

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

CITY PLANNING COMMISSION

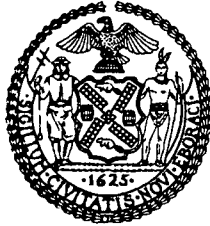
MONDAY, JULY 20, 1998

SPECIAL MEETING AT 1:00 P.M.

in

SPECTOR HALL

22 READE STREET, MANHATTAN



Rudolph W. Giuliani, Mayor

City of New York

Prepared by Rosa R. Romero, Calendar Officer

CITY PLANNING COMMISSION

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

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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.

REPORTS

BOROUGH OF MANHATTAN

No. 1

*(Report pursuant to Section 3020.8(b) of the City Charter
concerning the landmark designation of St. Mary's Protestant
Espiscopal Church (Manhattanville) - Parish House and Sunday School)*

CD 9

N 980662 HKM

IN THE MATTER OF a communication dated May 29, 1998, from the Executive Director of the Landmarks Preservation Commission regarding the **landmark designation of St. Mary's Protestant Espiscopal Church (Manhattanville) - Parish House and Sunday School**, 517-523 West 126th Street, (Block 1983, Lot 11) by the Landmarks Preservation Commission on May 19, 1998 (List No. 293/LP No. 1981).

For consideration.

No. 2

*(Report pursuant to Section 3020.8(b) of the City Charter
concerning the landmark designation of 90 West Street Building)*

CD 1

N 980663 HKM

IN THE MATTER OF a communication dated May 29, 1998, from the Executive Director of the Landmarks Preservation Commission regarding the **landmark designation of 90 West Street Building**, 90 West Street, a.k.a. 87-95 West Street, 21-25 Albany Street, and 136-140 Cedar Street, (Block 56, Lot 4) by the Landmarks Preservation Commission on May 19, 1998 (List No. 293/LP No. 1984).

For consideration.

Nos. 3, 4 and 5

(Proposed amendments to the zoning map and the Zoning Resolution and the Brooklyn Bridge Southeast Urban Renewal Plan related to the establishment of the Special Lower Manhattan District in the area of Manhattan south of City Hall and related sections.)

No. 3

CD 1-6 and 8

N 980314 ZRM

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 establishment of a Special Lower Manhattan District (Article VIII, Chapter 6), the elimination of the Special Greenwich Street Development District (Article VIII, Chapter 6), the elimination of the Special South Street Seaport District (Article VIII, Chapter 8), the elimination of the Special Manhattan Landing Development District (Article IX, Chapter 8), 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 ~~Graytone~~ is new text, to be added;
- Matter in ~~Strikeout~~ is old text, to be deleted;
- Matter within # # is defined in Sections 12-10 or 91-62;
- . . . indicates unchanged text omitted within a paragraph;
- * * * indicates unchanged text appearing in the Zoning Resolution.

**ARTICLE I
GENERAL PROVISIONS**

* * *

**Chapter 1
Title, Establishment of Controls and Interpretation of Regulations**

* * *

**11-12
Establishment of Districts**

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Commercial Districts

* * *

- C5-3.5 Restricted Central Commercial District
- ~~C5-3CR Restricted Central Commercial District~~
- C5-4 Restricted Central Commercial District
- C5-5 Restricted Central Commercial District
- ~~C5-5CR Restricted Central Commercial District~~
- C5-P Restricted Central Commercial District

* * *

- C6-4A General Central Commercial District
- ~~C6-4CR General Central Commercial District~~
- C6-4M General Central Commercial District

* * *

- C6-6 General Central Commercial District
- ~~C6-6CR General Central Commercial District~~
- C6-6.5 Restricted Central Commercial District
- C6-7 General Central Commercial District
- C6-7T Restricted Central Commercial District
- ~~C6-7CR General Central Commercial District~~
- C6-7.5 Restricted Central Commercial District
- C6-8 General Central Commercial District
- C6-9 General Central Commercial District
- ~~C6-9CR General Central Commercial District~~

* * *

~~Establishment of the Special Greenwich Street Development District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 6, the #Special Greenwich Street Development District# is hereby established.~~

* * *

~~Establishment of the Special Lower Manhattan District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 1, the #Special Lower Manhattan District# is hereby established.~~

~~Establishment of the Special Lower Manhattan Mixed Use District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article XI Chapter 1, the #Special Lower Manhattan Mixed Use District is established.~~

* * *

~~Establishment of the Special Manhattan Landing Development District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 8, the #Special Manhattan Landing Development District# is hereby established.~~

* * *

~~Establishment of the Special South Street Seaport District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article VIII, Chapter 8, the #Special South Street Seaport District# is hereby established.~~

* * *

~~Establishment of the Special Tribeca Mixed Use District~~

~~In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 1, the #Special Tribeca Mixed Use District# is established.~~

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10
DEFINITIONS

* * *

Accessory use, or accessory

* * *

An #accessory use# includes:

* * *

(b) Living or sleeping accommodations for caretakers in connection with any #use# listed in Use Groups 3 through 18 inclusive, provided that:

* * *

(4) in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, M1-5B Districts and the LMM #Special Tribeca Mixed Use District#, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#.

* * *

Joint living-work quarters for artists

* * *

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections 42-14, paragraph (D) (Use Group 17 - Special Uses), 42-141 (Modification by certification of the City Planning Commission of uses in M1-5A and M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists), 74-78 (Conversions of Non-Residential Buildings) and Article XI, Chapter 1 (Special Lower Manhattan Tribeca Mixed Use District).

* * *

Loft dwelling

A "loft dwelling" is a #dwelling unit# in the #Special Lower Manhattan Tribeca Mixed Use District#, in a #building# designed for non-#residential use# erected prior to December 15, 1961. Regulations governing #loft dwellings# are set forth in Article XI, Chapter 1 (Special Lower Manhattan Tribeca Mixed Use District).

* * *

~~Open air concourse~~

~~An "open air concourse" is an open area for public use on a #zoning lot# that provides for access of light and air and direct pedestrian access from an adjoining #street# or #sidewalk~~

~~widening# to an adjacent subway platform, subway mezzanine or subway concourse, as set forth in Section 37-04.~~

~~* * *~~

~~Sidewalk widening~~

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

~~* * *~~

~~Special Greenwich Street Development District~~

~~The "Special Greenwich Street Development District" is a Special Purpose District designated by the letter "G" in which special regulations set forth in Article VIII, Chapter 6, apply to all #developments# (as defined in Section 86-01). The #Special Greenwich Street Development District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed.~~

~~* * *~~

~~Special Lower Manhattan District~~

~~The "Special Lower Manhattan District" is a Special Purpose District designated by the letters "LM" in which special regulations set forth in Article IX, Chapter 1, apply to all #developments#. The #Special Lower Manhattan District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed.~~

~~Special Lower Manhattan Mixed Use District~~

~~The "Special Lower Manhattan District" is a Special Purpose District designated by the letters "LMM" in which special regulations set forth in Article VIII, Chapter 6, apply to all #developments#. The #Special Lower Manhattan District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement or modify those of the districts on which it is superimposed.~~

~~* * *~~

~~Special Manhattan Landing Development District~~

~~The "Special Manhattan Landing Development District" is a Special Purpose District designated by the letters "MLD" in which special regulations set forth in Article IX, Chapter 8, apply to all #developments#. The #Special Manhattan Landing Development District# appears on the #zoning maps# superimposed on other districts.~~

~~* * *~~

~~Special South Street Seaport District~~

~~The "Special South Street Seaport District" is a Special Purpose District designated by the letter "S" in which special regulations set forth in Article VIII, Chapter 8, apply. The #Special South Street Seaport 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 Tribeca Mixed Use District~~

~~The "Special Tribeca Mixed Use District" is a Special Purpose District designated by the letters "TMU" in which special regulations set forth in Article XI, Chapter 1, apply. The #Special Tribeca Mixed Use District# appears on the #zoning maps# superimposed on other districts, and its regulations supplement or supersede those of the districts on which it is superimposed.~~

~~* * *~~

~~Urban open space~~

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

~~* * *~~

Chapter 3

Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens

* * *

13-12

Residential Development

#Accessory# off-street parking spaces are permitted only for new #residential developments# or #enlargements#, as follows:

- (a) For the area south of 60th Street and its prolongations, the number of #accessory# off-street parking spaces shall not exceed 20 percent of the number of new #dwelling units# contained in the #development# or #enlargement# or 200 spaces, whichever is less.

