(3) Specific prohibitions~~~~Same as for an arcade.~~~~(4) Permitted overlap~~~~A corner arcade may overlap with an arcade; however, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.~~~~(e) Building entrance recess area~~~~A building entrance recess area is a space which adjoins and is open to a sidewalk or sidewalk widening for its entire length and provides unobstructed access to the building's lobby entrance or to a ground floor #use# entrance. A building entrance recess area shall meet the following requirements:~~~~(1) Dimensions~~~~A building entrance recess area shall have a minimum length of 15 feet and a maximum length of 50 feet measured parallel to the #street line# at a building's lobby entrance and a maximum length of 30 feet parallel to the #street line# at a ground floor #use# entrance. It shall have a maximum depth of 15 feet measured from the #street line#, and shall have a minimum depth of 10 feet measured from the #street line#.~~~~(2) Obstructions~~~~Any portion of a building entrance recess area under an overhanging portion of the #building# shall have a minimum clear height of 15 feet. It shall be free of obstructions except for building columns, between any two of which there shall be a clear space of at least 15 feet measured parallel to the #street line#. Between a building column and a wall of the #building#, there shall be a clear path at least 5 feet in width.~~~~(3) Permitted overlap~~~~A building entrance recess area may overlap with a sidewalk widening, an arcade, a corner arcade, or a corner circulation space and may~~

adjoin or overlap and connect directly without obstruction to another building entrance recess area except that, on any one #street# frontage, each lobby or ground floor #use# shall connect to only one building entrance recess area.

~~(f) Through #block# connection~~

~~The design standards for a through #block# connection are set forth in Section 81-46 (Through Block Connection).~~

~~(g) Off street relocation or renovation of a subway stair~~

~~The design standards for a relocated or renovated subway stair are set forth in Section 81-47 (Off Street Relocation or Renovation of a Subway Stair).~~

~~(h) Off street improvement of access to rail mass transit Facility~~

~~The design standards for an off street rail mass transit access improvement are set forth in Section 81-49 (Off Street Improvement of Access to Rail Mass Transit Facility).~~

Theater waiting space shall be an unobstructed area providing outdoor waiting space for a theater audience, located immediately adjacent to the sidewalk and to a theater listed in Section 81-742 (Listed Theaters) or a new theater designed and intended to show live theatrical performances. Theater waiting space may be located on the same #zoning lot# occupied by a theater or a #zoning lot# immediately adjacent to a theater, and shall meet the following requirements:

(a) such space shall adjoin and open onto a sidewalk or sidewalk widening for its entire length and shall have a minimum length of 30 feet measured parallel to the #street line# and a minimum clear depth of 10 feet measured perpendicular to the #street line# exclusive of any columns. Its level shall be entirely the same as that of the adjoining sidewalk. When located under an overhanging portion of a #building or other structure#, it shall have a minimum clear height of 15 feet and be free of any obstructions except for #building# columns.

(b) such space shall provide direct access to a #building's# entrance or the theater's lobby. Where the theater and the theater waiting space are on separate #zoning lots#, a plaque shall be provided within the theater waiting space adjacent to the theater stating that the space is available as a waiting area for the theater audience. Such plaque shall be placed between four feet and six feet above #curb level#, and shall be visible from the sidewalk.

(c) such space shall not adjoin a driveway or an off-#street# loading berth;



(d) the entire theater waiting space shall be illuminated with a minimum level of not less than eight horizontal foot-candles (lumens per foot), and

The theater waiting space may overlap with a sidewalk widening, an arcade, a corner arcade, a corner circulation space, or a building entrance recess area. However, the area of overlap may only be counted once toward the fulfillment of the required minimum area of pedestrian circulation space.

#### 81-452

##### ~~Bonused amenities qualifying as pedestrian circulation spaces~~

~~A portion of the following amenities, for which bonuses are granted pursuant to this Chapter, may be counted toward the minimum pedestrian circulation space requirements:~~

- ~~(a) Through #block# galleria (see Section 81-748), up to a maximum of 3,000 square feet.~~
- ~~(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.~~
- ~~(d) Subway station improvement (see Section 81-53), up to a maximum of 3,000 square feet.~~

#### 81-453

##### ~~Exemptions from the pedestrian circulation space requirements~~

~~Under any of the following conditions a #development# or #enlargement# shall not be required to provide pedestrian circulation space:~~

- ~~(a) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;~~

- (b) ~~the #zoning lot# is an #interior lot# fronting on a #wide street# with frontage length less than 80 feet;~~
- (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, such as Fifth Avenue, 42nd Street, 34th Street and 57th Street or any #street# within the Preservation Subdistrict;~~
- (d) ~~the #zoning lot# is an #interior lot# fronting on either Fifth Avenue, 42nd Street, 34th Street or 57th Street, with another interior frontage of lesser length on any other #street#; or~~
- (e) ~~the #zoning lot# is a #through lot# with both frontages less than 25 feet in length.~~

## 81-454

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

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

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

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

- (1) ~~a modification is needed because of the inherent constraints of the existing #building#;~~

- ~~(2) the modification is limited to the minimum needed because of the inherent constraints of the existing #building#; and~~
- ~~(3) the pedestrian circulation space being modified shall be equal in area, and substantially equivalent to the required space in quality, effectiveness and suitability for public use.~~

## 81 46

## Through Block Connection

~~A through #block# connection between two parallel or nearly parallel east west #streets# may be provided for a #development# or #enlargement# on any #through lot# or #through lot# portion of a #corner lot# and may count toward the pedestrian circulation space requirements of Section 81 45 (Provision of Pedestrian Circulation Space) provided that it shall be located at least 150 feet from a north south #street# and shall meet the standards set forth below in Section 81 461 (Locational standards) and in Section 81 462 (Design standards for a through block connection).~~

## 81 461

## Locational standards

- ~~(a) A through #block# connection shall count as pedestrian circulation space meeting the requirements of Section 81 45 (Provision of Pedestrian Circulation Space) only if it is located not less than 150 feet from a north south #wide street#.~~
- ~~(b) To count as pedestrian circulation space meeting the requirements of Section 81 45 (Provision of Pedestrian Circulation Space), a qualifying through #block# connection shall meet the following additional locational requirements:~~
- ~~(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#.~~
- ~~(2) Where there are already two through #block# connections located on the same #block#, a new through #block# connection shall not count as pedestrian circulation space meeting the requirements of Section 81 45 (Provision of Pedestrian Circulation Space).~~

~~(3) Notwithstanding the provisions of paragraphs (1) and (2) of this Section, no through #block# connection shall be permitted on any portion of a #zoning lot# occupied by a landmark or interior landmark so designated by the Landmarks Preservation Commission or occupied by a #building# whose designation as a landmark or interior landmark has been calendared for public hearing and is pending before the Landmarks Preservation Commission.~~

81-462

**Design standards for a through block connection**

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

- ~~(a) A through #block# connection shall provide a straight continuous unobstructed path at least 15 feet wide. If covered, the clear unobstructed height of a through #block# connection shall not be less than 15 feet.~~
- ~~(b) At no point shall the level of a through #block# connection be more than five feet above or below #curb level#. In all cases, the through #block# connection must provide through its entire length a clear path accessible to the handicapped.~~
- ~~(c) A through #block# connection may be located inside or outside of a #building#. The area of a through #block# connection located within a #building# shall be counted as #floor area#.~~
- ~~(d) A through #block# connection located partially or wholly within a #building# shall adjoin and connect directly to the #building's# main lobby via unobstructed openings with an aggregate width exceeding that of any other entrances to the lobby.~~
- ~~(e) A through #block# connection located wholly or partially outside a #building# shall provide unobstructed access directly to the #building's# main lobby through the major entrance. For the purposes of this Section, the major entrance shall be that entrance to the main lobby which has the greatest aggregate width of clear openings for access.~~
- ~~(f) Any portion of a through #block# connection located outside a #building# shall be illuminated throughout with a minimum level of illumination of not less than five horizontal foot candles (lumens per candle). Such illumination shall be maintained throughout the hours of darkness.~~

~~(g) A through #block# connection shall at a minimum be accessible to the public from 8:00 a.m. to 7:00 p.m. on the days the #building# or #development# is open for business and shall have posted in prominent, visible locations at its entrances signs meeting the standards set forth in paragraph (h) of this Section.~~

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

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

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

~~(Tree Symbol)~~

~~(ii) 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~~

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

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

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

~~(i) a public space symbol as described in paragraph (h)(1)(i) of this Section, not less than six inches square, shall be mounted with its center five feet above the elevation of the nearest walkable pavement;~~

~~(ii) lettering stating "PUBLIC ACCESS TO \_\_\_\_\_ STREET," indicating the opposite #street# to which the through #block# connection passes. This lettering shall not be~~

~~less than three inches in height and located not more than three inches away from the public space symbol and~~

- ~~(iii) lettering not more than two inches or less than one and a half inches in height stating "OPEN TO PUBLIC" with the hours and days of operation of the through #block# connection. This lettering shall be located not more than three inches from the public space symbol.~~

~~The above required information shall be permanently affixed on the glass panel of the entry doors of the through #block# connection clearly facing the direction of pedestrian flow; the information shall be located not higher than six feet or lower than three feet above the level of the pedestrian path at the entry, and shall be in a format and color which will ensure legibility.~~

#### 81-4781:46

#### Off-Street Relocation or Renovation of a Subway Stair

~~Where a #development# or #enlargement# is constructed on a #zoning lot# which fronts on a sidewalk containing a stairway entrance or entrances into a subway and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Sections 81-471 (Standards for location and design) and 81-473 (Administrative procedure for subway stair relocation or renovation).~~

~~Where a #development# or #enlargement# is constructed on a #zoning lot# containing an existing stairway entrance or entrances into a subway and such entrance or entrances are renovated or reconstructed in accordance with the provisions of Sections 81-471 and 81-473, such entrance or entrances may count as pedestrian circulation space as set forth in Section 81-472 (Relocated or renovated subway stair as pedestrian circulation space).~~

#### 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:~~

<del>sidewalk widening</del>	<del>(Section 81 45)</del>
<del>corner circulation space</del>	<del>(Section 81 45)</del>
<del>arcade</del>	<del>(Section 81 45)</del>
<del>corner arcade</del>	<del>(Section 81 45)</del>
<del>building entrance recess area</del>	<del>(Section 81 45)</del>
<del>#urban plaza#</del>	<del>(Section 81 23)</del>

~~The relocated or renovated entrance may be provided within a #building# but shall not be enclosed by any doors. The area occupied by a relocated or renovated entrance within a #building# shall not be counted toward the #floor area# of the #development# or #enlargement#.~~

~~(b) Design standards~~

~~The following standards are taken from the current New York City Transit Authority's station planning guidelines.~~

~~The relocated or renovated entrance shall have a stair width of at least eight feet for each run.~~

~~No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of 5 feet.~~

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

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

~~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#.~~

~~Where two or more existing stairway entrances are being relocated and/or renovated as part of the same #development#, the new entrance or entrances shall have total stair widths whose sum is equal to or greater than the sum of the stair widths of those existing stairway entrances. The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.~~

~~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#.~~

~~The relocated or renovated entrance shall connect to an existing or proposed subway passageway or shall connect, via an underground passageway, to a mezzanine area of the subway station.~~

~~The below grade portion of a relocated or renovated entrance may be constructed within the #street#.~~

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

~~(c) Hours of public accessibility~~

~~The relocated or renovated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by the Transit Authority.~~

81-472

~~Relocated or renovated subway stair as a pedestrian circulation space~~

~~One and a half times the area, measured at #street# level, of either of the following types of subway stair entrances may count toward meeting the pedestrian circulation space requirements of Section 81-45 (Provision of Pedestrian Circulation Space):~~

~~(a) a new relocated subway entrance; or~~

~~(b) an existing subway stair entrance which is contained within the #zoning lot# and has been renovated or reconstructed so that it meets all of the requirements and standards set forth in Sections 81-471 (Standards for location and design) and 81-473 (Administrative procedure for subway stair relocation or renovation).~~

81-473

~~Administrative procedure for subway stair relocation or renovation~~

~~(a) Except as otherwise provided in paragraph (b) of this Section, no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued for any #development# or #enlargement# which is subject to the requirements for the relocation of a subway stair entrance or counts a renovated or reconstructed subway stair as pedestrian circulation space, unless:~~



~~(1) for a relocated entrance, such plan includes a stair relocation plan and related documents which bind the developer to:~~

~~(i) construct the new stair entrance in accordance with such plan;~~

~~(ii) demolish above ground elements of the existing entrance;~~

~~(iii) seal the existing entrance at the sidewalk level; and~~

~~(iv) maintain the work performed on the stair.~~

~~For a renovated or reconstructed entrance, such plan includes a renovation or reconstruction plan and related documents which bind the developer to:~~

~~(i) renovate or reconstruct the entrance in accordance with such plan; and~~

~~(ii) maintain the work performed on the entrance.~~

~~(2) Such plan and related documents bear the Transit Authority's approval.~~

~~(3) Such plan is accompanied by a certified copy of an agreement, as recorded, between the Transit Authority and the owner for an easement on the #zoning lot# for subway related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the #zoning lot# in the Office of the Register of the City of New York (County of New York) and is accompanied by the Register's receipt of recordation.~~

~~(b) For a relocated entrance only, in the event that major construction problems render the stair relocation infeasible or that operating design considerations make it undesirable, the Transit Authority and the City Planning Commission by joint certification may release the developer from the requirement. In such event, the stair relocation requirement shall be satisfied by retention of the existing stair and provision on the #zoning lot# of a pedestrian circulation space qualifying under the provisions of Section 81-45 (Provisions of Pedestrian Circulation Space) and which accommodates pedestrian traffic passing the existing stair entrance. Such space shall have a width equal to at least one and one half times the width of the existing stair entrance and shall extend along the full length of the stair entrance.~~

~~(c) No certificate of occupancy shall be issued for any #development# or #enlargement# subject to the subway stair relocation requirement or counting a renovated or reconstructed subway stair as pedestrian circulation space unless~~

and until all of the work required under paragraph (a)(1) of this Section has been completed and the Transit Authority has so certified in writing to the Department of Buildings.