~~However, in Manhattan, for the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, except that portion of the #Special Lower Manhattan Mixed Use District# that extends south of Murray Street, #accessory# off-street parking spaces are permitted for #dwelling units# converted in non #residential buildings#, or portions thereof, erected prior to January 1, 1977, provided that the number of #accessory# off-street parking spaces shall not exceed 20 percent of the number of #dwelling units# contained in the conversion or 200 spaces, whichever is less. Curb cuts shall be prohibited on #streets# where the frontage of such converted #buildings# is 40 feet or less.~~

~~* * *~~

Chapter 4

Sidewalk Cafe Regulations

* * *

APPENDIX C

Special Zoning Districts - where cafes shall or shall not be allowed where permitted by the underlying zoning:

<u>Manhattan</u>	<u>Enclosed</u>	<u>Unenclosed</u>
1. Theater District	No	No
2. Lincoln Square District	No	Yes
3. United Nations Development District	No	Yes
4. Fifth Avenue District	No	No
5. Madison Avenue Preservation District	No	No
6. Clinton Preservation District	Yes	Yes
7. N.Y.C. Convention & Exhibition Center Development District	Yes	Yes
8. Transit Land Use District	Yes	Yes
9. Greenwich Street Development District	No	No
10. Battery Park City District	Yes	Yes
11. Manhattan Landing Development District	Yes	Yes
12. South Street Seaport District	Yes	Yes
13. Little Italy District	No	Yes
14. Limited Commercial District	No	No ¹
15. Park Improvement District	No	No
16. Lower Manhattan Mixed Use District	Yes	Yes

1. Battery Park City District	Yes	Yes
2. Clinton District	Yes	Yes
3. Limited Commercial District	No	No ¹
4. Lincoln Square District	No	Yes
5. Little Italy District	No	Yes
6. Lower Manhattan District	No	Yes ²
7. Madison Avenue Preservation District	No	No
8. Midtown District	No	No
9. Park Improvement District	No	No
10. Transit Land Use District	Yes	Yes
11. Tribeca Mixed Use District	Yes	Yes
12. United Nations Development District	No	Yes

¹ Unenclosed sidewalk cafes are allowed on Greenwich Avenue.

² Unenclosed sidewalk cafes are not allowed on State, Liberty, Whitehall or Chambers Streets or Broadway.

* * *

Chapter 5

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

* * *

15-01

Applicability

. . . In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, ~~except that part of the #Special Lower Manhattan Mixed Use District# that extends south of Murray Street,~~ the conversion to #dwelling units# of non-#residential buildings#, or portion thereof, erected prior to January 1, 1977 shall be subject to the provisions of this Chapter.

* * *

15-012

~~Applicability within M1-5A, or M1-5B Districts or the LMM Special Tribeca Mixed Use Districts-~~

Except as specifically set forth in Sections 15-013, 15-026 and 15-50, the provisions of this Chapter are not applicable in M1-5A, or M1-5B Districts or ~~LMM~~the #Special Tribeca Mixed Use District#.

* * *

15-111

Number of permitted dwelling units

* * *

(b) In existing non-#residential buildings#, that portion of the #floor area# that . . .

* * *

However, in Manhattan, in all #Commercial Districts# with an R10 equivalent in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, ~~except that portion of the #Special Lower Manhattan Mixed Use District# that extends south of Murray Street,~~ that portion of the #floor area# in existing non-#residential buildings# that exceeds the permitted #residential floor area# may be converted to #dwelling units#, provided that there shall be a minimum average of 900 square feet of gross #floor area# per #dwelling unit# in such excess #residential floor area#.

* * *

15-13
Special Home Occupation Provision

* * *

(b) In C5 and C6 Districts, in Manhattan, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, except that portion of the #Special Lower Manhattan Tribeca Mixed-Use District# that extends south of Murray . . .

* * *

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

* * *

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-011
Quality Housing Program

* * *

- (c) The Quality Housing Program shall not apply to:
- (1) Article VII, Chapter 8 (Large Scale Residential Developments);
 - (2) Special Purpose Districts, except the following:
 - (i) the #Special Limited Commercial District#;
 - (ii) the #Special Grand Concourse Preservation District#;
 - (iii) the #Special Ocean Parkway District#; and
 - (iv) the #Special Transit Land Use District#; or
 - (v) the #Special Tribeca Mixed Use District#; and

(vi) the #Special Lower Manhattan District#, as modified in Section 91-05,
or

* * *

Chapter 7
Special Urban Design Guidelines — Residential Plazas and Arcades

* * *

27-01
Applicability of this Chapter

* * *

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

* * *

27-60
ARCADES

The provisions of this Section shall apply to all #developments# containing an #arcade# that
qualifies for a #floor area# bonus pursuant to Sections 24-15 or 33-1615.

* * *

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

Chapter 3
Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-01
Applicability of this Chapter

* * *

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in
Sections 33-12, paragraph (c), 33-14 paragraph (a) and 33-1615, paragraph (a).

* * *

33-12
Maximum Floor Area Ratio

* * *

Section 33-14 (Floor Area Bonus for an Urban Plaza)

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

Section 33-16 (Floor Area Bonus for Arcades)

Section 33-17 (Floor Area Bonus for Front Yards).

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

* * *

33-124
Existing public amenities for which floor area bonuses have been received

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

In all #Commercial Districts#, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#, ~~#open air concourse#, #sidewalk widening#, #arcade#~~ or other public amenity, open or enclosed . . .

* * *

33-126
Special provisions for C5-2A Districts

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

* * *

(a) Mandatory #street walls#

The #street wall# of a #development# or #enlargement# having a frontage on a #wide street# shall be within 10 feet of the #street line#, or within 10 feet of a permitted #arcade's# supporting columns . . .

* * *

(d) Provision of pedestrian circulation space

* * *

Such pedestrian circulation spaces shall meet the requirements set forth in Section 81-45137-073 (Design standards for pedestrian circulation spaces), except that references to #urban plazas#, subway connections and through block connections shall not be applicable within C5-2A Districts. Sidewalk widenings, arcades, and corner arcades shall not be subject to the standards set forth in Section 27-60 (ARCADES) or Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widenings and Urban Plazas).

* * *

(e) Retail continuity

. . . A #building's street# frontage shall be allocated exclusively to such #uses# except for lobby or entrance space, or one or more of the following pedestrian circulation spaces, subject to the mandatory #street wall# requirements of paragraph (a) of this Section: building entrance recess areas, corner arcades or corner circulation spaces, corner arcades or building entrance recess areas conforming to the requirements and design standards of Section 81-45137-073.

* * *

33-14

Floor Area Bonus for an Urban Plaza

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

(a) #Commercial buildings#

In the districts indicated, for #commercial buildings#, for each square foot of #urban plaza developed# in accordance with Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widenings and Urban Plazas), the total #floor area# . . .

* * *

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

In the districts indicated, for #community facility buildings# or #buildings# used for both #commercial# and #community facility uses#, for each square foot of #urban plaza developed# in accordance with Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening and~~ Urban Plazas), the total #floor area# . . .

* * *

33-15

~~Floor Area Bonus for Open Air Concourses and Sidewalk Widening~~
(Delete entire Section.)

* * *

33-1615

Floor Area Bonus for Arcades

* * *

33-1716

Floor Area Bonus for Front Yards

* * *

33-171161

In districts with bulk governed by Residence District bulk regulations

* * *

33-172162

In certain other Commercial Districts

* * *

In the districts indicated, the provisions set forth in Section 33-171161 shall also apply as set forth in the following table:

* * *

33-1817

Special Provisions for Zoning Lots Divided by District Boundaries

* * *

33-44

Alternate Front Setbacks

* * *

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

* * *

33-455

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

* * *

- (a) The maximum percent of #lot area# that may be occupied by such tower, shall be the sum of 40 percent plus one-half of one percent for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12 (Maximum Floor Area Ratio), 33-14 (Floor Area Bonus for an Urban Plaza), Section 33-15 (Floor Area Bonus for Open Air Concourses and Sidewalk Widening) or Section 33-16 (Floor Area Bonus for Arcades). The maximum #lot coverage# for any tower built under the provisions of this Section or for any #building# or #buildings# on any #zoning lot# occupied by such tower shall be 55 percent of the #lot area# of such #zoning lot#.
- (b) At all levels, including ground level, such #building# shall be set back from the #street line# as follows:
 - (1) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0667 for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12, 33-14, 33-15, or 33-16 provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.

- (2) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .10 for every .10 by which the #floor area ratio# of such #building# is less than the #floor area ratio# permitted under the provisions of Section 33-12, 33-14, ~~33-15~~, or 33-16~~15~~, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

* * *

33-456

Alternate setback regulations on lots bounded by two or more streets

* * *

- (a) On #narrow streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 3.0 plus .0333 for each .10 by which the #floor area ratio# of the #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, 33-14, ~~33-15~~ or 33-16~~15~~, provided that such fraction shall be no less than one-fifth, and provided further that such setback need not exceed 45 feet.
- (b) On #wide streets#, by a distance equal to at least the fraction of the #aggregate width of street walls# of the tower, the numerator of which fraction is one and the denominator of which fraction is the sum of 4.0 plus .05 for each .10 by which the #floor area ratio# of the #building# is less than the #floor area ratio# permitted under the provisions of Sections 33-12, 33-14, ~~33-15~~ or 33-16~~15~~, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

* * *

34-224

Floor area bonus for an urban plaza

* * *

In the districts indicated, except for #buildings developed# pursuant to the Quality Housing Program, for each square foot of #urban plaza developed# in accordance with the provisions of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening and Urban Plazas~~).

* * *

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-313
Residential portions

* * *

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

* * *

35-321
Existing public amenities for which floor area bonuses have been received

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

In all #Commercial Districts#, no existing #plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#, #arcade#, ~~#open air concourse#, #sidewalk widening#~~ . . .

* * *

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

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

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

* * *

- (b) In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, the #floor area# bonus provisions of Sections 35-351 through 35-354~~353~~ shall not apply.

* * *

- (d) Within the boundaries of Community District 7, Borough of Manhattan, the provisions of Sections 35-351 through 35-354~~353~~ shall not apply.

* * *

~~35-353~~

~~Open air concourses and sidewalk widenings~~
(Delete entire Section.)

* * *

~~35-354~~~~353~~

Arcades

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

- (a) In the districts indicated, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 33-16~~15~~ shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

* * *

~~35-70~~

~~SPECIAL PROVISIONS FOR CERTAIN MIXED BUILDINGS~~

(Delete entire Section.)