Where a #development# or #enlargement# is constructed on a #zoning lot# that contains at least 5,000 square feet of #lot area# and fronts on a sidewalk containing a stairway entrance or entrances into a subway station, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances shall be provided in accordance with the provisions of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair). A relocated or renovated subway stair may be counted as pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

The subway stations where such improvements are required are listed in the following table and shown on Map 3 (Subway Station Improvement Areas) in Appendix A.

Station	Line
34th Street/Penn Station	IRT (Seventh Avenue)
34th Street/Herald Square	BMT/IND (Sixth Avenue)
42nd Street	IND (Eighth Avenue)
42nd Street/Times Square	BMT/IRT (Seventh Avenue)
42nd Street	IND Sixth Avenue
42nd Street/Grand Central	IRT (Lexington Avenue)
47th-50th Street (Rockefeller Center)	IND (Sixth Avenue)
49th Street (Seventh Avenue)	BMT
50th Street	IND (Eighth Avenue)
50th Street	IRT (Seventh Avenue/Broadway)
51st Street	IRT (Lexington Avenue)
53rd Street (Seventh Avenue)	IND (Eighth Avenue)
Fifth Avenue (53rd Street)	IND
Lexington Avenue/Third Avenue (53rd Street)	IND
57th Street (Seventh Avenue)	BMT
57th Street (Sixth Avenue)	IND
Columbus Circle (59th Street)	IND (Eighth Avenue/IRT (Seventh Avenue))

81-4881-47

Major Building Entrances

\* \* \*

81-4931-48

## Off-street Improvement of Access to Rail Mass Transit Facility

\* \* \*

81-50

## INCENTIVES BY SPECIAL PERMIT FOR PROVISIONS OF PUBLIC AMENITIES

81-51

## General Provisions and Procedures

~~Except in the Preservation Subdistrict and except for #zoning lots# wholly contained within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing, for non-#residential# or #mixed buildings#, #floor area# bonuses in accordance with the provisions of Section 81-53 (Subway Station Improvements). However, in the Theater Subdistrict, no special permit shall be issued pursuant to the provisions of Section 81-53 without prior certification by the City Planning Commission that either:~~

- ~~(a) there is not available to the applicant any feasible alternative involving the preservation or rehabilitation of an existing theater for which bonus #floor area# may be authorized by special permit or certification; or~~
- ~~(b) the amenity for which the special permit is requested, because of its importance to the surrounding area, has priority over any feasible alternative involving the preservation or rehabilitation of an existing theater.~~

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

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

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

## 81-53

~~Subway Station Improvements~~

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

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

## 81-531

~~Midtown subway stations~~

<del>59th Street Eighth Ave Columbus Circle</del>	<del>IRT IND</del>
<del>50th Street Eighth Avenue</del>	<del>IND</del>
<del>42nd Street Eighth Avenue</del>	<del>IND</del>
<del>34th Street Seventh Ave Penn Station</del>	<del>IRT</del>
<del>42nd Street Times Square</del>	<del>BMT IRT IRT (Flushing)</del>
<del>50th Street Broadway</del>	<del>IRT</del>
<del>49th Street Seventh Avenue</del>	<del>BMT</del>
<del>57th Street Seventh Avenue</del>	<del>BMT</del>
<del>34th Street Sixth Avenue Herald Square</del>	<del>BMT IND</del>
<del>42nd Street Sixth Avenue Fifth Avenue</del>	<del>IND IRT (Flushing)</del>
<del>47th-50th Streets Sixth Avenue</del>	<del>IND</del>
<del>57th Street Sixth Avenue</del>	<del>IND</del>
<del>53rd Street Seventh Avenue</del>	<del>IND</del>
<del>53rd Street Fifth Avenue Madison Ave</del>	<del>IND</del>
<del>53rd Street Lexington Avenue Third Ave</del>	<del>IND</del>
<del>42nd Street Grand Central Terminal</del>	<del>IRT IRT (Flushing)</del>
<del>51st Street Lexington Avenue</del>	<del>IRT</del>

## 81-532

~~Selection of improvements~~

~~The selection of improvements shall be on a case by case basis and shall be subject to the approval of the Metropolitan Transportation Authority, the New York City Transit Authority, and the City Planning Commission.~~

81-533

~~Compliance with Transit Authority design standards~~

~~The subway station improvement shall comply with all applicable design standards of the current station planning guidelines of the Transit Authority.~~

81-534

~~Procedure~~~~(a) Pre application~~

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

~~(b) Application Pre certification~~

~~After review and agreement on concept by the Metropolitan Transit Authority (MTA), the New York City Transit Authority and the New York City planning Commission, the applicant shall submit documentation deemed necessary by the reviewing agencies. Prior to certification by the Commission, the Transit Authority and the MTA shall each provide a letter to the Commission containing a conceptual approval of the improvement and a statement of any special considerations regarding the Transit Authority's future operation of the improvement.~~

~~(c) The special permit application to the Commission shall include information and justification sufficient to provide the Commission with a basis for evaluating the benefits to the City from the proposed improvement and determining the appropriate amount of bonus #floor area# and, where applicable, assessing the advantages and disadvantages of waiving or modifying the #street wall# continuity provisions of Section 81-43 (Street Wall Continuity along Designated Streets).~~

~~(d) Uniform Land Use Review Procedure Certification~~

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

~~(e) Prior to the granting of a special permit the Transit Authority shall have submitted a letter to the Commission:~~

- ~~(1) stating that the drawings and other documents submitted by the applicant have been determined by the Transit Authority to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and such other conditions as may be appropriate; and~~
- ~~(2) confirming that the construction of the subway improvement in accordance with such submission is feasible.~~

~~The applicant shall sign a legally enforceable instrument running with the land containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.~~

- ~~(f) Any instrument creating a transit easement on the #zoning lot# shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for New York County and a certified copy of the instrument shall be submitted to the Commission and the Transit Authority. The applicant shall not apply for nor accept a temporary certificate of occupancy for the bonus #floor area#, and the Department of Buildings shall not issue such a temporary certificate of occupancy, until the Transit Authority has determined that the bonused subway improvement is substantially complete which shall, for this purpose, mean usable by the public.~~
- ~~(g) The applicant shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue such permanent certificate of occupancy until the bonused subway improvement has been completed in accordance with the approved plans and such completion has been certified by the Transit Authority.~~

#### 81-535

##### Floor area bonus

- ~~(a) The amount of the #floor area# bonus shall be at the discretion of the City Planning Commission and may range from no bonus #floor area# to the maximum amount allowable by special permit, as set forth in Section 81-211 (Maximum floor area ratios for non residential or mixed buildings). In determining the precise amount of #floor area# bonus, the Commission shall make findings on the following:~~
  - ~~(1) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators~~

~~or elevators; and~~

~~(2) significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the #street# level entryway into the #development# or #enlargement#.~~

~~(b) No bonus #floor area# shall be granted for any #development# or #enlargement# located on a #zoning lot# wholly contained within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions).~~

~~(c) For a #development# or #enlargement# located on a #zoning lot# divided by a boundary of the Theater Subdistrict Core, as defined in Section 81-71, the amount of bonus #floor area# granted shall be subject to the provisions of paragraph (a) of this Section, but shall not exceed the amount of #floor area# derived from applying the maximum bonus #floor area# allowance as set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings) over the sum of:~~

~~(1) the area of the #zoning lot# which is outside of the Theater Subdistrict Core; and~~

~~(2) an area of the #zoning lot# within the Theater Subdistrict Core, not exceeding the area in paragraph (c)(1) of this Section.~~

~~If the basic maximum #floor area ratio# as set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings) is the same for both the portion of the #zoning lot# within the Core and the portion outside of the Core, such bonus #floor area# must be utilized on the #zoning lot# in accordance with the provisions of paragraph (b) of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries).~~

81-536

~~Waiver or modification of street wall continuity provisions~~

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

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

81-51

General Provisions and Procedures

The City Planning Commission may grant special permits authorizing, for non-~~#residential#~~ or ~~#mixed buildings#~~, ~~#floor area#~~ bonuses in accordance with the provisions of this Section.

81-511

Subway Station Improvements

Except in the Preservation Subdistrict and except for ~~#zoning lots#~~ wholly within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), the City Planning Commission may grant special permits authorizing, for non-~~#residential#~~ or ~~#mixed buildings#~~, ~~#floor area#~~ bonuses in accordance with the provisions of Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan).

The subway stations where such improvements are permitted are listed in the following table and shown on Map 3 (Subway Station Improvement Areas) in Appendix A.

MIDTOWN SUBWAY STATIONS

34th Street/Penn Station	IRT
34th Street/Herald Square	BMT IND
42nd Street	IND (Eighth Avenue)
42nd Street	IND IRT (Sixth Avenue)
42nd Street/Times Square	BMT IRT (Seventh Avenue)
42nd Street/Grand Central Terminal	IRT IRT (Finishing)
47th-50th Streets-Sixth Avenue	IND
49th Street-Seventh Avenue	BMT
50th Street-Broadway	IRT
50th Street-Eighth Avenue	IND
51st Street-Lexington Avenue	IRT
53rd Street-Lexington Avenue-Third Ave	IND
53rd Street-Fifth Avenue-Madison Ave	IND
53rd Street-Seventh Avenue	IND
57th Street-Seventh Avenue	BMT
57th Street-Sixth Avenue	IND
59th Street-Eighth Ave-Columbus Circle	IRT IND

\* \* \*



81-70

## SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

81-71

## General Provisions

The regulations of Sections 81-72 to 81-75, inclusive, relating to Special Regulations for the Theater Subdistrict are applicable only in the Theater Subdistrict, ~~and in of which the Theater Subdistrict Core and the Eighth Avenue Corridor are parts. The Theater Subdistrict extends from 40th Street to 57th Street and from Avenue of the Americas to Eighth Avenue. The Theater Subdistrict Core extends from 43rd Street to 50th Street and from a line 200 feet west of Avenue of the Americas to a line 100 feet east of Eighth Avenue.~~

The Theater Subdistrict is bounded by West 57th Street, Avenue of the Americas, West 40th Street, Eighth Avenue, West 42nd Street, a line 150 feet west of Eighth Avenue, West 56th Street, and Eighth Avenue.

The Theater Subdistrict Core is bounded by West 50th Street, a line 200 feet west of Avenue of the Americas, West 43rd Street and a line 100 east of Eighth Avenue.

The Eighth Avenue Corridor is bounded by West 56th Street, a line 100 feet east of Eighth Avenue, West 43rd Street, Eighth Avenue, West 42nd Street, and a line 150 feet west of Eighth Avenue.

The west side of Eighth Avenue between 42nd and 56th Street is also subject to the provisions of the Special Clinton District to the extent set forth in Article IX, Chapter 6 subject to Section 81-023 (Applicability of Special Clinton District Regulations).

~~Their~~ These boundaries are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A. The regulations of Sections 81-72 to 81-75, inclusive, supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District# of which the Subdistrict, ~~and the Core are~~ is a parts.

In order to preserve and protect the character of the Theater Subdistrict as a cultural, theatrical and entertainment showcase as well as to help insure a secure basis for the useful cluster of shops, restaurants and related amusement activities, special incentives and controls are provided for the preservation and rehabilitation of existing theaters, ~~and the creation of new legitimate theaters,~~ and special restrictions are placed on ground floor #uses# within the Subdistrict. In order to preserve and protect the special scale and character of the Theater Subdistrict Core, which includes Times Square, special #building street wall# height and setback controls and requirements for the inclusion of #illuminated signs# and entertainment and entertainment-related #uses# apply within the Subdistrict Core. In order to ensure the orderly growth and development of the Eighth Avenue

Corridor and its transition to the scale and character of adjoining midblocks, special building street wall, height and setback controls apply within the Corridor. In order to preserve and maintain the character of the western edge of the Theater Subdistrict as both an integral part of the Theater Subdistrict and as a transition to the Clinton neighborhood, the west side of Eighth Avenue between 42nd and 56th streets is also subject to the provisions of the Special Clinton District.

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

The City of New York acting through the Mayor shall designate a Theater Subdistrict Council ("Council") comprised of representatives of the performing arts, the theatrical industry and related professions, and which may include government representatives and representatives of Business Improvement Districts and economic development projects active within the Theater Subdistrict. The Council shall be a not-for-profit organization whose organizational purpose shall be limited solely to promoting theater and theater-related use and preservation within the Theater Subdistrict and promoting the welfare of the Theater Subdistrict generally. The Council shall advise the Chairperson or the City Planning Commission concerning applications for any special permit or certification pursuant to the special regulations for the Theater Subdistrict and shall be the holder and administrator of the funds received in connection with transfers of development rights from listed theaters pursuant to Section 81-744 (Transfer of development rights from listed theaters) in accordance with the provisions for the Theater Subdistrict Fund set forth in paragraph (h) of Section 81-741 (General Provisions).

Applications shall be referred by the Commission to the Council for an advisory report prior to certification for ULURP (Uniform Land Use Review Procedure) review. Such advisory report shall assist the Commission in evaluating each special permit application and in making each of the required findings therein concerning demolition pursuant to Section 81-742 or the #floor area# bonus pursuant to Sections 81-744 or 81-745. In all special permits or certifications involving the preservation or rehabilitation of existing theaters, the Council shall advise the Commission on the adequacy of the assurances required by Section 81-743 for continuance of legitimate theater #use#.

81-72

## Use Regulations Modified

Within that portion of the Theater Subdistrict bounded by West 40th Street, a line 100 feet east of Eighth Avenue, West 51st Street and a line 200 feet west of Avenue of the Americas, #uses# which are created by #development#, or which are #enlarged# or #extended#, shall be subject to the provisions of this Section.

\* \* \*

81-723

## Special ground floor street frontage restrictions

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

\* \* \*

81-724

## Requirements for entertainment-related uses

With the exception of a #development# or #enlargement# in which more than 50 percent of the new #floor area# is allocated to #transient hotel use#, a #development# or #enlargement# on a #zoning lot# with more than 50 percent of its #zoning lot# area located within the Theater Subdistrict Core shall meet the following requirements:

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

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

- (b) ~~Alternatively, by authorization of the City Planning Commission, a maximum of 75 percent of the amount of floor space specified above in paragraph (a) of this Section may be located on a separate #zoning lot#, with the remainder located on the same #zoning lot# as the #development# or #enlargement#, by authorization of the City Planning Commission provided, upon examination of proposed plans, the Commission finds that:~~

- (1) either of the following conditions exist:
- (i) more than 50 percent of the area of the separate #zoning lot# is located within the Theater Subdistrict Core; or
  - (ii) the ~~portion of~~ floor space located on the separate #zoning lot# is allocated in its entirety to studios; music, dancing or theatrical, as listed in Section 81-725 (Entertainment-related uses) and the separate #zoning lot# is located within the Theater Subdistrict;
- (2) the ~~portion of~~ floor space located on the separate #zoning lot# is ~~provided separately from and~~ in addition to any floor space provided to meet the requirements of this Section for any other #development# or #enlargement#;
- (3) the ~~portion of~~ floor space located on the separate #zoning lot# is constructed or renovated specifically for the purpose of meeting the requirements of this Section and has not been utilized for any of the #uses# listed in Section 81-725 (Entertainment-related uses) at any time during the ~~period of two years period~~ immediately prior to the date on which authorization described in this ~~paragraph (a)~~ Section is granted; and
- (4) the #use# located on the separate #zoning lot# ~~maintains~~ achieves a reasonable distribution of entertainment-related #uses# and locations of such #uses#.

\* \* \*

81-74

Special Incentives and Controls in the Theater Subdistrict

81-741

General provisions

~~(a) Special permits by the City Planning Commission~~

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

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

~~(2) authorizing transfer of development rights from #zoning lots# occupied by theaters which are designated landmarks in accordance with the provisions of Section 81-747; and~~

~~(3) authorizing demolition of theaters where permissible under the provisions of Section 81-742.~~

~~(b) Certification by the Chairperson of the City Planning Commission~~

~~By certification of the Chairperson of the City Planning Commission:~~

~~(1) bonus #floor area# may be authorized for the retention of any eligible existing listed theater in accordance with the provisions of Section 81-744 (Floor area bonus for retention of certain existing listed theaters);~~

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

~~(3) bonus #floor area# may be authorized for a through #block# galleria in accordance with the provisions of Section 81-748 (Floor area bonus for through block gallerias).~~

~~(a) Certification by the Chairperson of the City Planning Commission~~

~~In the Theater Subdistrict, the following actions are permitted upon certification by the Chairperson of the City Planning Commission:~~

~~(1) transfer of development rights from any eligible theater in accordance with the provisions of Section 81-744 (Transfer of development rights from listed theaters);~~

~~(2) modification of the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries).~~

~~(b) Special Permit by the City Planning Commission~~

~~In the Theater Subdistrict, the City Planning Commission may allow, by special permit:~~

- (1) demolition of a theater where permissible under the provisions of Section 81-742 (Listed theaters);
- (2) transfer of development rights from any eligible theater in accordance with the provisions of Section 81-744 (Transfer of development rights from listed theaters);
- (3) a #floor area# bonus for rehabilitation of an existing theater in accordance with the provisions of Section 81-745 (Floor area bonus for rehabilitation of existing theaters);
- (4) transfer of development rights from a #zoning lots# occupied by a theater which is a designated landmark in accordance with the provisions of Section 81-747 (Transfer of development rights from landmark theaters), and
- (5) additional #floor area# and modifications to the special #street wall# and setback regulations set forth in Section 81-751 (Special street wall and setback regulations within the Theater Subdistrict Core) in connection with legitimate theater use within a #development# or #enlargement#, in accordance with the provisions of Section 81-748 (Floor area for new legitimate theaters).

(c) Additional floor area bonuses

All #developments# located on the west side of Eighth Avenue between 42nd and 56th Streets within the Theater Subdistrict may receive an increase in #floor area# pursuant to Section 96-21 (Floor Area Increase) for those #developments# complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING).

(e)(d) Required assurances

All ~~such authorizations~~ by special permits or certifications and involving preservation of existing theaters shall be subject to the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use).

(d)(c) Limits on total additional #floor area#

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

buildings).

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

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

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

For #zoning lots# or portions thereof in C6-4 or C6-5 Districts, some or all of the bonus #floor area# or other special #floor area# allowances permitted pursuant to the provisions of Sections 81-744, 81-745, 81-746 or 81-747, relating to the preservation or rehabilitation of existing theaters, may be allocated to a #residential building# or the #residential# portion of a #mixed building#, provided that the total #residential floor area ratio# with such #floor area# allowances shall not exceed 12.0.

(h) Theater Subdistrict Fund

In furtherance of the purposes of this Section, the Theater Subdistrict Council shall establish a separate interest-bearing account (the "Theater Subdistrict Fund" or "Fund") for the deposit and administration of the revenues received by the Theater Subdistrict Council generated by the transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). Upon receipt of any revenue generated pursuant to such Section, the Theater Subdistrict Council shall notify the Comptroller and the Department of City Planning, and promptly deposit such revenues into the Theater Subdistrict Fund and shall expend such revenues and any interest accumulated thereon in the following manner:

- (i) a portion of any such revenues shall be reserved, sufficient in the judgment of the Theater Subdistrict Council but in no event less than 20 percent of such revenues, to undertake the ongoing periodic inspection and maintenance report requirements pursuant of paragraph (c) of Section 81-743.
- (ii) the remainder of such revenue shall be used for activities chosen by the Theater Subdistrict Council furthering the objectives and purposes of this Section, which activities may include judicial or administrative proceedings instituted by the Theater Subdistrict Council against any property owner or lessee to enforce the obligations of such owner or lessee pursuant to any restrictive declaration entered into in connection

with a transfer of development rights pursuant to Section 81-744 (Transfer of development rights from listed theaters). Notwithstanding the foregoing, funds shall not be used for the physical repair and preservation of theaters.

The Theater Subdistrict Council shall provide an annual report to the Department of City Planning indicating the amounts and dates of any deposits to the Theater Subdistrict Fund in the immediately preceding calendar year, the balance of the Theater Subdistrict Fund at the close of the calendar year, the amounts expended on activities within the Theater Subdistrict and the nature of those activities. The Theater Subdistrict Council shall maintain complete, accurate and detailed records, with supporting documentation, in respect to all deposits to and withdrawals from the Theater Subdistrict Fund, and shall make such records available to the City of New York and the Department of City Planning upon reasonable notice and during business hours for inspection and copying.

~~(g) Certification for subway station improvements~~

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

81-742

Restrictions on demolition of theaters

Listed theaters

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

- ~~(a) it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I, Article 8 of the New York City Administrative Code;~~
- ~~(b) it has been designated a landmark by the Landmarks Preservation Commission and a notice to proceed has been issued to the owner pursuant to Section 207 8.0 of Chapter 8A of the New York City Administrative Code permitting demolition that contemplates removal of the theater from theater #use#; or~~
- ~~(c) the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action permits its demolition upon making the following findings:
 
  - ~~(1) that demolition of the theater structure will not unduly diminish the character of the Theater Subdistrict as a cultural, entertainment and~~~~



~~theatrical showcase, taking into consideration any or all of the following list of factors:~~

- ~~(i) current physical characteristics of the theater that affect its suitability as a legitimate theater, including but not limited to seating capacity, configuration and location;~~
- ~~(ii) history of its #use# as a legitimate theater, presenting legitimate attractions to the general public;~~
- ~~(iii) likelihood of its future #use# for legitimate theater production under reasonable terms and conditions prevailing in the theater industry;~~
- ~~(iv) applicant's plans, if any, for replacement of the theater structure with a #development# containing replacement #uses# supportive of the character of the Theater Subdistrict; and~~

~~(2) that there exists a legal commitment binding upon all parties in interest of the #zoning lot# containing the theater that any #development# or #enlargement# on a #zoning lot# containing a portion or all of the former site of the listed theater shall reserve floor space at least equivalent in amount to the total #floor area# of the theater devoted exclusively to #uses# described in Section 81 725 (Entertainment-related uses) and meeting the requirements of Section 81 724 (Requirements for entertainment related uses) for the life of such #development# or #enlargement#. If the area of the #zoning lot# containing the theater is less than 20,000 square feet and the Commission finds that the allocation of floor space at least equivalent in amount to the total #floor area# of the theater to #uses# described in Section 81 725 (Entertainment related uses) is impractical or unreasonable, the Commission may authorize a reduction in the amount of area allocated to such #uses#.~~

~~Any #development# or #enlargement# on a #zoning lot# containing a portion or all of the former site of a listed theater must, however, meet the requirements of Section 81 724 (Requirements for entertainment-related uses), whether or not the #zoning lot# is located within the area described in that Section.~~

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

TABLE A  
LISTED THEATERS

Theater Name	Address	Block Number	Lot Number
*Ambassador	215 West 49th St.	1021	15
*Barrymore	243 West 47th St.	1019	12
Belasco	111 West 44th St.	997	23
*Biltmore	261 West 47th St.	1019	5
*Booth	222 West 45th St.	1016	15
*Broadhurst	235 West 44th St.	1016	11
*Broadway	1681 Broadway	1024	46
*Brook Atkinson	256 West 47th St.	1018	57
City Center	131 West 55th St.	1008	15
*Cort	138 West 48th St.	1000	49
*Ed Sullivan	1697 Broadway	1025	43
Empire	236 West 42nd St.	1013	50
*Eugene O'Neill	230 West 49th St.	1020	53
*Forty Sixth St.	226 West 46th St.	1017	48
*Golden	252 West 45th St.	1016	58
Harris	226 West 42nd St.	1013	45
*Helen Hayes	240 West 44th St.	1015	51
*Henry W. Miller	124 West 43rd St.	995	45

*Hudson	139 West 44th St.	997	15
*Imperial	249 West 45th St.	1017	10
Liberty	234 West 42nd St.	1013	49
*Longacre	220 West 48th St.	1019	50
*Lunt-Fontanne	205 West 46th St.	1018	20
Lyceum	149 West 45th St.	998	8
Lyric	213 West 42nd St.	1014	39
*Majestic	245 West 44th St.	1016	5
*Mark Hellinger	237 West 51st St.	1023	11
*Music-Box	239 West 45th St.	1017	11
*Nederlander	208 West 41st St.	1012	30
*Neil Simon	250 West 52nd St.	1023	54
New Amsterdam	214 West 42nd St.	1013	39
New Amsterdam Roof Garden	214 West 42nd St.	1013	39
New Apollo	234 West 43rd St.	1014	20
Palace	1564 Broadway	999	63
*Plymouth	236 West 45th St.	1016	51
Ritz	225 West 48th St.	1020	14
*Royale	242 West 45th St.	1016	55
*St. James	246 West 44th St.	1015	54

Selwyn	<del>229 West 42nd St.</del>	<del>1014</del>	<del>17</del>
*Shubert	<del>225 West 44th St.</del>	<del>1016</del>	<del>15</del>
*Studio 54	<del>254 West 54th St.</del>	<del>1025</del>	<del>58</del>
Times Square	<del>219 West 42nd St.</del>	<del>1014</del>	<del>20</del>
Victory	<del>209 West 42nd St.</del>	<del>1014</del>	<del>25</del>
*Virginia	<del>245 West 52nd St.</del>	<del>1024</del>	<del>7</del>
Winter Garden	<del>1634 Broadway</del>	<del>1022</del>	<del>2</del>

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

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~~In the case of an existing legitimate theater for whose construction bonus #floor area# was granted pursuant to regulations in effect prior to the May 13, 1982, no provisions of this amendment shall be construed as changing any previously existing responsibility of the owner or lessee of such theater for continuance of its #use# as a legitimate theater.~~

(a) **Designation of listed theaters**

Listed theaters are theaters to which special provisions of this and other Sections as set forth in 81-741 (General Provisions) apply, and are predominantly free-standing theaters with full stage and wings. The theaters identified in the following table are designated as "listed theaters."