* * *

Chapter 6

Accessory Off-Street Parking and Loading Regulations

* * *

36-31

General Provisions

C1 C2 C3 C4 C5 C6

In all districts, as indicated, ~~except as otherwise provided in Section 36-315 (Special requirements for certain mixed buildings)~~, #accessory# off-street parking spaces, open or enclosed, shall be provided for all new #residences# constructed after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #residences#:

* * *

~~36-315~~

~~Special requirements for certain mixed buildings
(Delete entire Section.)~~

* * *

Chapter 7
Special Regulations

* * *

37-02

Applicability of Article II, Chapter 7, to Residential Plazas and Arcades

* * *

- (a) In the districts indicated, the provisions of Article II, Chapter 7 (Special Urban Design Guidelines - Residential Plazas and Arcades), shall apply to any #residential development# or to any #development# occupied by a #predominantly residential use# that obtains a #floor area# bonus pursuant to Sections 34-223, 34-225, 35-351 or 35-354~~353~~.

* * *

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, the #Special Lower Manhattan District# as listed in Section 91-43,

the #Special Union Square District# as listed in Section 118-60 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 subway stair or a subway stair that has been renovated in accordance with the provisions of this Section and Section 37-07 (Requirements for Pedestrian Circulation Space) may be counted as pedestrian circulation space pursuant to Section 37-07.

Station	Line	District
Wall Street Broadway	IRT (Lexington Ave)	C5 5CR
Fulton Street Broadway	IRT (Lexington Ave)	C5 5CR
Brooklyn Bridge	IRT (Lexington Ave)	C6 4
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

37-032031

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 or pedestrian circulation space as defined in Section 37-07 (Requirements for pedestrian circulation space). Any such 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#.

(c) **Design standards**

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

- ~~(e) 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 no case no may any stair be less than eight feet in width.

The relocated entrance may be relocated within an #urban plaza#, provided that the minimum width of each stair 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.

37-033032

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 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 entrance, such plan includes a renovation 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; and~~
 - ~~(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.~~

(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.~~

37-034033

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

~~The Chairperson of 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), 37-031 (Standards for location, design and hours of public accessibility) or 37-04 (Requirements for Urban Plazas) and the applicable provisions of #urban open space# in Section 12-10 (DEFINITIONS), if it finds that the relocated subway stair cannot be accommodated without modification to these provisions.~~

* * *

37-035034

Waiver of requirements

(Delete existing text.)

~~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.~~

* * *

37-04

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

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

~~No foundation permit shall be issued by the Department of Buildings for any #development# that includes an #urban plaza# without certification by the Chairperson of the City Planning Commission that a site plan has been submitted indicating compliance with the provisions of this Section. An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#, a site plan indicating the area and dimensions of the proposed #urban plaza# and the location of the proposed #development# or #enlargement# and all existing #buildings# temporarily or permanently occupying the #zoning lot#; computations of proposed #floor area#, including bonus #floor area#; and a detailed plan or plans demonstrating compliance with the provisions of this Section.~~

~~All plans for #urban plazas#, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the #urban plaza# pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.~~

(a) ~~Restrictions on location of non-qualifying open-a Areas and dimensions~~

~~An #urban plaza# shall contain an area of not less than 1,600 square feet. In no case may spaces between existing #buildings# remaining on the #zoning lot# qualify as #urban plazas#. In addition, in order to preserve the intent of the provisions relating to the boundaries, proportions and obstructions of #urban plazasopen spaces#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #urban plazas#, between an #open air concourse# and an #urban plaza#, or between an #urban plaza# or #open air concourse# and a building wall or #arcade# of the #development#.~~

(b) ~~Planting and trees~~

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

~~#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #urban open space#. At least one tree of four inch caliper or more shall be planted for each 25 feet of~~

~~the entire #street# frontage of the #zoning lot#, excluding the frontage occupied by driveways. The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may also be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. The required trees shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil of at least 3 feet, 6 inches. Species shall be selected, located and maintained in accordance with the specifications established by the Department of Parks and the Department of Highways. If the Commissioner of Buildings determines that the tree planting requirements of this paragraph cannot be met in part or in whole because of subsurface conditions such as the presence of a subway tunnel, the number of required #street# trees that cannot be planted as required in this paragraph shall be planted in the public sidewalk areas of #streets# on the same #block# as the #zoning lot# to which it has frontage. Where an #urban plaza# is #developed#, such additional trees may be planted within the #urban plaza# in addition to the trees required in Section 37-043, paragraph (k). No trees shall be planted within a #sidewalk widening#.~~

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

~~Where trees are planted within an #urban plaza# or #open air concourse#, they shall measure at least four inches in caliper at the time of planting. Each tree shall be planted in at least 200 cubic feet of soil with a depth of soil of at least 3 feet, 6 inches. Any planting bed containing required plaza trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls and shall have bounding walls not higher than 20 inches above the adjacent walking surface. Trees shall be planted at a maximum spacing of 25 feet apart within a single planting bed.~~

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

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

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

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

~~(e) — Paving~~

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

~~(d) Standards of accessibility for persons with disabilities to #urban plazas# and #open air concourses#~~

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

~~(i) the major portion of an #urban plaza# or #open air concourse#;~~

~~(ii) any building lobby accessible to the #urban plaza# or #open air concourse#; and~~

~~(iii) any #use# that may be present on or adjacent to the #urban plaza# or #open air concourse#.~~

~~(2) The following standards shall apply to assure access for persons with disabilities:~~

~~(i) Such paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.~~

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

~~(iii) All stairs or ramps within such paths shall provide handrails. Handrails shall be 34 inches high, have a midrail 22 inches high and shall extend at least 18 inches beyond the stair or ramp ends.~~

~~(iv) Where stairs are used to effect changes of grade for such paths, they shall have closed risers, no projecting nosings, a maximum riser height~~

~~of seven and one half inches and a minimum tread width of eleven inches.~~

(b) Locational restrictions

In other than C5-5 or C6-9 Districts, no #urban plaza#, or portion thereof, is permitted to occupy more than 33 percent of the frontage of the #zoning lot#, or portion thereof, within 175 feet of an existing #plaza#, #urban plaza#, #public park# or urban park that occupies more than 33 percent of its #block# frontage on the same or opposite side of the same #street# and has a depth of at least 12 feet. The distance of 175 feet shall be measured along the #street# on which the existing amenity fronts.

(c) Restrictions on orientation

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

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

- (1) Where the major portion of an #urban plaza# fronts on only one #street line#, such major portion is not permitted to front on a north-facing #street line# of a #zoning lot#.
- (2) No major portion of an #urban plaza# shall only front on a west-facing #street line# or an east-facing #street line# if the #zoning lot# also has frontage that is 40 feet or more in length on a south-facing #street line#.
- (3) An #urban plaza# that is located on an intersection of two #streets# must have its major portion, as defined in paragraph (d)(2) of this Section, front on the south-facing #street line#. In the case of a #zoning lot# having frontage on a south-facing #street line# of less than 40 feet, or having its frontage at the intersection of a north-facing #street line# with either an east- or west-facing #street line#, the major portion must front on the east- or west-facing #street line#.

(d) Requirements for major portions of #urban plazas#

- (1) All contiguous #urban plaza# areas on a #zoning lot# shall be considered as one #urban plaza#.

- (2) The shape and dimensions of an #urban plaza# shall be such that for a major portion of the #urban plaza#, comprising at least the percentage of total area specified herein, all points within such major portion shall be visible from all other points therein. For the purposes of this regulation, points that when viewed in plan may be joined by a straight line shall be considered visible one from the other; visibility between points shall not be affected by permitted obstructions or by changes of grade.

The major portion of an #urban plaza# shall be at least 70 percent of the #urban plaza's# total area, except that in the case of a through #block urban plaza# as defined in paragraph (e) of this Section, the major portion shall be at least 50 percent of such #urban plaza's# total area. The major portion of the #urban plaza# shall be subject to the proportional requirements set forth in paragraphs (d)(4) and (d)(5) of this Section.

- (3) The major portion of an #urban plaza# shall have a minimum dimension of 40 feet. The remaining portion of such #urban plaza# shall have a minimum dimension of 20 feet. Dimensions shall be measured parallel and perpendicular to the #street line# on which the #urban plaza# fronts.
- (4) For major portions of #urban plazas# with frontage on two or more intersecting #streets#, the length of the frontage along any one #street# shall not be greater than three times the average depth of the #urban plaza# measured perpendicular to the #street line# of said #street# from the building wall that faces it.
- (5) For major portions of #urban plazas# with frontage on only one #street#, at no point shall the depth from the building wall or rear #lot line# that faces the #street# to the #street line# be less than one-third nor more than three times the length of the frontage of the major portion along such #street line#.

(e) Regulations for through #block urban plazas#

Where an #urban plaza# or portion of an #urban plaza# extends through the #block# connecting two #streets# that are parallel or within 45 degrees of being parallel to each other, and any building wall or walls adjoin such through #block urban plaza# or through #block# portion of an #urban plaza#, no more than 120 feet aggregate length of such walls within 50 feet of the opposite side of the through #block urban plaza# shall exceed 90 feet in height from the surface of the #urban plaza#. In addition to the 20 feet minimum width requirement described in paragraph (d)(3) of this Section, such a through #block urban plaza# shall maintain a straight path at least 15 feet in width, free of any obstructions from #street line# to #street line#.

(f) Circulation and access

(1) To facilitate access to an #urban plaza#, within 10 feet of a #street line# or sidewalk widening, along at least 50 percent of each #street# frontage of the major portion and the entire #street# frontage of the remaining portion of an #urban plaza#, the surface of the #urban plaza# shall be at the same elevation as the adjoining public sidewalk. Along at least 50 percent of each #street# frontage of the major portion and at least 50 percent of each #street# frontage of the remaining portion of an #urban plaza#, for a depth of at least 20 feet from the #street line#, there shall be no obstruction to public access to the #urban plaza# from a sidewalk or sidewalk widening. For the remaining 50 percent of the frontage and within 20 feet of the #street line#, no walls or other obstructions shall be higher than three feet above the #curb level# of the #street line# in front of the #urban plaza#. However, the City Planning Commission may permit, by authorization, certain obstructions such as light stanchions, flag poles, trash receptacles, public space signage or other features to be located in the #urban plaza# within 20 feet of the #street line#, provided that the Commission finds that:

- (i) such obstructions are desirable or necessary features for the public enjoyment of the #urban plaza#; and
- (ii) sufficient public access additional to the minimum required under the provisions of this paragraph (Circulation and access) is provided to offset any adverse impact on public circulation or access caused by the obstructions or features permitted by such authorization.

The Commission shall furnish a copy of the application for such authorization to the affected Community Board and the local Council Member at the earliest possible stage and will give due consideration to their opinions as to the appropriateness of such obstructions. If the Community Board or local Council

Member elects to comment on such application, it must be done within 45 days of such application.

- (2) The level of an #urban plaza# shall not at any point be more than three feet above or below the #curb level# of the nearest adjoining #street# in front of the major portion of the #urban plaza#; however, an #urban plaza# with an area of 10,000 square feet or more may additionally have a maximum of 15 percent of its area at an elevation more than three feet above or below, but not more than five feet above or below #curb level# of the nearest adjoining #street# in front of the major portion of the #urban plaza#.
- (3) Where there is a grade change of at least 2.25 feet in 100 feet along a portion of a #street# fronted upon, for a distance of at least 75 feet, by an #urban plaza# with an area of 10,000 square feet or more, the level of such #urban plaza# may be at any elevation that is not more than five feet above or below the #curb level# of the nearest adjoining #street# in front of the #urban plaza#. Along the length of frontage not required for access, no wall higher than three feet above the level of the adjoining sidewalk may be constructed.
- (4) For areas of #urban plazas# not obstructed by permitted obstructions as set forth in paragraph (f)(1) of this Section, a circulation path shall be provided of at least five feet clear width. A major public path at least eight feet in width shall extend to at least 75 percent of the depth of the major portion of the #urban plaza#, measured from the #street line#.
- (5) Where an entry to a subway station exists in the sidewalk area of a #street# on which an #urban plaza# fronts and such entry is not replaced within the #urban plaza# itself, the #urban plaza# shall be #developed# at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #urban plaza# area around a subway entry shall be free of all obstructions.
- (6) Where an entry to a subway station is provided within the #urban plaza# itself, stairs shall have a minimum width of 10 feet.

(eg) Permitted obstructions

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

- (1) ~~#Urban open spaces plazas#~~ shall be unobstructed from their lowest level to the sky except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: fountains and reflecting pools; waterfalls; sculptures and other works of art; benches; seats; trees planted at

grade or in planting beds; bushes and flowers in planters or in planting beds; arbors or trellises over public seating areas; litter receptacles; bicycle racks; outdoor furniture; lights and lighting stanchions; flag poles; public telephones; public toilets; temporary exhibitions; awnings or canopies over the entrances to retail stores fronting on the #urban open-space plaza#; bollards; subway station entrances, which may include escalators; and drinking fountains. If drinking fountains are provided, at least one fountain shall be accessible to wheelchair users by being 30 inches high, hand-and-foot operated, and display the International Symbol of Access. In addition to the obstructions listed in this paragraph, #urban plazas# having an area of 10,000 square feet or more may include an open air amphitheater or an outdoor ice skating rink. However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (g)(2) of this Section.

- (2) Permitted obstructions may occupy a maximum percentage of the area of an #open-air concourse# as set forth in paragraph (e) of Section 37-042, and an #urban plaza#, as follows: set forth in paragraph (h) of Section 37-043.

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

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

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

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or movable, such as movable chairs, open air cafes, or temporary exhibitions shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.

- (3) Trees do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions.

- (4) Kiosks and open air cafes may be placed within an #urban open-space plaza# upon certification, pursuant to paragraph (e)(6) of this Section. Such features shall be treated as permitted obstructions for the purposes of paragraph (e) of this Section.

Where a kiosk is provided, it shall be a one-story structure, predominantly of light-colored materials, such as metal, glass, plastic or fabric as approved by the Department of Buildings in conformance with the Building Code, that, including roofed areas, does not occupy an area in excess of 150 square feet, except that where the #urban open-space plaza# has an area of less than 5,000

square feet, the aggregate area of the kiosks shall not exceed 100 square feet measured by exterior dimensions. The aggregate area occupied by kiosks in an ~~#urban open space plaza#~~ larger than 5,000 square feet shall not exceed 150 square feet or 1.5 percent of the total area of the ~~#urban open space plaza#~~, whichever is greater, provided no one kiosk occupies an area of more than 150 square feet. A kiosk may be freestanding or may be attached on only one side to a wall of the ~~#building#~~ of the ~~#development#~~ or a ~~#building#~~ on the adjacent ~~#zoning lot#~~. Any area occupied by a kiosk shall be excluded from the definition of ~~#floor area#~~, and may be occupied by ~~#uses#~~ such as news or magazine stands, candy stands, flower stands or information booths.

Where an open air cafe is provided, it shall occupy an aggregate area not more than 20 percent of the total area of the ~~#urban open space plaza#~~. It shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have a temporary fabric roof in conformance with the Building Code. An open air cafe must be accessible from all sides where there is a boundary with the remainder of the ~~#urban open space plaza#~~. No kitchen equipment shall be installed within an open air cafe; however, kitchen equipment may be contained in a kiosk adjoining an open air cafe. An open air cafe qualifying as a permitted obstruction shall be excluded from the definition of ~~#floor area#~~.

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

- (54) Open air amphitheaters and open air ice skating rinks that charge admission may be placed within an ~~#urban open space plaza#~~ upon certification pursuant to paragraph (e)(65) of this Section. Such features shall be treated as permitted obstructions for the purposes of this paragraph, ~~(e) of this Section (Permitted obstructions)~~.
- (65) Kiosks and open air cafes that comply with the provisions of paragraph (e)(43) of this Section, and open air amphitheaters or open air ice skating rinks ~~which that~~ charge admission may be placed within the area of an ~~#urban open space plaza#~~ upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:
- (i) such ~~#use#~~ promotes public use and enjoyment of the ~~#urban open space plaza#~~;

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

All applications for the placement of kiosks, open air cafes, open air amphitheaters or open air ice skating rinks ~~which that~~ charge admission within an #urban open space plaza# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section. All such plans for kiosks, open air cafes, open air amphitheaters or open air ice skating rinks ~~which that~~ charge admission, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification for the kiosk, open air cafe, open air amphitheater, or open air ice skating rink ~~which that~~ charges admission, pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the placement of the kiosk, open air cafe, open air amphitheater or open air ice skating rink ~~which that~~ charges admission within the #urban open space plaza#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

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

The Chairperson shall file any such certification with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such certification. If the Council so resolves, within 50 days of the filing of the Chairperson's certification, the Council shall hold a public hearing and may approve or disapprove such certification. If, within the time periods provided for in this Section, the Council fails to act on the Chairperson's certification, the Council shall be deemed to have approved such certification.

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

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

~~(1) No driveways, parking spaces, passenger dropoffs or loading berths are shall be permitted within an #urban plaza#. Furthermore, driveways are prohibited within #urban plazas# and #open air concourses#, and are permitted within a #sidewalk widening# only in accordance with the provisions of Section 37-042. (2) No building trash storage facilities are permitted within an #urban plaza#, nor shall any building trash storage facility be accessed or serviced through the #urban plaza#. If parking spaces, passenger drop-offs, driveways, loading berths or building trash storage facilities are located near or adjoin an #urban plaza#, they shall be separated from it by a building wall or planted area sufficient to visually conceal these facilities and any vehicles therein from any point in the #urban plaza#.~~

~~(3) No exhaust vents are permitted on any #urban open space# or on the building wall of the #development# fronting upon the #urban open space# except where such vents on the building wall are more than 8 feet 6 inches above the level of the #urban open space#.~~

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

(i) Seating

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

~~Not more than 50 percent of the linear seating capacity may be in movable seats that may be stored between the hours of sunset and sunrise.~~

~~The following standards shall be met for all required seating:~~

~~(1) Seating shall have a minimum depth of 16 inches; however, seating with backs shall have a minimum depth of 14 inches and a maximum depth of 22 inches and backs shall be at least 12 inches high. Seating 30 inches or more in depth shall count double, provided there is access to both sides.~~

- (2) At least 75 percent of the required seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface and at least 50 percent of this seating shall have backs at least 12 inches high. Seating higher than 36 inches or lower than 12 inches above the level of the adjacent walking surface shall not count towards meeting the seating requirements.
- (3) The flat tops of walls including but not limited to those that bound planting beds, fountains and pools may be counted as seating when they conform to the dimensional standards in paragraphs (f)(1) and (f)(2) of this Section, provided that they are made of stone, concrete or similar composite material, wood or plastic with a smooth surface and rounded upper edges with a radius of at least one inch to ensure seating comfort.
- (4) Movable seating or chairs, excluding seating for open air cafes, may be credited as 18 inches of linear seating per chair.
- (5) Steps, seats in outdoor amphitheaters and seating of open air cafes do not count towards meeting the seating requirement.
- (6) Seating for any #use# within an #urban plaza# is subject to applicable articles and amendments of the New York City Building Code.
- (7) For the benefit of persons with disabilities, a minimum of five percent of the required seating shall have backs.