## LISTED THEATERS

Theater Name	Address	Block Number	Lot Number
Ambassador	215 West 49th St.	1021	15
Barrymore	243 West 47th St.	1019	12
Belasco	111 West 44th St.	997	23
Biltmore	261 West 47th St.	1019	5
Booth	222 West 45th St.	1016	15
Broadhurst	235 West 44th St.	1016	11
Broadway	1681 Broadway	1024	46
Brook Atkinson	256 West 47th St.	1018	57
City Center	131 West 55th St.	1008	15
Cort	138 West 48th St.	1000	49
Ed Sullivan	1697 Broadway	1025	43
*Empire	236 West 42nd St.	1013	50
Eugene O'Neill	230 West 49th St.	1020	53

Forty-Sixth St.	226 West 46th St.	1017	48
Golden	252 West 45th St.	1016	58
*Harris	226 West 42nd St.	1013	45
Helen Hayes	240 West 44th St.	1015	51
Henry W. Miller	124 West 43rd St.	995	45
Hudson	139 West 44th St.	997	15
Imperial	249 West 45th St.	1017	10
*Liberty	234 West 42nd St.	1013	49
Longacre	220 West 48th St.	1019	50
Lunt-Fontanne	205 West 46th St.	1018	20
Lyceum	149 West 45th St.	998	8
*Lyric	213 West 42nd St.	1014	39
Majestic	245 West 44th St.	1016	5
Martin Beck	302 West 45th St.	1035	37
Mark Hellinger	237 West 51st St.	1023	11

<b>Music Box</b>	<b>239 West 45th St.</b>	<b>1017</b>	<b>11</b>
<b>Nederlander</b>	<b>208 West 41st St.</b>	<b>1012</b>	<b>30</b>
<b>Neil Simon</b>	<b>250 West 52nd St.</b>	<b>1023</b>	<b>54</b>
<b>*New Amsterdam</b>	<b>214 West 42nd St.</b>	<b>1013</b>	<b>39</b>
<b>*New Amsterdam- Roof Garden</b>	<b>214 West 42nd St.</b>	<b>1013</b>	<b>39</b>
<b>*New Apollo</b>	<b>234 West 43rd St.</b>	<b>1014</b>	<b>20</b>
<b>Palace</b>	<b>1564 Broadway</b>	<b>999</b>	<b>63</b>
<b>Plymouth</b>	<b>236 West 45th St.</b>	<b>1016</b>	<b>51</b>
<b>Ritz</b>	<b>225 West 48th St.</b>	<b>1020</b>	<b>14</b>
<b>Royale</b>	<b>242 West 45th St.</b>	<b>1016</b>	<b>55</b>
<b>St. James</b>	<b>246 West 44th St.</b>	<b>1015</b>	<b>54</b>
<b>*Selwyn</b>	<b>229 West 42nd St.</b>	<b>1014</b>	<b>17</b>
<b>Shubert</b>	<b>225 West 44th St.</b>	<b>1016</b>	<b>15</b>
<b>Studio 54</b>	<b>254 West 54th St.</b>	<b>1025</b>	<b>58</b>
<b>*Times Square</b>	<b>219 West 42nd St.</b>	<b>1014</b>	<b>20</b>

*Victory	209 West 42nd St.	1014	25
Virginia	245 West 52nd St.	1024	7
Winter Garden	1634 Broadway	1022	2

\* Indicates theaters which do not qualify as a "granting site" pursuant to Section 81-744 (Transfer of development rights from listed theaters).

In the case of an existing legitimate theater that received a #floor area# bonus pursuant to regulations in effect prior to May 13, 1982, no provisions of this amendment shall be construed as changing any previously existing responsibility of the owner or lessee of such theater for continuance of its #use# as a legitimate theater.

(b) Restrictions on demolition of listed theaters

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

- (1) it is an unsafe #building# and demolition is required pursuant to the provisions of Section 26-127 of Title 26, Chapter 1 of the New York City Administrative Code;
- (2) it has been designated a landmark by the Landmarks Preservation Commission and a notice to proceed has been issued to the owner pursuant to Section 25-309 of Title 25, Chapter 3 of the New York City Administrative Code permitting demolition that contemplates removal of the theater from theater #use#; or
- (3) the City Planning Commission, by special permit, allows its demolition in accordance with the provisions of paragraph (c) of this Section.

(c) Special permit for demolition of listed theaters

The City Planning Commission may allow, by special permit, the demolition of a theater designated as a listed theater pursuant to this Section provided the Commission finds that the demolition of the theater structure will not unduly



diminish the character of the Theater Subdistrict as a cultural, entertainment and theatrical showcase. In making this determination, the Commission may consider any or all of the following:

- (1) the current physical characteristics of the theater that affect its suitability as a legitimate theater, including but not limited to seating capacity, configuration and location;
- (2) the history of the theater's #use# as a legitimate theater, presenting legitimate attractions to the general public;
- (3) the likelihood of its future #use# for legitimate theater production under reasonable terms and conditions prevailing in the theater industry; and/or
- (4) that the applicant's plans, if any, for replacement of the theater structure with a #development# contain replacement #uses# supportive of the character of the Theater Subdistrict.

As a condition of the special permit, there shall exist a legal commitment binding upon all parties in interest of the #zoning lot# containing the theater that any #development# or #enlargement# on a #zoning lot# containing a portion or all of the former site of the listed theater, that floor space at least equivalent in amount to the total #floor area# of the theater shall be reserved or devoted exclusively to #uses# described in Section 81-725 (Entertainment-related uses) and meeting the requirements of paragraphs (b) and (c) of Section 81-724 (Requirements for entertainment-related uses) for the life of such #development# or #enlargement#. Notwithstanding the foregoing, if the area of the #zoning lot# containing the theater is less than 20,000 square feet and the Commission finds that the allocation of floor space at least equivalent in amount to the total #floor area# of the theater to #uses# described in Section 81-725 (Entertainment-related uses) is impractical or unreasonable, the Commission may permit a reduction in the amount of area allocated to such #uses#.

Any #development# or #enlargement# on a #zoning lot# containing a portion or all of the former site of a listed theater must, however, meet the requirements of paragraphs (b) and (c) of Section 81-724 (Requirements for entertainment-related uses), whether or not the #zoning lot# is located within the area described in that Section.

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

(a)(1) a signed lease from a prospective theater operator, or a written commitment from the owner of the theater if such owner is also the operator, ~~with credentials acceptable to the City Planning Commission,~~ for occupancy of the theater and its operation as a legitimate theater for a period of not less than five years;

(2) a licensed engineer's and/or architect's report certifying either that the theater is physically and operationally sound so as to permit its use as a legitimate theater or, if it is determined that the theater is not physically or operationally sound, a plan and program for the upgrade of the theater to put it in condition of physical and operational soundness. For the purposes of this subsection, physical and operational soundness shall include the structural integrity of the exterior and interior elements of the building to the extent that they relate to the theater; compliance with applicable electrical and fire safety codes, and compliance with applicable building code standards. The plan and program shall further provide that adequate resources be available to ensure timely completion of the scope of work identified in the plan and program as necessary to ensure the physical and operational integrity of the theater.

In the event that the theater has been designated as a landmark or an interior landmark by the Landmarks Preservation Commission, physical and operational soundness shall include preserving the integrity of existing significant architectural features identified in the Landmarks Preservation Commission designation report. In such case, a licensed engineer and/or architect with knowledge of historic preservation and credentials acceptable to the Landmarks Preservation Commission shall prepare a report documenting the condition of such significant architectural features and, if determined to be necessary, a plan and program to preserve such significant features in a state of good physical repair and sound proper condition. Such plan and program shall provide that adequate resources be available to ensure timely completion of the scope of work identified in the plan and program. Any certification report regarding a landmark or interior landmark

theater shall be submitted concurrently to the Landmarks Preservation Commission and the Chairperson of the City Planning Commission;

- (e) ~~a plan and program approved by the Commission for periodic inspection and continuing maintenance of the theater to ensure its continuing availability for theater #use#. Inspections shall be conducted by a certified engineer and/or architect, and a report of each such inspection given to Commission at least once every three years. The plan and program shall further provide that adequate financial resources will be available to ensure the timely completion of all maintenance and repairs which the periodic inspection report determines are necessary to protect the integrity and functioning of the theater; and~~

- (3) a legal commitment providing for inspection and ongoing maintenance of the theater to ensure its continued availability for theater use. Such inspection shall be conducted every ten years by a licensed engineer and/or architect or by the Theater Subdistrict Council, and a report issued to the Chairperson of the City Planning Commission. Such report shall also be issued to the Theater Subdistrict Council unless the Theater Subdistrict Council has performed such inspection, and, in the event the theater has been designated a landmark or an interior landmark, such report shall also be issued to the Landmark Preservation Commission. Such reports shall describe the condition of the theater and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the theater and to maintain the condition of any landmark architectural features and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work;

- (b)(4) a legal commitment binding upon the owner and lessee of the theater for continuance of its #use# as a legitimate theater for the life of the related #development#, that may be modified only in accordance with paragraphs (b) or (c) of this Section.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner, lessee of the theater and their successors and assigns, a certified copy of which shall be submitted to the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the declaration and receipt of such certified copy shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

(b) The City Planning Commission may authorize a temporary change of #use# of such theater, for a period no longer than a year, to other uses that contain a theatrical component and are consistent with the objectives and purpose of the Theater Subdistrict subject to the following findings:

- (1) the theater has not been used for legitimate theater purposes for more than 60 percent of the days over a minimum period of five years;
- (2) the change of #use# shall not include structural changes or other physical changes that would preclude or negatively impact the continued availability of the theater for legitimate theater, after such temporary #use#; and
- (3) the theater has complied with all written agreements and commitments set forth in this Section.

Upon application, the authorization may be renewed or extended for two additional one-year terms, for a maximum total of three years by the Chairperson of the City Planning Commission based on the determination that the facts have not substantially changed.

(c) The City Planning Commission, after a period of no less than 25 years from the later of either the date of approval of a certification or special permit resulting in the legal commitment for continuing #use# of a theater as legitimate theater pursuant to this Section, or (the effective date of this amendment), by special permit may reduce or discontinue such theater's #use# as a legitimate theater subject to a finding that the proposed reduction or discontinuance would result in a change of #use# that will provide a public benefit consistent with the objectives and purpose of the Theater Subdistrict as set forth in Section 81-71 (General Provisions).

#### 81-744

##### Floor area bonus for retention of certain existing listed theaters

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

(a) Amount of retention bonus

- (1) If the #zoning lot# on which the #development# or #enlargement# is located is within the Theater Subdistrict but wholly outside of the

~~Theater Subdistrict Core, all as defined in Section 81-71 (General Provisions), the amount of bonus #floor area# granted shall not exceed the amount of #floor area# derived from applying a #floor area ratio# of 1.0 over the total area of the #zoning lot#.~~

~~If the #zoning lot# on which the #development# or #enlargement# is located is divided by a boundary of the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), the amount of bonus #floor area# granted shall not exceed the amount of #floor area# derived from applying a #floor area ratio# of 1.0 over the sum of:~~

~~(i) the area of the #zoning lot# which is outside of the Theater Subdistrict Core; and~~

~~(ii) an area of the #zoning lot# within the Theater Subdistrict Core, not exceeding the area in paragraph (i).~~

~~(2) Such bonus #floor area# may be obtained at a rate of up to 50,000 square feet for each theater which is retained as a condition of the granting of the bonus.~~

~~(3) If the #zoning lot# on which the #development# or #enlargement# is located exceeds 50,000 square feet in area, agreements may be entered into to retain and maintain more than one theater for legitimate theater #use# so as to obtain bonus #floor area# not exceeding the amount specified in paragraph (1) of this Section.~~

~~(b) Location of development or enlargement~~

~~The #development# or #enlargement# for which a theater retention bonus is granted shall be located within the Theater Subdistrict, whose boundaries are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A, but shall not be located on a #zoning lot# which is contained entirely within the Theater Subdistrict Core. If the #zoning lot# on which the #development# or #enlargement# is located is divided by a boundary of the Theater Subdistrict Core and if the basic maximum #floor area ratio# as set forth in Section 81-211 (Maximum floor area ratios for non residential or mixed buildings) is the same for both the portion of the #zoning lot# within the Core and the portion outside of the Core, bonus #floor area# must be utilized on the #zoning lot# in accordance with the provisions of paragraph (b) of Section 81-746 (Additional provisions for zoning lots divided by district or Subdistrict Core boundaries). Each listed theater which is retained as a condition of the granting of the bonus may be located on a #zoning lot# which is the same as or separate from the #zoning lot# containing the #development# or #enlargement#.~~

(c) ~~Conditions for retention bonus~~

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

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

## 81-744

Transfer of development rights from listed theatersFor the purposes of the Theater Subdistrict:

A "listed" theater shall mean a theater designated as listed pursuant to Section 81-742 (Listed Theaters).

A "granting site" shall mean either a #zoning lot# or that portion of a #zoning lot# occupied by a "listed" theater and comprised of those block and lot numbers specified for such theater pursuant to Table A of Section 81-742 (Listed Theaters), as such block and lots existed on (the effective date of this amendment). However, a "granting site" shall not include any #zoning lot# occupied by a "listed" theater located within the geographical area covered by the 42nd Street Development Land Use Improvement Project, adopted by the New York State Urban Development Project in 1984, as such Project has and may be subsequently amended.

A "receiving site" shall mean a #zoning lot# or the portion of a #zoning lot# located within the Theater Subdistrict to which development rights of the #granting site" are transferred. However, no portion of a "receiving site" shall be located within the 42nd Street Development Project Area. In addition, for #zoning lots# containing "listed"

theaters, that portion of the #zoning lot# occupied by the "listed" theater and comprised of the block and lot numbers specified for such theater pursuant to Table A of Section 81-742 (Listed Theaters) shall not be included in the "receiving site"

Any "receiving site" divided by a district boundary or Theater Subdistrict Core boundary may locate bulk in accordance with the provisions of Section 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries).

(a) Transfer of development rights by certification

Within the Theater Subdistrict, the Chairperson of the City Planning Commission shall allow, by certification, a transfer of development rights from a "granting site" to a "receiving site" provided that:

- (1) the maximum amount of #floor area# transferred from a "granting site" is the basic maximum #floor area ratio# established pursuant to Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) for such #granting site# as if it were undeveloped, less the total #floor area# of all existing #buildings# or portions of #buildings# on the #granting site# and #floor area# attributed to the "granting site" that has been previously used or transferred;
- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be #developed# on the #zoning lot# containing the "granting site" by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a "receiving site" shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) for such #receiving site# by more than 20 percent or, for a "receiving site" or any portion of a "receiving site" located within the Eighth Avenue Corridor, by more than 44 percent.
- (4) the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) are met, and
- (5) appropriate legal documents are executed ensuring that a contribution in an amount equal to ten dollars per square foot of transferred #floor area# be deposited in the Theater Subdistrict Fund established pursuant to paragraph (h) of Section 81-741 (General Provisions) at the earlier of either the time of closing on the transfer of development rights pursuant to this Section or the filing for any building permit for any #development# or #enlargement# that anticipates using such development rights.

The Chairperson of the City Planning Commission may adjust such amount no more than once every three years. Adjustments shall be based on the change in assessed value of all properties on #zoning lots# wholly within the Theater Subdistrict.

The Chairperson shall not grant such certification prior to thirty days after the date any reports required to be submitted to the Landmarks Preservation Commission pursuant to Section 81-743(b), or the Council pursuant to Section 81-71 (General Provisions) have been so submitted.

(b) Transfer of development rights by special permit

The City Planning Commission may allow by special permit an additional transfer of development rights beyond the amount of #floor area# transfer permitted by certification in accordance with paragraph (a) of this Section from a "granting site" to any portion of a "receiving site" located within C6-7T, C5-3, C6-6 and C6-7 districts subject to the following conditions:

- (i) no feasible transfer of development rights is possible from landmark theaters pursuant to Section 81-747 (Transfer of development rights from landmark theaters) or other landmarks pursuant to Section 74-79 (Transfer of development rights from landmark sites) to the "receiving site";
- (ii) the maximum amount of such additional #floor area# transferred to that portion of a "receiving site" located within such districts shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) for such portion of a "receiving site" by more than 20 percent; and
- (iii) notwithstanding the maximum amount of #floor area# allowed to be transferred pursuant to paragraph (i) above, such transfer complies with the conditions and limitations set forth for the transfer of development rights by certification in paragraph (a) of this Section.

In order to grant a special permit the City Planning Commission shall find:

- (1) that such additional #floor area# will not unduly increase the bulk of any new #development# or #enlargement# on the "receiving site", density of population, or intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area; and
- (2) that the distribution and location of such bulk will not adversely affect



the surrounding area by restricting light and air or otherwise impair the essential character or future #development# of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding areas.

(c) Requirements for Application

An application filed with the Chairperson of the City Planning Commission for the transfer of development rights by certification pursuant to paragraph (a) of this Section or with the City Planning Commission for the transfer of development rights by special permit pursuant to paragraph (b) of this Section shall be made jointly by the owners of the "granting site" and "receiving site" and shall include:

(1) a site plan and #floor area# zoning calculations for the #granting site# and the #receiving site#, and, for special permit applications, any such other information as may be required by the City Planning Commission; and

(2) a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with a notice of the restrictions limiting further #development# of the "granting site" and the "receiving site". The notice of restrictions shall be filed by the owners of the respective lots in the Borough Office of the Register of the City of New York, indexed against the "granting site" and the "receiving site", a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of the certified copy shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the "receiving site".

Both the instrument of transfer and the notice of restrictions shall specify the total amount of #floor area# transferred and shall specify by lot and block numbers the lots from which and the lots to which such transfer is made.

(3) demonstrations of compliance with the requirements of Section 81-743 and paragraph (a)(5) of Section 81-744, including all necessary legal documents. Issuance of any building permit, including any foundation or alteration permit, shall be conditioned upon the filing of such legal documents in the Borough Office of the Register of the City of New York and receipt by the City Planning Commission of certified copies of same as required pursuant to Section 81-743.

~~A separate application shall be filed for each transfer of development rights to an independent "receiving site".~~

81-745

Floor area bonus for rehabilitation of existing listed theaters

~~The Commission by special permit may authorize bonus #floor area# for substantial rehabilitation or restoration of any theater listed as a listed theater in Section 81-742 (Restrictions on demolition of theaters), in accordance with the provisions of this Section.~~

~~(a) Conditions for rehabilitation bonus~~

~~As a condition for the issuance of a special permit under the provisions of this Section, the following requirements shall be satisfied:~~

~~(1) Location of development~~

~~The #development# for which a theater rehabilitation bonus is granted shall be located on the same #zoning lot# as the listed theater.~~

~~(2) Qualification of substantial rehabilitation~~

~~Substantial rehabilitation work qualifying for a #floor area# bonus shall consist of major interior structural changes for the purpose of improving a theater's design and its commercial viability for legitimate theater #use#, or historic restoration of the interior of a theater which has been designated as an interior landmark.~~

~~Substantial rehabilitation may include, without limitations, such work as expanding stage wings, re-raking the orchestra, increasing rehearsal, dressing room or lobby space, or historic restoration. It may also include reconversion to legitimate theater #use# of an original legitimate theater currently in other #use#. Substantial rehabilitation does not mean normal theater maintenance, painting or improvements to mechanical systems alone.~~

~~(3) Timing and commitment~~

~~(i) There shall be a contractual commitment or commitments for the construction work involved in the substantial rehabilitation;~~

- ~~(ii) the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be satisfied;~~
- ~~(iii) a rehabilitation bonus shall not be granted for a substantial rehabilitation completed before May 13, 1982.~~

~~(b) Amount of rehabilitation bonus~~

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

- ~~(1) how and to what extent the proposed rehabilitation will improve the theater's suitability for #use# as a legitimate theater; and~~
- ~~(2) how the proposed rehabilitation will contribute toward satisfying the needs of the Theater Subdistrict.~~

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

The City Planning Commission may allow by special permit bonus #floor area# for substantial rehabilitation or restoration of any theater designated as listed theater pursuant to Section 81-742 (Listed Theaters), provided the following conditions are met:

- (a) the #development# for which a theater rehabilitation bonus is granted is located on the same #zoning lot# as the listed theater;
- (b) substantial rehabilitation will be performed, consisting of major interior structural changes for the purpose of improving the theater's design and its commercial viability for legitimate theater #use#, or historic restoration of the interior of a theater designated as an interior landmark. Substantial rehabilitation may include, without limitation, such work as an expansion of stage wings, re-raking of the orchestra, an increase in the amount of rehearsal, dressing room or lobby space, historic restoration, or reconversion to legitimate theater #use# of an original legitimate theater currently in other #use#, but shall not mean normal theater maintenance, painting or improvements to mechanical systems alone;
- (c) the maximum amount of bonus #floor area# shall not exceed the basic maximum #floor area ratio# established pursuant to Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) for the #zoning lot# by more than

20 percent, or, for #zoning lots# located in C6-4, C6-5, or M1-6 Districts, by more than 44 percent,

- (d) there shall be a contractual commitment or commitments for the construction work involved in the substantial rehabilitation;
- (e) the provisions of Section 81-743 (Required Assurances for continuance of legitimate theater use) are met, and
- (f) no rehabilitation bonus shall be granted for a substantial rehabilitation completed before May 13, 1982.

In order to grant the special permit, the Commission shall make the following findings:

- (1) the proposed rehabilitation will improve the theater's suitability for #use# as a legitimate theater;
- (2) the proposed rehabilitation will contribute towards satisfying the needs of the Theater Subdistrict;
- (3) the bonus #floor area# will not unduly increase the bulk of any new #development# or #enlargement#, density of population, or intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area, and
- (4) the distribution and location of such #floor area# bonus will not adversely affect the surrounding area by restricting light and air or otherwise impair the essential character or future #development# of the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding areas.

For purposes of applying the provisions of Section 11-42 (Lapse of Authorization of Special Permit by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to a special permit granted pursuant to this Section, "substantial construction" shall mean substantial rehabilitation, as described in paragraph (b) of this Section, of the subject theater for which a #floor area# bonus has been granted to a related #development#.

#### 81-746

Additional provisions for zoning lots divided by district or subdistrict core boundaries

- (a) For any #zoning lot# which includes a listed theater as set forth in Section 81-742 (~~Restrictions on demolition of theaters~~) (Listed Theaters) or is or contains a "receiving site" pursuant to Section 81-744 (Transfer of development rights

from listed theaters); and which is divided by a boundary between districts with different #bulk# regulations, basic maximum #floor area ratios# as set forth in Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings), the Chairperson of the City Planning Commission, by certification, may authorize modifications of the provisions of Section 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), Section 77-21 (General Provisions), Section 77-22 (Floor Area Ratio) and Section 77-25 (Lot Area or Floor Area Requirements), as follows:

For any #zoning lot#, whether or not it existed on December 15, 1961, or on the date of any applicable subsequent amendment thereto, #floor area# or #rooms# permitted by the applicable district regulations on that either side of the district boundary occupied by the theater may be located on the other side of the district boundary subject to the following conditions provided:

- (1) the amount of such #floor area# to be located on the other either side of the district boundary shall not exceed 20 percent of the basic maximum #floor area ratio# of the district in which it is to be located;
- (2) the number of such #rooms#, if any, to be located on the other either side of the district boundary shall not exceed the number permitted by the #floor area per room# requirements as set forth in Section 81-242 (Density regulations for residential and mixed buildings); and
- (3) ~~compliance with~~ the provisions of Section 81-743 (Required assurances for continuance of legitimate theater use) ~~are not~~.

The Chairperson's certification approving modification of the provisions for such #zoning lots# divided by district boundaries shall state the total amount of #floor area#, including #floor area# of the any existing theater, to be provided on the #zoning lot# as a whole and the portion thereof to be located in each district, and the amount authorized herein to be located across the district boundary from the district in which the theater is located.

Notice of the restrictions upon further #development# of each portion of the #zoning lot# shall be recorded by the owner against the #zoning lot# in the Office of the Register of the City of New York (County of New York) and a certified copy shall be submitted to the Commission.