(j) Planting and trees

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

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

For an #urban plaza# greater than 6,000 square feet in area, one tree is required for every 600 square feet, or part thereof, of #urban plaza# area for the first 6,000 square feet of area and one additional tree is required for every 1,000 square feet, or part thereof, of the remaining #urban plaza# area.

For all #urban plazas#, at least 50 percent of the required plaza trees shall be planted with gratings flush to grade.

Where trees are planted within an #urban plaza#, they shall measure at least four inches in caliper at the time of planting. Each tree shall be planted in at least 200

cubic feet of soil with a depth of soil of at least 3 feet, 6 inches. Any planting bed containing required plaza trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls and shall have bounding walls not higher than 20 inches above the adjacent walking surface. Trees shall be planted at a maximum spacing of 25 feet within a single planting bed.

When planting beds are provided, they shall have a soil depth of at least two feet for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees.

#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #urban plazas#. At least one tree of four-inch caliper or more shall be planted for each 25 feet of the entire #street# frontage of the #zoning lot#, excluding the frontage occupied by driveways. The length of frontage of the #zoning lot# for the purpose of computing required #street# trees may also be reduced by 50 feet for each #street# intersection fronted by the #zoning lot#. The required trees shall be planted with gratings flush to grade in at least 200 cubic feet of soil per tree, with a depth of soil of at least 3 feet, 6 inches. Species shall be selected, located and maintained in accordance with the specifications established by the Department of Parks and the Department of Highways. If the Commissioner of Buildings determines that the tree planting requirements of this paragraph cannot be met in part or in whole because of subsurface conditions such as the presence of a subway tunnel, the number of required #street# trees that cannot be planted as required in this paragraph shall be planted in the public sidewalk areas of #streets# on the same #block# as the #zoning lot# to which it has frontage or within the #urban plaza#.

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

At least 50 percent of the total frontage of building walls of the #development# fronting on an #urban plaza#, or fronting on an #arcade# adjoining an #urban plaza#, exclusive of such frontage occupied by vertical circulation elements, building lobbies and frontage used for subway access, shall be allocated for occupancy by retail or service establishments permitted by the applicable district regulations. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall be directly accessible from the major portion of the #urban plaza# or adjoining arcade.

The remaining frontage may be occupied by other #uses#, lobby entrances or vertical circulation elements, in accordance with the district regulations.

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

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

(l) Paving

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

(m) Standards of accessibility for persons with disabilities to #urban plazas#

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

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

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

- (i) Such paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.
- (ii) Ramps shall be provided alongside any stairs or steps for such paths. Ramps shall have a minimum width of three feet, a slope of not greater than 1:12, a non-skid surface and, for open-edged ramps, a two-inch high safety curb. At each end of a ramp there shall be a level area, which may be a public sidewalk, at least five feet long.
- (iii) All stairs or ramps within such paths shall provide handrails. Handrails shall be 34 inches high, have a midrail 22 inches high and shall extend at least 18 inches beyond the stair or ramp ends.
- (iv) Where stairs are used to effect changes of grade for such paths, they shall have closed risers, no projecting nosings, a maximum riser height

of seven and one-half inches and a minimum tread width of eleven inches.

(gn) Lighting and electrical power

~~#Urban open spaces/plazas#~~ shall be illuminated with a minimum level of illumination of not less than two horizontal foot candles (lumens per foot) throughout all walkable and sitting areas and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. Such level of illumination shall be maintained from sunset to sunrise. A lighting schedule, including fixtures, wattage and their locations and designs together with a diagram of light level distribution shall be part of the required detail design plans as set forth in this Section. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of an ~~#urban open space/plaza#~~, ~~except for a #sidewalk widening#~~.

(ho) Public space signage systems

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

(1) Entry plaque

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

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

(Illustration — tree symbol)

- (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 persons with disabilities that is at least three inches square.

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

~~concourse# or #urban plaza#~~, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the ~~#open-air concourse# or #urban plaza#~~.

(2) Information plaque

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

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

(10) #Signs#

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

~~(j) Mandatory allocation of frontages for permitted #uses#~~

~~At least 50 percent of the total frontage of building walls of the #development# fronting on an #urban open space#, or fronting on an #arcade# adjoining an #urban open space#, exclusive of such frontage occupied by vertical circulation elements, building lobbies and frontage used for subway access, shall be allocated for occupancy by retail or service establishments permitted by the applicable district regulations. In addition, libraries, museums and art galleries shall be permitted.~~

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

~~For #urban plazas#, additional requirements are set forth in Section 37-043, paragraph (4).~~

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

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

(kq) Maintenance

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

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

In the event of a failure in the required performance, the Chairperson of the City Planning Commission shall notify the building owner in writing of such failure and shall stipulate the period of time in which the building owner has to correct the failure. If the failure is not corrected in the stipulated time, the Chairperson may declare the building owner in default in the required performance and the City may enforce the obligation by whatever means may be appropriate to the situation, including letting contracts for doing any required planting, installation or maintenance and paying all labor, material and other costs connected with such work from the bond or City securities that the building owner is required to provide.

In the event that the City enforces the aforementioned obligation as provided for in ~~this paragraph (k)(4) of this Section~~(Performance bond), the building owner shall, within 90 days of such enforcement, provide the City with an additional bond or City securities in an amount not less than that which was expended to cure the default.

The value of the bond or City securities if tendered prior to January 1, 1989~~98~~, shall be at a rate of \$750 per required tree, \$100 per movable chair and \$200 per 1,000 square feet of ~~#urban open space#~~plaza# for litter removal as set forth in this Section.

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

(4) Penalties for violations

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

No foundation permit shall be issued by the Department of Buildings for any ~~#development#~~ that includes an ~~#urban plaza#~~ without certification by the Chairperson of the City Planning Commission that a site plan has been submitted indicating compliance with the provisions of this Section. An application for such certification shall be filed with the Chairperson showing the plan of the ~~#zoning lot#~~; a site plan indicating the area and dimensions of the proposed ~~#urban plaza#~~ and the location of the proposed ~~#development#~~ or ~~#enlargement#~~ and all existing ~~#buildings#~~ temporarily or permanently occupying the ~~#zoning lot#~~; computations of proposed ~~#floor area#~~, including bonus ~~#floor area#~~; and a detailed plan or plans demonstrating compliance with the provisions of this Section.

All plans for #urban plazas#, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the #urban plaza# pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

37-041

~~Open air concourses~~

(Delete entire Section.)

37-042

~~Sidewalk widenings~~

(Delete entire Section.)

37-043

~~Urban plazas~~

(Delete entire Section.)

* * *

37-05

Improvement of Existing Plazas or Plaza-Connected Open Areas

* * *

- (d) such #use# complies with the requirements set forth in paragraph (e)(4) of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widenings and Urban Plazas~~); and
- (e) the owner of such #use# will maintain such #use# in accordance with the maintenance and penalties for violations provisions of paragraphs ~~(k)~~ and ~~(l)~~ of Section 37-04.

* * *

37-06

Nighttime Closing of Existing Public Open Areas

* * *

In order to promote increased public use of the public open areas in #Commercial# or #Manufacturing Districts#, the Commission may require, or the applicant may request, additional improvements to the existing public open areas, including, where appropriate,

amenities such as kiosks or open air cafes as described in Section 37-023 for #residential plazas#, or in Section 37-04, paragraph (e)(43) for #urban plazas# or #plazas#. In no event shall any public open area be reduced in size.

* * *

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, as such may be modified by the terms of the special district.

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 blockfront #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 blockfront is provided by the arcade in combination with such existing spaces.

(2) Full blockfront arcade

When a #zoning lot# occupies a full blockfront, 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.

(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) Permitted 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.

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(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) Permitted 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

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 (f)(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 towards meeting the pedestrian circulation space requirement.

(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:

(1) 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)(viii) 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:

(Illustration — 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)(a) 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 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.

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 such 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 as modified shall be equal in area, and substantially equivalent, to the required space in quality, effectiveness and suitability for public use.

* * *

ARTICLE VI SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

* * *

Chapter 2 Special Regulations Applying in the Waterfront Area

* * *

62-13 Applicability of District Regulations

* * *

The provisions of this Chapter shall not apply to the following special purpose districts- unless expressly stated otherwise in the special district provisions:

~~#Special Battery Park City District#~~

~~#Special South Street Seaport District#~~

~~#Special Manhattan Landing Development District#~~

* * *

ARTICLE VII
ADMINISTRATION

* * *

Chapter 3
Special Permits by the Board of Standards and Appeals

* * *

73-244

In C2, C3, C4*, M1-5A, M1-5B, M1-5M, and M1-6M Districts and the Special Lower Manhattan Tribeca Mixed- Use District

In C2, C3, C4*, M1-5A, M1-5B, M1-5M, and M1-6M Districts and the #Special Lower Manhattan Tribeca Mixed- Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the following findings are made:

* * *

Chapter 4
Special Permits by the City Planning Commission

74-00

POWERS OF THE CITY PLANNING COMMISSION

* * *

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 not to exceed 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) or Section 91-31 (Street Wall Regulations), for #developments# or #enlargements# located on #zoning lots# where which provide major improvements for 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 be adjacent to the subway station. 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), the #Special Lower Manhattan District# as listed in Section 91-43 (Special permit for subway station improvements), the #Special Union Square District# as listed in Section 118-60, 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:~~

Station	Line	District
Wall Street Broadway	IRT (Lexington Ave)	C5 5CR
Fulton Street Broadway	IRT (Lexington Ave)	C5 5CR
Brooklyn Bridge	IRT (Lexington Ave)	C6 4
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

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).~~

~~(e) — 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 74-634 paragraph (e) and of height and setback and #rear yard# regulations pursuant to Section 74-634 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.~~

(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~~

~~The 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# continuity requirements.~~

(c) ~~Conditions~~

- ~~(1) 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, the minimum average size of a #dwelling unit# shall be 790 square feet.~~
- ~~(2) 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.~~
- ~~(3) 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 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) Findings

- (1) In determining the amount of #floor area# bonus, the City Planning Commission shall consider the degree to which:
 - (i) the general accessibility and 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) 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# 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# or Section 91-31 (Street Wall Regulations) in the #Special Lower Manhattan District#, the Commission shall find that the modification 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# and retail continuity.

(e) 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 or subordinated their interest, 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.

(f) 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.

* * *

74-721

Height and setback and yard regulations

* * *

- ~~(c) — Where a #development# on a #zoning lot# is located within the #Special South Street Seaport District# (Article VIII, Chapter 8), on application the Commission may permit modification of height and setback regulations and an increase in tower coverage beyond that allowed by Section 88-06 where the #development# satisfies either of the following conditions:~~

~~(1) that the developer obtains negative easements limiting the height of future #development# to 85 feet or less on any adjoining #zoning lot(s)# which are contiguous or would be contiguous to said #zoning lot# but for the separation by a #street# or #street# intersection, and such easements are recorded against such adjoining #zoning lots# by deed or written instrument. The Commission shall consider the aggregated areas of said #zoning lot# and the adjoining lots subject to such negative easements and the extent to which they achieve future assurance of light and air comparable to the standards of the Seaport and Manhattan Landing Districts in determining the maximum permitted coverage. In no event shall such coverage exceed 80 percent of the #zoning lot# on which the #development# will be located; or~~

~~(2) that coverage on a #receiving lot# may be increased above 55 percent, but in no event to more than 80 percent, where additional #development rights# are purchased and converted to coverage according to the formula set forth in Section 88-06.~~

~~Prior to the Commission's public hearing on such #development#, the applicant shall indicate, to the Commission, its final decision as to the option chosen.~~

~~(3) As a condition for the special permit, the Commission shall make the following findings:~~

~~(i) that such special permit will aid in achieving the general purposes and intent of the Special District(s) in which the #development# is located;~~

~~(ii) that the modification of height and setback will provide a better distribution of #bulk# on the #zoning lot#; and~~

~~(iii) that the distribution of #bulk# and the #development# permits adequate access of light and air to surrounding #streets# and properties.~~

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

(dc) In C5-3, C6-6 and C6-7 Districts excluding the "CR" Districts, which are provided for in a separate subsection hereunder, the Commission may modify height and setback and #yard# regulations including tower coverage controls for #developments# or #enlargements# located on a #zoning lot# having an area less than 40,000 square feet, provided the #zoning lot# occupies an entire blockfront on a #wide street#.

* * *

(3) that the #development#

* * *

Such public open areas shall have a southern exposure, and adjoin a public sidewalk and be #developed# pursuant to the provisions of Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas), paragraphs (b) through (l), and Section 37-043 (Urban plazas), paragraphs (j) and (k). . . .

* * *

(ed) As a further condition for the issuance of a permit under this Section . . .

* * *

~~(f) In all #Commercial Districts# indicated with a suffix "CR," the Commission may permit modifications of the height and setback and #yard# regulations, and spacing between #buildings# regulations involving abutting #buildings#, for:~~

~~(1) a #mixed building development#, complying with the provisions of Section 35-70 (SPECIAL PROVISIONS FOR CERTAIN MIXED BUILDINGS); or~~

~~(2) a #mixed building enlargement# which except for paragraph (d) complies with the provisions of Section 35-70; or~~

~~(3) a #building# solely occupied by permitted recreational and related #uses#, provided that the following findings are made:~~

~~(i) that such modification will enhance the relationship of the #building# to nearby #buildings#;~~

~~(ii) that in the case of a #mixed building development#, such modification will aid in the concentration and enhancement of the area or areas required for recreational space or other provided pedestrian amenities; and~~

~~(iii) that in the case of a #building# solely occupied by permitted recreational and related #uses#:~~

~~(a) public pedestrian circulation will be improved by the provision of substantial areas within the #zoning lot# accessible to the general public and located at or close to the principal level of~~

~~pedestrian circulation in adjacent areas with prominent and obvious public entrances; and~~

~~(b) such facility will contribute toward the viability and objectives of the #Commercial Residential# (CR) #District# by providing increased street activity during evening hours and on weekends.~~

(ge) Notwithstanding any other provisions of the Zoning Resolution . . .

* * *

74-91

~~Urban Open Space Modifications of Urban Plazas~~

~~In C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the City Planning Commission may permit modifications of the provisions of Section 37-04 (Requirements for Open Air Concourses, Sidewalk Widening and Urban Plazas) affecting the eligibility of #urban plazas#, #sidewalk widenings# or #open air concourses# for bonus #floor area#, provided that such modifications shall not include any modification of Sections 33-14 (Floor Area Bonus for an Urban Plaza) or 33-15 (Floor Area Bonus for Open Air Concourses and Sidewalk Widening) for the bonus #floor area# of 10 square feet for each square foot of #urban open space plaza#, and that such Any modifications shall be conditioned upon the Commission findings made by the Commission in accordance with the provisions of this Section that the usefulness and attractiveness of the #urban plaza# will be assured by the proposed layout and design and that the #development# as a whole will produce a good urban design relationship with surrounding #buildings# and #open spaces#.~~

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

* * *

74-911

~~Urban plazas~~

~~(Delete entire Section.)~~

74-912

~~Sidewalk widenings~~

~~(Delete entire Section.)~~

74-913

~~Open air concourses~~

~~(Delete entire Section.)~~

* * *

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 1
Special Midtown District**

* * *

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* * *

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* * *

**81-022
Applicability of Special Transit Land Use District regulations**

* * *

- (a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:

- (1) the developer has agreed in a writing recorded against the property to implement a plan approved by the City Planning Commission and the New York City Transit Authority for off-street relocation of a subway stair entrance in accordance with the requirements of Section 81-4746 (Off-Street Relocation of a Subway Stair), or
- (2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and the New York City Transit Authority for the provision of a subway station improvement in accordance with the provisions of Section 81-5374-634 (Subway Station Improvements in commercial zones of 10 FAR and above in Manhattan).

* * *

81-211

Maximum floor area ratio for non-residential or mixed buildings

* * *

MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND MAXIMUM FLOOR AREA RATIOS BY DISTRICTS								
Means for Achieving Permitted FAR Levels on a #Zoning Lot#								
		Maximum #Floor Area Ratio# (FAR)						
		Districts						Grand Central Subdistrict
		CSP	C6-4 C6-5 M1-6	C5-2.5 ² C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 ² C6-6 C6-7	C5-2.5	C5-3 C6-6
A	Basic maximum FAR	8.0	10.0	12.0	14.0	15.0	12.0	15.0
B	Maximum as-of-right #floor area# allowances: #Urban plaza# (Section 81-23)	--	1.0 ¹	1.0 ¹	--	1.0	--	--
C	Maximum FAR with as-of-right incentives	8.0	11.0 ¹	13.0 ¹	14.0	16.0	12.0	15.0
D	Maximum special permit #floor area# allowances: (district-wide incentives) Subway station improvement (Section 81-5374-634)	--	2.0 ¹	2.4 ¹	--	3.0	2.4	3.0

* * *

81-23
Floor Area Bonus for Urban Plazas

* * *

- (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);

* * *

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~~ (~~Requirements for Pedestrian Circulation Space~~) 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-~~d~~).

* * *

81-413
Provisions for persons with disabilities

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

* * *

81-42

Retail Continuity along Designated Streets

On designated retail #streets# . . . A #building's street# frontage shall be allocated exclusively to such #uses# except for lobby space or entrance space, entrance areas to subway station improvements for which bonus #floor area# is granted and #street wall# continuity restrictions waived pursuant to the provisions of Section 81-5374-634, or one or more of the following pedestrian circulation spaces subject to the #street wall# continuity requirements of Section 81-43: relocated subway stairs conforming to the requirements and standards of Section 81-476 and through #block# connections conforming to the provisions of paragraph (h) of Section 81-4637-073.

* * *

81-43

Street Wall Continuity Along Designated Streets

* * *

Pedestrian circulation spaces may be provided to meet the requirements of Sections 81-45, or 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 the setback restrictions of this Section. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station improvement for which bonus #floor area# is granted, in accordance with the provisions of Section 81-53 (Subway Station Improvements) 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan).

* * *

The restrictions on recesses shall not apply to arcades, corner arcades, subway stairs relocated within the #building#, through #block# connections within the #building# or building entrance recess areas within the #building#, where such spaces are provided in accordance with the requirements and design standards of Sections 81-45, or 81-46 or 81-47 and provided that such spaces shall be subject to a maximum height limit of 30 feet. Any recesses in the #residential# portion of a #building# shall comply with the #outer court# regulations of Section 23-84 (Outer Court Regulations).