- (b) Notwithstanding any other provisions of this Resolution, for any #zoning lot# which is divided by a boundary of the Theater Subdistrict Core as defined in Section 81-71 (General Provisions) and for which the basic maximum #floor area ratio# as set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings) is the same for both the portion within and the portion outside of the Theater Subdistrict Core, the applicable underlying #bulk#

regulations shall be modified as follows:

- (1) #floor area#, including bonus #floor area#, or #rooms# permitted by the applicable district regulations on that portion of the #zoning lot# within the Theater Subdistrict Core may be located on the portion of the #zoning lot# outside the Core, provided that the number of such #rooms#, if any, to be located outside of the Core shall not exceed the number permitted by the #floor area per room# requirements as set forth in Section 81-242 (Density regulations for residential and mixed buildings); and
- (2) #floor area#, including bonus #floor area#, or #rooms# permitted by the applicable district regulations on that portion of the #zoning lot# outside of the Theater Subdistrict Core shall not be located on the portion of the #zoning lot# within the Core.

(c) Notwithstanding any other provisions of this Resolution, for any #zoning lot# located wholly within the Theater Subdistrict and outside of the Theater Subdistrict Core that is divided by a boundary of the Eighth Avenue Corridor as defined in Section 81-71 (General Provisions) and for which the basic maximum #floor area ratio# as set forth in Section 81-211 (Maximum floor area ratios for non-residential or mixed buildings) is the same for both the portion within and the portion outside of the Eighth Avenue Corridor, #floor area#, including bonus #floor area#, or #rooms# permitted by the applicable district regulations may be located on either side of the Eighth Avenue Corridor boundary.

\* \* \*

#### 81-748

##### Floor area bonus for through block galleries

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

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

- (a) District plan requirements

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

~~(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.~~

~~(d) Access~~

~~It shall be open at each end, with width and height of opening not less than the applicable minimum width and height set forth in paragraph (e) of this Section. It may connect with, but not serve as, lobby space for a new #building# or a theater. It shall be open to the public between the hours of 8:00 a.m. and 7:00 except for certain legal holidays (December 25, January 1 and July 4).~~

~~(e) Minimum dimensions~~

~~Minimum dimensions depend on the length of the through #block# galleria, as follows:~~

~~THROUGH BLOCK GALLERIA LENGTH~~

~~less than 150 feet  
150 feet or more~~

~~Minimum width 20 feet 25 feet  
Average width 20 feet 30 feet  
Minimum height 20 feet 25 feet  
Average height 20 feet 20 feet~~

~~(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~~

~~(1) Columns or posts are permitted obstructions provided that the minimum width of the through #block# galleria exclusive of column widths shall be 20 feet and that the clear path width is at least 15 feet or two clear paths are provided, the paths being separated by columns and each having a minimum width of 10 feet.~~

~~(2) In areas outside the minimum clear path or paths, obstructions such as the following are permitted: planters, seating areas, landscape features, fountains, works of art, food kiosks, litter receptacles, drinking fountains, lights or lighting cranchions, public telephones, temporary exhibitions, retractable awnings and canopies and movable tables and chairs, provided that the total area occupied by such obstructions is less than 50 percent of the total area of the through #block# galleria minus the required clear path area.~~

~~(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 paragraph (j) of Section 37-043 (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.~~

~~(4) For through #block# gallerias with an average height of at least 45 feet, bridges or balconies are permitted as obstructions, provided that such bridges or balconies are at least 15 feet above the floor level of the galleria, the width of the bridge is not more than 8 feet, the width of a balcony is not more than 5 feet and the total area of such obstructions is not more than 10 percent of the total area of the galleria. Such obstructions may be enclosed provided that such enclosures are not more than 15 feet in height.~~

~~(h) Treatment of bounding walls~~

~~Along the length of a through #block# galleria, the bounding walls, except for walls along a #side lot line#, shall be lined insofar as possible with areas accessible to the public, display windows, or other exhibits, and such bounding walls shall be of transparent material. Walls along a #side lot line# may be treated with planting or other landscape features.~~

~~(i) Skylights~~

~~(1) Design standard~~

~~Skylights shall be provided having a minimum surface area equal to at least 75 percent of the through #block# galleria, and skylights shall cover at least 50 percent of the galleria's area as measured in plan and shall be unobstructed from the skylights up to the sky.~~

~~(2) Modification of design standard~~

~~The City Planning Commission may authorize a modification of the minimum area of a skylight for a through #block# galleria under the following conditions:~~

~~(i) the through #block# galleria contains a minimum~~

area of 6000 square feet;

~~(ii) the minimum height of the through #block# galleria is at least double its average width; and~~

~~(iii) the exterior bounding walls of the through #block# galleria are open or glazed above a height of 30 feet so as to permit additional natural light into the space.~~

~~The total amount of such open or glazed area, including the skylight shall be equal to at least 75 percent of the area of the through #block# galleria.~~

~~(j) Penalties for violations~~

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

81-748

Floor Area for New Legitimate Theaters

Within the Theater Subdistrict in C6-7T, C5-3, C6-6 and C6-7 Districts, the City Planning Commission may, by special permit, allow additional #floor area# for new legitimate theater use. Such additional #floor area# shall be up to a maximum #floor area ratio# of 2.0 calculated over that portion of the #zoning lot# located within such districts. However, where more than half of the #lot area# of the #zoning lot# is located within such districts, and the remaining portion is located outside of such districts, such additional #floor area ratio# of 2.0 may be calculated over the entire #zoning lot#. The Commission may also permit the modification of the #street wall# and setback regulations of Section 81-751 (Special Street Wall and Setback Regulations within the Theater Subdistrict Core) in connection with such #floor area# for new theater, subject to the following conditions:

(a) the total maximum #floor area# ratio inclusive of all bonuses and #floor area# used for new legitimate theater shall not exceed 21.6 on that portion of the #zoning lot# located within such districts, and

(b) such #floor area# shall be limited to floor space exclusively associated with legitimate theater use, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, lobbies, lounges, ticket offices and rest rooms and circulation space.

No modifications permitted by such special permit shall allow for the modification of signs required pursuant to Section 81-73 (Special Sign and Frontage Regulations).

In granting such special permit, the City Planning Commission shall make the following findings:

- (1) such floor area allowance shall not unduly increase the #bulk# of any new #development# or #enlargement#, density of population, or intensity of use on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area;
- (2) such modifications to #street wall# and setback regulations are necessary to accommodate the theater configuration and volume, are essential to ensure the proper functioning of the theater, and are limited to the minimum necessary to accommodate the theater; and
- (3) such modifications to #street wall# and setback regulations do not adversely affect access to light and air at #street# level as compared to that which would result from the application of the regulations set forth in Section 81-73 (Special Street Wall and Height and Setback Regulations);

The Commission may prescribe appropriate conditions and safeguards to minimize other adverse effects on the character of the surrounding area.

An application filed with the City Planning Commission for special permit pursuant to this Section shall be made jointly by the owners of the #development# or #enlargement# and the owner and/or operator of the theater and shall include floor plans and zoning calculations indicating the location and size of the legitimate theater, and shall include a legal commitment made by the theater owner and the developer for continuance of the #use# of such #floor area# as a legitimate theater and prohibition of the #use# of such #floor area# for any #use# other than legitimate theater use for the life of the related #development# or #enlargement#. The legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner, any lessee of the theater and their successors and assigns. The certificate of occupancy for the #building# containing the theater shall describe all #floor area# allocated as legitimate theater #use# for which such special permit has been granted.

#### 81-75

#### Special Street Wall and Setback Requirements

(existing Section 81-75 becomes new Section 81-751)

#Developments# or #enlargements# located on #zoning lots# or portions of #zoning lots# within the Theater Subdistrict Core or the Eighth Avenue Corridor shall comply

with the regulations of this Section. The height of all #buildings or other structures# shall be measured from #curb level#.

#### 81-7581-751

#### Special Street Wall and Setback Requirements Regulations within the Theater Subdistrict Core

#Developments# or #enlargements# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, or located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor shall comply with the requirements of this Section, and, in all other respects related to height and setback, with the provisions of Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), and either 81-26 (Height and Setback Regulations - Daylight Compensation) and or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation).

\* \* \*

(b) The #street wall# of any #building# on a #zoning lot# between 43rd and 50th Streets and between Seventh Avenue and Broadway shall have a minimum #street wall# height of 50 feet above #curb level# on all #street# frontages.

(c) For #zoning lots# located in partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor, the #street wall# of any #building# or portion of a #building# within the Theater Subdistrict Core shall have a minimum #street wall# height of 50 feet, or the height of the #building#, whichever is less, and a maximum #street wall# height of 60 feet within 15 feet of the #narrow street line#.

#### 81-752

#### Special Street Wall and Setback Regulations within the Eighth Avenue Corridor

#Developments# or #enlargements# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section 81-71, and east of Eighth Avenue shall comply with the requirements of this Section, and except as superseded by this Section, with the provisions of Section 81-25 (General Provisions Relating to Height and Setback of Buildings), and either 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation).

#Developments# or #enlargements# on #zoning lots# located in whole or in part within the Eighth Avenue Corridor, as defined in Section 81-71, and west of Eighth Avenue shall comply with the requirements of this Section. The provisions of Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), 81-26 (Height and Setback

Regulations - Daylight Compensation) and 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation) shall not apply except as set forth in paragraph (b)(1) of this Section.

(a) Street Wall Location and Minimum and Maximum Heights before Setbacks

(1) On Eighth Avenue and 42nd Street, #street walls# shall extend along the entire #street# frontage of the #zoning lot# to a minimum height of 50 feet or the height of the #building#, whichever is less. At least 70 percent of the #aggregate width of street walls# shall be located on the #street line#, and the remaining 30 percent of the #aggregate width of street walls# may be located beyond the #street line# in compliance with #residential outer court# regulations for #residential# portions of #buildings#, and #community facility outer court# regulations for all other portions of #buildings#. However, within 30 feet of the intersection of two #street lines#, #street walls# shall comply with the location requirements of paragraph (a)(3) of this Section. The maximum height of #street walls# within 10 feet of the #wide street line# shall be 150 feet beyond 15 feet of a #narrow street line# and 85 feet within 15 feet of a #narrow street line#.

(2) On a #narrow street# east of Eighth Avenue, and on a #narrow street# west of and within 100 feet of Eighth Avenue, #street walls# shall extend along the entire width of such #narrow street# frontage of the #zoning lot# to a minimum height of 50 feet or the height of the #building#, whichever is less. At least 70 percent of the #aggregate width of street walls# along such #narrow street# frontage shall be located on the #street line#, and the remaining 30 percent of the #aggregate width of street walls# may be located beyond the #street line# in compliance with #residential outer court# regulations for #residential# portions of #buildings#, and #community facility outer court# regulations for all other portions of #buildings#. However, within 30 feet of the intersection of two #street lines#, #street walls# shall comply with the location requirements of paragraph (a)(3) of this Section. The maximum height of #street walls# within 15 feet of the #narrow street line# shall be 85 feet.

No #street walls# are required along a #narrow street# west of and beyond 100 feet of Eighth Avenue provided at least 70 percent of the entire frontage of the #zoning lot# along such #narrow street# is occupied by #street walls# located on the #street line#. The maximum height of #street walls# within 15 feet of the #narrow street line# shall be 66 feet, except in accordance with paragraph (b)(3) of this Section.

(3) Within 30 feet of the intersection of two #street lines#, the #street wall# shall be located on the #street line# or anywhere within an area bounded by the two #street lines# and lines parallel to and 15 feet from such #street lines#.

- (4) For #developments# that occupy the entire #block# frontage of a #wide street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

The #street wall# location and minimum height before setback regulations of this Section shall not apply to portions of #zoning lots# occupied by existing #buildings#.

(b) Special street wall regulations for buildings adjacent to listed theaters

For #developments# or #enlargements# that are adjacent to a theater listed pursuant to Section 81-742 (Listed Theaters), the maximum height of the #street wall# of the #development# or #enlargement# facing the same #street# as the listed theater shall be 60 feet within 15 feet of the #street line#.

(c) Additional Regulations Applying West of Eighth Avenue

- (1) West of Eighth Avenue, at any level above a height of 85 feet, any #development# or #enlargement# or portion thereof shall have a minimum #lot coverage# requirement of 33 percent of the #lot area# of the #zoning lot#, except that such minimum #lot coverage# requirement shall not apply to the highest four #stories# of the #building#. #Developments# or #enlargements# or portions thereof that occupy, in the aggregate, more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, a greater percentage than set forth in the table in Section 23-651), shall comply with the provisions of Section 81-25 (General Provisions Relating to Height and Setback of Buildings), and either 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation).

- (2) Beyond 125 feet of the western #street line# of Eighth Avenue, and beyond 100 feet of the northern #street line# of 42nd Street, no #building# or other structure# shall exceed a height of 66 feet, except in accordance with paragraph (3) below.

- (3) Where the new or #enlarged building# abuts an existing #building# located entirely beyond 125 feet of the western #street line# of Eighth Avenue and the northern #street line# of 42nd Street, and such existing #building# exceeds a height of 66 feet, the new or enlarged #building# may exceed any height limits specified in this Section up to the height of the existing #building#, provided that, within 15 feet of the #narrow street line#, such

portion of the new or #enlarged building# does not exceed either the height of the existing #building# or 85 feet, whichever is less. For the purposes of this paragraph, the height of the existing #building# shall be the height of its #street wall#, before setback, if applicable, of that portion of the existing #building# abutting the new or #enlarged building#, fronting on the same #street line#, and located on the same or adjoining #zoning lot#.

\* \* \*

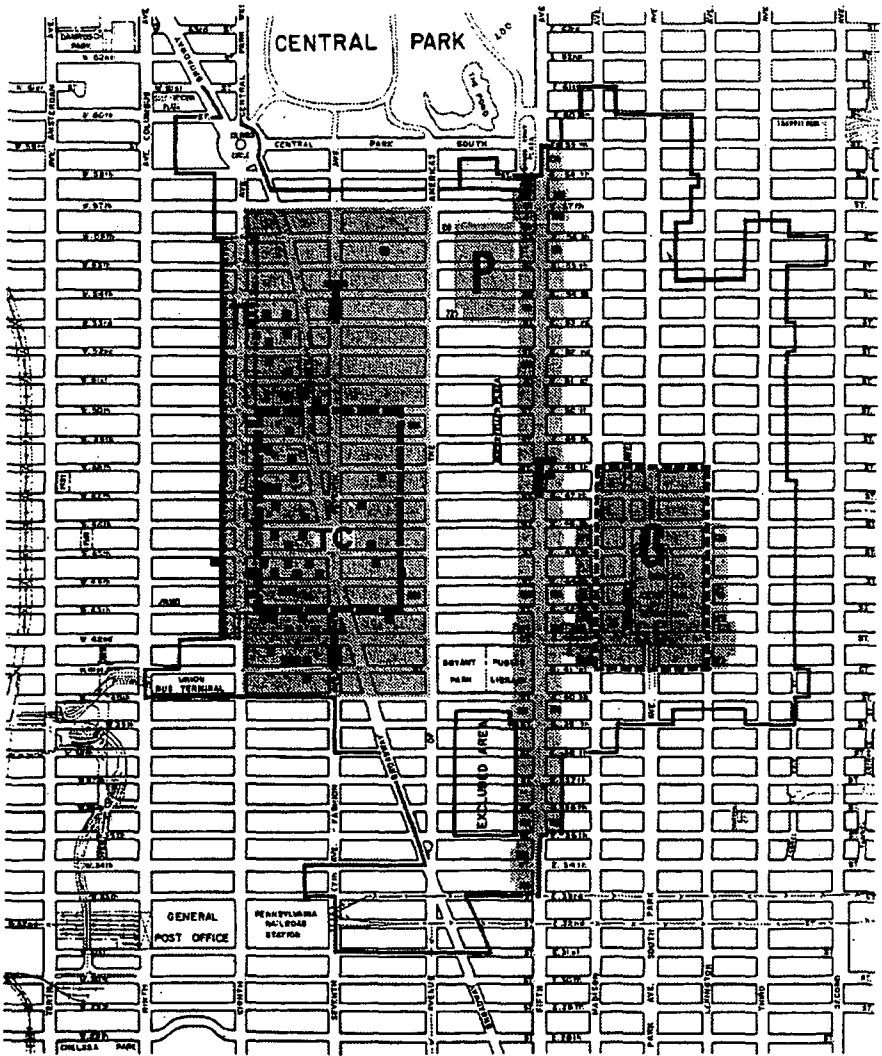
Appendix A  
Midtown District Plan Maps

- Map 1. Special Midtown District and Subdistricts (REVISED)
- Map 2. Retail & Street Wall Continuity (REVISED)
- Map 3. Subway Station Improvement Areas (REVISED)
- Map 4. Network of Pedestrian Circulation

Daylight Evaluation Charts 1 - 3









- Chart 1. Daylight Evaluation Diagram - 60 Foot Street
- Chart 2. Daylight Evaluation Diagram - 75 & 80 Foot Streets
- Chart 3. Daylight Evaluation Diagram - 100 or more Foot Streets

\* \* \*

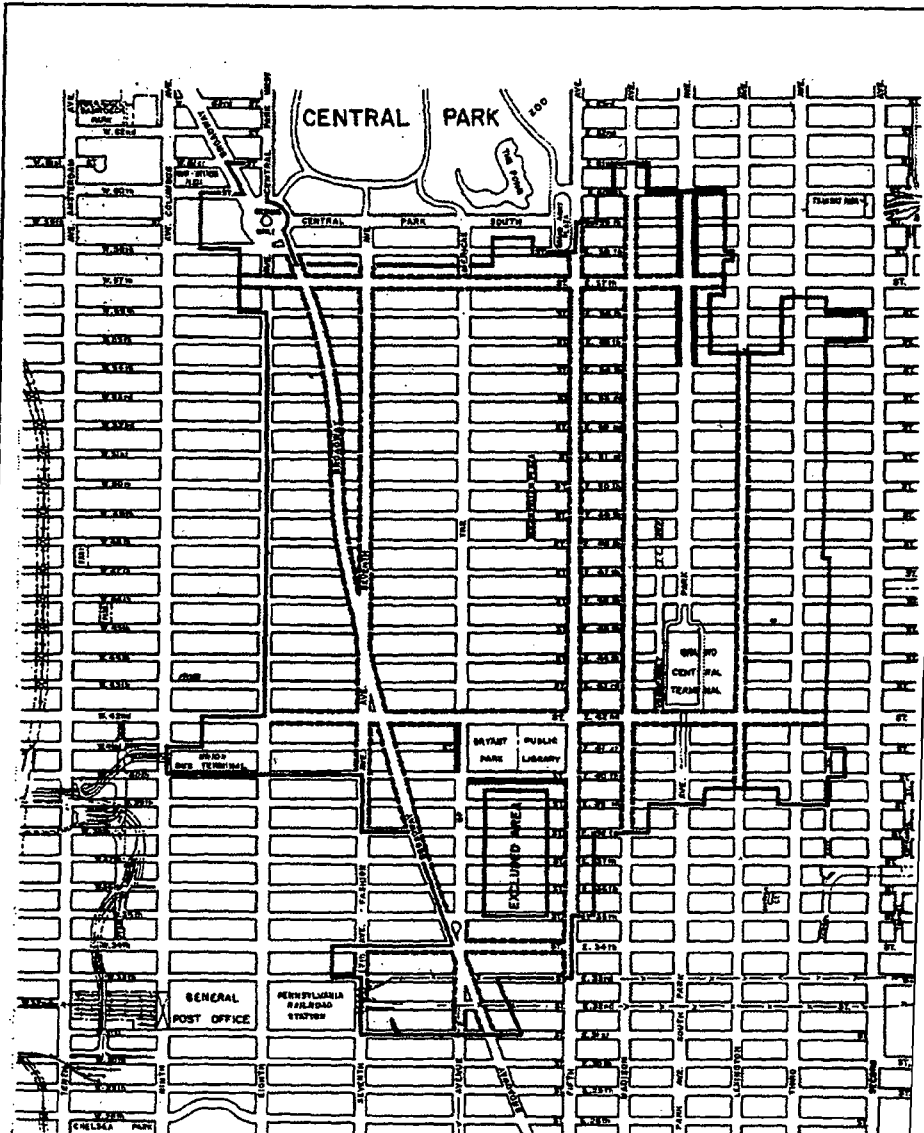


### MIDTOWN DISTRICT PLAN

MAP 1 - SPECIAL MIDTOWN DISTRICT AND SUB DISTRICTS

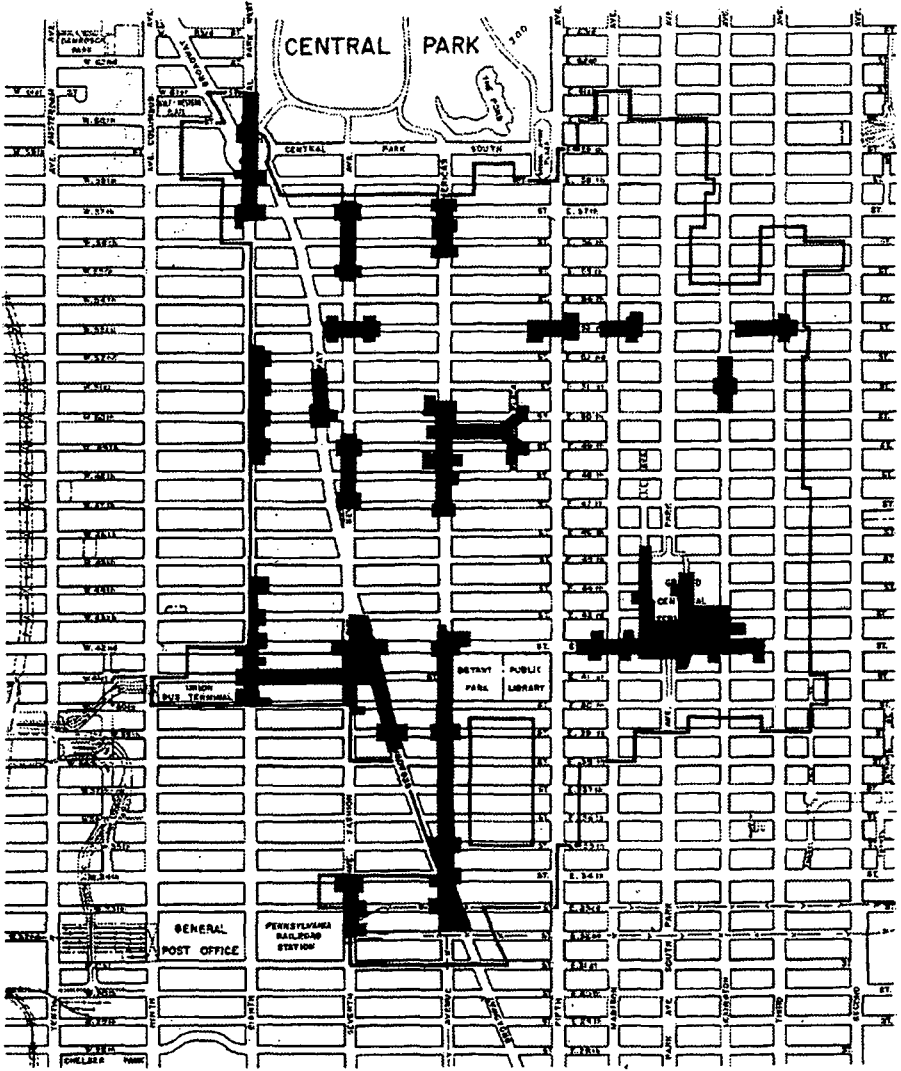
-  FIFTH AVENUE SUB DISTRICT
-  THEATRE SUB DISTRICT
-  PRESERVATION SUB DISTRICT
-  THEATRE SUB DISTRICT CORE
-  THEATRE SUB DISTRICT EIGHTH AVENUE CORRIDOR
-  LISTED THEATRES
-  GRAND CENTRAL SUB DISTRICT
-  GRAND CENTRAL SUB DISTRICT CORE





**MIDTOWN DISTRICT PLAN**  
**MAP 2 - RETAIL AND STREET WALL CONTINUITY**

----- RETAIL AND STREET WALL CONTINUITY REQUIRED  
————— STREET WALL CONTINUITY ONLY REQUIRED



MIDTOWN DISTRICT PLAN  
MAP 3 - SUBWAY STATION IMPROVEMENT AREAS

Chapter 6  
Special Clinton District

96-00  
GENERAL PURPOSES

The "Special Clinton District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical location of the Clinton community, situated between the waterfront on the west and a growing central business district on the east, it is necessary to provide specific programs and regulations which will assure realization of community and city-wide goals.

These goals include, among others, the following:

- (a) to preserve and strengthen the residential character of the community;
- (b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area;
- (c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;
- (d) to recognize the unique character of the eastern edge of District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;
- (e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;
- (f) to provide amenities, such as street trees, to improve the physical environment;
- (g) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- (h) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

96-01  
Definitions

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).

Mixed building

For the purposes of this Chapter, a "mixed building" is a #building# in a #Commercial District# used partly for #residential use# and partly for #community facility# or #commercial use#, or a #building# in a #Residential District# used partly for #residential use# and partly for #community facility use#.

Special Clinton District  
(repeated from Section 12-10)

The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6 apply.

The #Special Clinton District# and its regulations supplement or supersede those of the districts on which it is superimposed.

Special Midtown District  
(repeated from Section 12-10)

The #Special Midtown District# is a Special Purpose District designated by the letters "MiD", in which special regulations set forth in Article VIII, Chapter 1 apply.