* * *

81-45

~~Provision of Pedestrian Circulation Space~~

(Delete existing text.)

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), as modified by the provisions of this Section.

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#.

In addition to the types of pedestrian circulation spaces listed in Section 37-07, the following may be counted towards meeting the minimum pedestrian space requirement:

- (a) up to a maximum of 3,000 square feet of an access improvement to rail mass transit, provided pursuant to Section 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility); and
- (b) within the Theater Subdistrict, theater waiting space provided pursuant to Section 81-451.

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

- (1) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;
- (2) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street frontage#;
- (3) 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;
- (4) 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
- (5) the #zoning lot# is a #through lot# with both #street frontages# less than 25 feet in length.

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#.

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 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). 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. 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.

81-451

~~Design standards for pedestrian circulation spaces~~

~~Theater waiting space~~

(Delete existing text.)

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).

The theater waiting space may overlap with an arcade, a building entrance recess area, a corner arcade, a corner circulation space or a sidewalk widening. 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
(Delete entire Section.)~~

~~81-453~~

~~Exemptions from the pedestrian circulation space requirements
(Delete entire Section.)~~

~~81-454~~

~~Modification of design standards of pedestrian circulation spaces within existing buildings
(Delete entire Section)~~

~~81-46~~

~~Through Block Connection
(Delete entire Section.)~~

~~81-461~~

~~Locational standards
(Delete entire Section.)~~

~~81-462~~

~~Design standards for a through block connection
(Delete entire Section.)~~

~~81-4781-46~~

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

~~(Delete existing text.)~~

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 Ave)
34th Street/Herald Square	BMT/IND (Sixth Ave)
42nd Street	IND (Eighth Avenue)
42nd Street/Times Square	BMT/IRT (Seventh Avenue)
42nd Street	IND (Sixth Avenue)
42nd Street/Grand Central Terminal	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)
51st Street	IRT (Lexington Avenue)
53rd Street (Seventh Avenue)	IND (Eighth Avenue)
Fifth Avenue (53rd Street)	IND (Queens)
Lexington Avenue/Third Avenue (53rd Street)	IND (Queens)
57th Street (Seventh Avenue)	BMT
57th Street (Sixth Avenue)	IND (Sixth Avenue)
Columbus Circle (59th Street)	IND (Eighth Avenue)/IRT (Seventh Avenue)

* * *

81-471

~~Standards for location and design~~
(Delete entire Section.)

81-472

~~Relocated or renovated subway stair as a pedestrian circulation space~~
(Delete entire Section.)

81-473

~~Administrative procedure for subway stair relocation or renovation~~
(Delete entire Section.)

81-487
Major Building Entrances

* * *

81-498
Off-street Improvement of Access to Rail Mass Transit Facility

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

* * *

81-50
INCENTIVES BY SPECIAL PERMIT FOR PROVISIONS OF PUBLIC AMENITIES

* * *

81-51
General Provisions and Procedures

(Delete existing text.)

~~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 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 ~~81-5374-634~~ (Subway Sstation Improvements in commercial zones of 10 FAR and above in Manhattan). However, in the Theatre 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 Theatre 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 theatre.~~

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

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

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

~~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.~~

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 Terminal	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)
51st Street	IRT (Lexington Avenue)
53rd Street (Seventh Avenue)	IND (Eighth Avenue)
Fifth Avenue (53rd Street)	IND (Queens)
Lexington Avenue/Third Avenue (53rd Street)	IND (Queens)
57th Street (Seventh Avenue)	BMT
57th Street (Sixth Avenue)	IND (Sixth Avenue)
Columbus Circle (59th Street)	IND (Eighth Avenue) /IRT (Seventh Avenue)

~~81-53~~

~~Subway Station Improvements~~

(Delete entire Section.)

~~81-531~~

~~Midtown subway stations~~

(Delete entire Section.)

~~81-532~~

~~Selection of improvements~~

(Delete entire Section.)

~~81-533~~

~~Compliance with Transit Authority design standards~~

(Delete entire Section.)

~~81-534~~

~~Procedure~~

(Delete entire Section.)

~~81-535~~

~~Floor area bonus~~

(Delete entire Section.)

~~81-536~~

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

(Delete entire Section.)

* * *

81-623

Building lobby entrance requirements

* * *

Each required building entrance shall lead directly to the building lobby. For #developments# or #enlargements# on #through lots#, required building entrances on each such #street# frontage shall be connected directly to the building lobby by providing a through #block# connection pursuant to paragraph (h)(2) Section 81-462 (Design standards for a through block connection) of Section 37-073. ~~The required through #block# connection shall be considered as pedestrian circulation space, meeting the requirements of Section 81-45 (Provision of Pedestrian Circulation Space), if it is more than 50 feet from the nearest north/south #street# or Depew Place.~~

Each required building entrance shall include a building entrance recess as defined in Section 81-451 ~~37-07~~ (Design standards for pedestrian circulation spaces), except that for

#developments# or #enlargements# with frontage on Madison or Lexington Avenues or 42nd Street, the length of a building entrance recess shall not be greater than 40 feet parallel to the #street line# and there may be only one building entrance recess area on each such #street# frontage.

* * *

81-625

Pedestrian circulation space requirements

Any #development# or #enlargement# within the Grand Central Subdistrict shall be subject to the provisions of Section 81-45 (~~Provision of Pedestrian Circulation Space~~), Section 81-4746 (Off-street Relocation or Renovation of a Subway Stair) and Section 81-4948 (Off-street Improvement of Access to Rail Mass Transit Facility) except that:

* * *

81-721

Required use allocations on street frontages

* * *

Where a stairway entrance into a subway is relocated onto a #zoning lot# in accordance with the requirements of Section 81-4746 (Off-Street Relocation of a Subway Stair) . . .

* * *

81-731

Special regulations for signs, transparency, banners and canopies

* * *

(a) . . . For the purposes of this Section, clear, unobstructed openings in the surface of a #street wall# provided for a stairway entrance into a subway relocated onto a #zoning lot# in accordance with the requirements of Section 81-4746 (Off-Street Relocation of a Subway Stair) or a through #block# connection provided in accordance with the requirements of paragraph (h) of Section 81-4637-073 (~~Through Block Connection~~) shall be treated as transparent glazed surfaces.

* * *

81-741

General provisions

* * *

~~(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).~~

* * *

81-748

~~Floor area bonus for through block galleries
(Delete entire Section.)~~

* * *

Chapter 4
Special Battery Park City District

* * *

84-20
ZONE B

Zone B is designed to provide for commercial and mixed #development# with ancillary retail and service #uses#, in accordance with the Large Scale Commercial Development Plan which is attached as an exhibit to the Master Lease for Battery Park City dated June 6, 1980, as amended. Alignment of the pedestrian bridge at Liberty Street shall connect or allow for connection at the easterly line of West Street with a pedestrian ways connection to be provided on the southerly side of Liberty Street, as provided in this Section and Section 91-72 (Certification for development on the block bounded by Liberty, Washington, Cedar and West Streets). ~~set forth in Article VIII, Chapter 6 (Special Greenwich Street Development District).~~ In addition, the pedestrian bridge at the World Trade Center crossing shall connect or allow for connection with the World Trade Center at the easterly line of West Street. The pedestrian bridges are shown on the District Plan in Appendix 1.

* * *

ARTICLE VIII
SPECIAL PURPOSE DISTRICTS

* * *

~~Chapter 6~~
~~Special Greenwich Street Development District~~
 (Delete entire Chapter.)

* * *

~~Chapter 8~~
~~Special South Street Seaport District~~
 (Delete entire Chapter.)

* * *

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

~~Chapter 1~~
~~Special Lower Manhattan District~~

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91-00

GENERAL PURPOSES

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

- (a) Encourage development of a 24-hour community through the conversion of older commercial buildings to residential use;
- (b) Facilitate maximum design flexibility of buildings and enhance the distinctive skyline and streetscape of Lower Manhattan;
- (c) Improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;
- (d) Enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;
- (e) Restore, preserve and assure the use of the South Street Seaport Subdistrict as an area of small historic and restored buildings, open to the waterfront and having a high proportion of public spaces and amenities, including a South Street Seaport Environmental Museum, with associated cultural, recreational and retail activities;

- (f) Establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration; and
- (g) Promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

91-01

General Provisions

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

Requirements that apply generally throughout the #Special Lower Manhattan District# are set forth in the provisions for this Chapter. The provisions of Section 91-40 (MANDATORY DESIGN PLAN ELEMENTS) specify planning and urban design features to be provided in connection with new #developments# or #enlargements# that are primarily oriented toward the accommodation and well-being of pedestrians. For requirements that are not generally applicable but are tied to specific locations within the Special District, the locations where these requirements apply are shown on District Map 2 (Street Wall Continuity Types 1, 2 & 3), Map 3 (Street Wall Continuity Types 4 & 5), Map 4 (Designated Retail Streets) and Map 5 (Curb Cut Prohibitions) in Appendix A.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area) shall apply to all areas of the #waterfront area# within the #Special Lower Manhattan District#, except as otherwise provided in Section 91-60 (REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT) for Piers 9, 11, 13 and 14. Piers 9, 11, 13 and 14 are shown on Maps 1 and 6 in Appendix A.