96-02  
General Provisions

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

The Special Midtown District and its regulations, where applicable in the Special Clinton District, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-202 (Special regulations for perimeter area fronting Eighth Avenue). In the event of any conflict or discrepancy between the regulations the provisions of the Special Midtown District shall control. This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD".

96-03

## District Map

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

Area A - PRESERVATION AREA, Section 96-10

Area B - PERIMETER AREA, Section 96-20

Area C - OTHER AREAS, Section 96-30

96-10

## PRESERVATION AREA

96-20

## PERIMETER AREA

#Developments# within the Perimeter Area shall be eligible for increased #floor area# pursuant to Section 96-21 (Floor Area Bonus). Because of increased pressures for #development#, the relocation and demolition provisions of Section 96-23 (Relocation and Demolition of Buildings in the Perimeter Area) shall apply therein for all demolition, #development#, #enlargement# or #extensions# on lots containing #residential uses#. All existing legal #uses# in enclosed #buildings# shall be considered conforming #uses#. Except as otherwise provided in this Chapter, any existing #commercial# or #manufacturing uses# may be changed to another #non-conforming use# only in accordance with the provisions of Sections 52-31 (General Provisions), 52-33 (Manufacturing or Related Uses in Residence Districts), 52-34 (Commercial Uses in Residence Districts), 52-35 (Manufacturing or Related Uses in Commercial Districts) and 52-36 (Non-Conforming Commercial Uses in Commercial Districts).

96-201

~~Special urban design regulations relating to retail continuity and street wall requirements~~  
 Special Regulations for 42nd Street Perimeter Area

(a) The provisions of this Section shall apply to #developments# or #enlargements# located in all #Commercial Districts# within the area bounded by the following: Starting 150 feet west of Eighth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd Street, east to a point 150 feet west of Eighth Avenue, south to the southerly

boundary of 41st Street.

**(a) Retail Continuity Requirements**

**(b)(1)** For any #development# or #enlargement# fronting on West 42nd Street, between 9th and 12th Avenues, at least 50 percent of the street frontage of the ground floor, or within five feet of #curb level#, shall be limited to Use Groups 4A, 6A, 6C, 10A, 11, 12A and 12B.

**(c)(2)** At least 50 percent of the length of the facade of such #street wall# fronting on West 42nd Street shall be glazed with transparent material to a height of not less than 16 feet above #curb level#. The lowest point of such glazed area shall not be higher than four feet above #curb level#.

**(d)(b) Street Wall Continuity Requirements**

**(1)** At least 80 percent of the #aggregate width of street walls# of a #building# fronting on West 42nd Street, up to a height of 45 feet, shall be located within 10 feet of the #street line# of such #street#.

**(e)(2)** The minimum height of the #street wall# of a #building# above #curb level# shall be no less than 45 feet and no more than 85 feet. Above this required height, the #street wall# of a #building# shall set back at least five feet. The requirements of this paragraph shall also apply to any #development# or #enlargement# on a #wide street# frontage within a distance of 50 feet from its intersection with West 42nd Street.

96-202

**Special regulations for Eighth Avenue Perimeter Area**

All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue, and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Section 81-70 (Special Regulations for Theater Subdistrict).

96-21

**Floor Area Increase**

**(a)** Except as specified in paragraph (b) of this Section, For any #development#, the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only by complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING). A permanent certificate of occupancy for any #building# incorporating #floor area# increase pursuant to this Section shall not be issued by the Department

of Buildings until the issuance of a permanent certificate of occupancy for lower income housing. In addition to the requirements of Section 23-90 (INCLUSIONARY HOUSING), any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.

- (b) For any #development# located within the Eighth Avenue Perimeter Area set forth in Section 96-202 (Special regulations for Eighth Avenue Perimeter Area), the #floor area ratio# permitted by the underlying district may be increased pursuant to the provisions of Section 81-21 (Floor Area Regulations) as set forth in Article VIII Chapter 1 (Special Midtown District).

#### 96-22

#### Special Permit for Modification of Height and Setback Regulations

Except within the Eighth Avenue Perimeter Area set forth in Section 96-202 (Special Regulations for Eighth Avenue Perimeter Area), the City Planning Commission by special permit after public notice and hearing and subject to Board of Estimate action, may permit modification of height and setback regulations for #developments# which have generated an increase in the #floor area ratio# of not more than 2.0 under the provisions of Section 96-21 provided that such modification is necessary to achieve better site planning.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

#### 96-52496-52

#### Bulk Modifications for Public Parking Garages

Except within the Eighth Avenue Perimeter Area set forth in Section 96-202 (Special regulations for Eighth Avenue Perimeter Area), in all other C6 Districts, the City Planning Commission by special permit after public notice and hearing and subject to Board of Estimate action, may permit for #public parking garages#, modification of the applicable #lot coverage#, #yard# and height and setback regulations. As a condition of permitting such modifications the Commission shall make the following findings:

- (a) that because of site limitations such modifications are necessary for the proper design and operation of the #public parking garage#; and
- (b) that such modifications will not unduly obstruct access to light and air in the #street# or on adjacent #zoning lots#.

The Commission shall consider the characteristics of surrounding development and may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of adjacent areas.

\* \* \*

96-60  
SPECIAL PERMIT PROCEDURE

96-601  
Requirements for applications

An application to the City Planning Commission for the grant of a special permit under the provisions of this Chapter, shall include a site plan showing the location and proposed #use# of all #buildings or other structures# on the site, the location of all vehicular entrances and exits and off-street parking spaces, and such other information as may be required by the City Planning Commission.

Notwithstanding the foregoing, in the Eighth Avenue Perimeter Area all applications made pursuant to the Special Midtown District shall be subject to the guidelines and provisions of Article VIII, Chapter 1 (Special Midtown District) instead.

All applications relating to Section 96-52 (Off-Street Parking Regulations) shall be referred by the Commission to the Department of Transportation for its report with respect to the anticipated traffic congestion resulting from such special permit #use# in the proposed location.

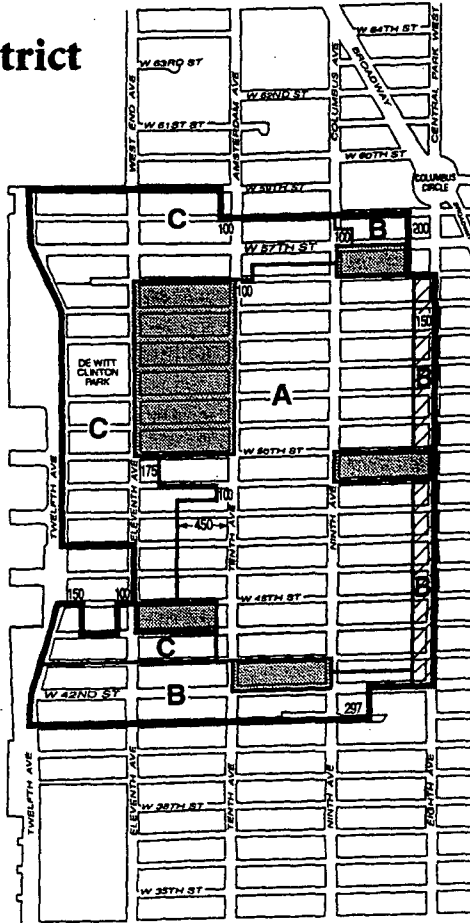
If such agency shall report thereon within one month from the date of referral, the Commission shall, in its determination, give due consideration to such report and, further, shall have the power to substantiate the appropriate findings solely on the basis of the report by such agency with respect to the issues referred. If such agency does not report within one month, the Commission may make a final determination without reference thereto.







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APPENDIX A  
SPECIAL CLINTON DISTRICT MAP



# Special Clinton District



-  District Boundary
-  Preservation Area
-  Perimeter Area
-  Other Area
-  Excluded Area
-  Subject to regulations set forth in Article VIII, Chapter I (Special Midtown District)

(On April 15, 1998, Cal. No. 3, the Commission scheduled May 6, 1998 for a public hearing which has been duly advertised.)

Close the hearing.

**BOROUGH OF QUEENS**

No. 11

CD 12

N 980430 HAQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for:

- 1) the designation of 110-36, 110-46 & 111-04 Merrick Boulevard (Block 10200, Lots 68 & 73, Block 10208, Lot 29), as an Urban Development Action Area; and
- 2) an Urban Development Action Area Project for such area;

to facilitate commercial/retail development.

(On April 15, 1998, Cal. No. 4, the Commission scheduled May 6, 1998 for a public hearing which has been duly advertised.)

Close the hearing.

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No. 12

CD 12

C 980274 ZSQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by FDA Queens, L.P. and the Dormitory Authority of the State of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(3) of the Zoning Resolution to allow a portion of a proposed 5-story building fronting on 158th Street to exceed the maximum height permitted for a portion of a building within the Initial Setback Distance and to penetrate the Sky Exposure Plane as set forth in Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) in a general large-scale development on property located at 158-15 Liberty Avenue (Block 10099, Lot 80), in an M1-4 District, within the York College Urban Renewal Area.

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.

(On April 15, 1998, Cal. No. 5, the Commission scheduled May 6, 1998 for a public hearing which has been duly advertised.)

Close the hearing.

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No. 13

CD 2

C 980285 PCQ

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services, Board of Elections and Police Department, pursuant to Section 197-c of the New York City Charter, for site selection and acquisition of property located at 27-11 49th Avenue (Block 115, Lot 1), for use as a warehouse and work shop.

(On April 15, 1998, Cal. No. 6, the Commission scheduled May 6, 1998 for a public hearing which has been duly advertised.)

Close the hearing.

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**BOROUGH OF STATEN ISLAND**

No. 14

CD 3

C 980260 PPR

**PUBLIC HEARING:**

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative 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>
5394	37	29 Edwin Street
6333	203	221 Drumgoole Road West

(On April 15, 1998, Cal. No. 7, the Commission scheduled May 6, 1998 for a public hearing which has been duly advertised.)

Close the hearing.

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**III. REPORTS**

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**BOROUGH OF MANHATTAN**

**No. 15**

**CD 10**

**C 980237 HAM**

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of :
    - i) 2189-2201 Frederick Douglass Boulevard, 302-316 W. 119th Street, 434-446 Manhattan Avenue (Block 1945, Lots 18-29, 31-43, 46, 47 and 136);
    - ii) 448-462 Manhattan Avenue, 303-313 W. 119th Street, 304-310 W. 120th Street (Block 1946, Lots 18-21, 23-28, 38-41, 44-47); and
    - iii) 309 W. 120th Street and 308 W. 121st Street (Block 1947, Lots 25 and 40);

as an Urban Development Action Area;
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property, except Block 1945, Lots 19, 46 and 47 and Block 1946, Lots 44, 45 and 47, to the United House of Prayer for all People;

to facilitate construction of a development, tentatively known as Madison Place, including up to 270 units of market rate housing and up to 16,800 square feet of commercial space.

(On March 18, 1998, Cal. No. 1, the Commission scheduled April 1, 1998 for a public hearing. On April 1, 1998, Cal. No. 8, the hearing was closed.)

**For consideration.**

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*(Report pursuant to Section 3020.8(b) of the City Charter  
concerning the landmark designation of the Daily News Building,  
first floor interior lobby)*

No. 16

CD 6

N 980521 HKM

**IN THE MATTER OF** a communication dated March 20, 1998, from the Executive Director of the Landmarks Preservation Commission regarding the **landmark designation of the Daily News Building, first floor interior lobby**, 220 East 42nd Street a.k.a. 216-224 East 42nd Street, 223-247 East 41st Street, 767-773 Second Avenue (Block 1315, Lot 24) by the Landmarks Preservation Commission on March 10, 1998 (List No. 290/LP No. 1982), Borough of Manhattan, Community District 6.

**For consideration.**

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Nos. 17 and 18

*(Applications for the designation of an Urban Development  
Action Area and Project, the disposition of city-owned property,  
and site selection and acquisition  
of property for use as a public library)*

No. 17

CD 9

C 980250 HAM

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of 2906-2908 Broadway (Block 1885, Lot 3), as an Urban Development Action Area;
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to the Trustees of Columbia University;

to facilitate construction, with adjacent properties, of a college dormitory, public library and ground floor commercial space.

(On April 1, 1998, Cal. No. 4, the Commission scheduled April 15, 1998 for a public hearing. On April 15, 1998, Cal. No. 11, the hearing was closed.)

**For consideration.**

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**No. 18**

**CD 9**

**C 980251 PCM**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development, the Department of Citywide Administrative Services and the New York Public Library pursuant to Section 197-c of the New York City Charter for **site selection and acquisition of property located at 2900/2908 Broadway** (Block 1885, Lot 3 and part of Lot 1), **for use as a public library.**

(On April 1, 1998, Cal. No. 5, the Commission scheduled April 15, 1998 for a public hearing. On April 15, 1998, Cal. No. 12, the hearing was closed.)

**For consideration.**

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