An existing public amenity, open or enclosed, that was a mandatory requirement or received a #floor area# bonus pursuant to the provisions of the former Special Greenwich Street Development District, eliminated on (effective date of amendment), shall not be removed, reduced in size or in any way altered, other than pursuant to the provisions of Section 91-71 (Authorization for the Modification of Required Public Amenities).

Special regulations governing the development of three specific sites in the Special Lower Manhattan District are set forth in the following Sections:

Section 91-72 (Certification for Development on the Block bounded by Liberty, Washington, Cedar and West Streets)

Section 91-73 (Special Permit for Development over the Approaches to the Brooklyn Battery Tunnel)

Section 91-74 (Special provisions for Battery Park Underpass/South Street).

91-02

Definitions

For the purposes of this Chapter, matter in italics is defined in Section 12-10, or 91-62 (Definitions).

91-03

District Maps

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1	Special Lower Manhattan District
Map 2	Street Wall Continuity Types 1, 2 & 3
Map 3	Street Wall Continuity Types 4 & 5
Map 4	Designated Retail Streets
Map 5	Curb Cut Prohibitions
Map 6	South Street Seaport Subdistrict (Section 91-63)
Map 7	Subway Station Improvement Areas.

91-04

Subdistrict and Core Areas

In order to carry out the purposes and provisions of this Chapter, the South Street Seaport Subdistrict and the Historic and Commercial Core are established within the #Special Lower Manhattan District# and include specific regulations designed to advance the purpose of these areas:

(a) The South Street Seaport Subdistrict

The South Street Seaport Subdistrict contains certain provisions that do not apply to other areas of the Special District. Except as otherwise provided in the Subdistrict regulations, the Subdistrict is subject to all other regulations of the #Special Lower Manhattan District# and the underlying districts. The requirements for the South Street Seaport Subdistrict are set forth in Section 91-60 (SPECIAL REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT).

The Subdistrict is shown on Map 1 (Special Lower Manhattan District) and Map 6 (South Street Seaport Subdistrict) in Appendix A.

(b) The Historic and Commercial Core

The Historic and Commercial Core has been established to promote #development# compatible with existing #buildings# that border the area whose street plan has been accorded landmark status by the New York City Landmarks Commission as the Streetplan of New Amsterdam and Colonial New York. Height and setback provisions for the Historic and Commercial Core are set forth in Sections 91-31 through 91-33.

The Core is bounded by Broadway and Wall, Whitehall and Water Streets, as shown on Map 1 (Special Lower Manhattan District) in Appendix A.

91-05

Applicability of the Quality Housing Program

Within the #Special Lower Manhattan District#, #residential buildings# or the #residential# portion of a #mixed building# may be #developed# or #enlarged# in accordance with the provisions of Article II, Chapter 8 (The Quality Housing Program), except that the #bulk# regulations of Section 28-11 shall be superseded by the #bulk# regulations of this Chapter. Recreation space required pursuant to Section 28-30 (RECREATION SPACE AND PLANTING AREAS) shall be in addition to any recreation space required pursuant to this Chapter.

91-06

Applicability of Article VII Provisions

91-061

Applicability of special permits by the Board of Standards and Appeals

Within the #Special Lower Manhattan District#, the following Board of Standards and Appeals special permits shall not be applicable or shall be applicable only as modified:

The following special permit by the Board of Standards and Appeals shall not be applicable:

Section 73-68 (Modifications of Height, Setback and Rear Yard Regulations)

The following special permits by the Board of Standards and Appeals shall be applicable as modified:

Section 73-21 (Automotive Service Stations) shall not apply on #zoning lots# with frontage on any #street# listed on Map 2 (Streets Where Street Wall Community Is Required) or Map 4 (Designated Retail Streets) in Appendix A

Section 73-244

(In C2, C3, C4*, M1-5A, M1-5B, M1-5M and M1-6M Districts and the Special Tribeca Mixed Use District) shall also apply in C5 Districts to eating or drinking establishments with entertainment, including musical entertainment or dancing, and a capacity of more than 200 persons.

91-062

Applicability of special permits by the City Planning Commission

Within the #Special Lower Manhattan District#, the following City Planning Commission special permits shall not be applicable or shall be applicable within C5 Districts, as follows:

The following special permits by the City Planning Commission shall not be applicable:

Section 74-721 (Modification of Height, Setback and Yard Regulations)

Section 74-722 (Special Floor Area Regulations)

The following special permits by the City Planning Commission shall be applicable also within C5 Districts:

Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions)

Section 74-46 (Indoor Interactive Entertainment Facilities)

91-10

SPECIAL USE REGULATIONS

91-11

Modification of Use Regulations in C5 Districts

91-111

Additional uses in C5 Districts

In addition to the special permit #uses# cited in Section 91-05, the #use# regulations for C5 Districts within the #Special Lower Manhattan District# are modified to permit the following #uses#:

From Use Group 7:

Use Groups 7B and 7E

From Use Group 8:

Use Groups 8A*, 8B and 8E

From Use Group 12:

Use Groups 12A**, 12B, 12C and 12E

* inclusive of the waiting area requirements for theaters as listed in Use Group 8A

** except for eating or drinking establishments as listed in Use Group 12A

91-112

Eating and drinking establishments with dancing in C5 Districts

In all C5 Districts within the Special District, in addition to eating and drinking establishments permitted pursuant to Section 32-15 (Use Group 6), the following types of eating and drinking establishments shall be permitted:

Eating or drinking establishments with entertainment, including musical entertainment or dancing, with a total capacity of 200 persons or fewer, shall be permitted, provided that the dance floor or area, if any, does not exceed 400 square feet. The locational and waiting area requirements for eating or drinking establishments of Section 73-244 (In C2, C3, C4*, M1-5A, M1-5B, M1-5M and M1-6M Districts and the Special Tribeca Mixed Use District) shall apply.

Eating or drinking establishments with entertainment, including musical entertainment or dancing, with a capacity of more than 200 persons shall be permitted, pursuant to the provisions of Section 73-244, as modified in Section 91-061 (Applicability of special permits by the Board of Standards and Appeals).

91-113

Location of certain commercial uses

In C5 Districts within the Special District#, the provisions of Section 32-423 (Limitation on ground floor location) shall not apply.

91-12

Uses on Designated Retail Streets

On designated retail #streets#, as shown on Map 4 in Appendix A, for any #development# or #enlargement# fronting on such #streets#, #uses# located on the ground floor level, or within five feet of #curb level#, shall be limited to only those #uses# permitted by the underlying regulations and Section 91-111 (Additional uses in C5 Districts), other than automobile showrooms or plumbing, heating or ventilating equipment showrooms or any of the #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D.

91-13

Sign Regulations

In the #Special Lower Manhattan District#, except as modified by the provisions of this Section, the regulations of Section 32-60, *et. seq.* pertaining to #signs#, shall apply.

91-131

Illuminated signs in C5 Districts

In all C5 Districts within the Special District, not more than one #illuminated#, non-#flashing sign#, other than an #advertising sign#, with a total #surface area# not exceeding eight square feet shall be permitted for each #street# frontage of the #zoning lot#. Such #sign# may be located only within a window of a #building#.

91-132

Banner regulations

In all C5 and C6 Districts within the Special District, in lieu of the provisions of Section 32-652 (Permitted projection in all other Commercial Districts), banners may project across a #street line# for a maximum distance of eight feet.

In C5-3 or C5-5 Districts within the Special District, in lieu of the provisions of Section 32-655 (Height of signs in all other Commercial Districts), banners may extend above #curb level# to a maximum height of 40 feet.

91-20

FLOOR AREA AND DENSITY REGULATIONS

91-21

Floor Area Regulations For Residential Buildings and the Residential Portion of Mixed Buildings

91-211

Maximum floor area ratio for residential uses

Within the #Special Lower Manhattan District#, the maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall be determined

in accordance with the regulations of the underlying district and may not be increased except as provided in Sections 91-212 (Floor area increase in a C6-4 District) or 91-213 (Floor area increase for provision of recreation space).

In a C4-6 District, the maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall be 3.4.

91-212

Floor area increase in a C6-4 District

In a C6-4 District, except within the South Street Seaport Subdistrict, the #residential floor area# of a #building# may exceed 10.0 in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING) or Section 91-241 (Floor area bonus for urban plazas), provided that the maximum #residential #floor area# ratio shall not exceed 12.0.

91-213

Floor area increase for provision of recreation space

In C5-3, C5-5 and C6-9 Districts, the #residential floor area# of a #building# may be increased to 12.0, provided that the #building# includes recreation space for the #residential# occupants in an amount not less than 13 square feet for each #rooming unit#, 16.25 square feet for each #dwelling unit#, or a total area of at least 5,000 square feet, whichever is greater.

Such recreation space may be located at any level, including a roof, and shall:

- (a) be restricted to #residential# occupants of the #building# and their guests for whom no admission or membership fees may be charged;
- (b) be directly accessible from a lobby or other public area served by the #residential# elevators;
- (c) be landscaped, including trees or shrubbery, except where covered or developed with recreational facilities and seating areas;
- (d) contain not less than 500 square feet of continuous area on a single level with no dimension of less than 15 feet; and
- (e) 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 recreation space be fully enclosed. All enclosures shall be transparent except when located within the #building#. Covered areas shall contain recreation facilities or seating areas.

A copy of requirements (a) through (e) shall be permanently posted in a conspicuous place within each recreation space.

91-22

Density Regulations for Residential Buildings and the Residential Portion of Mixed Buildings

In the #Special Lower Manhattan District#, 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 35-41 (Lot Area Requirements for Non-Residential Portions of Mixed Buildings) and the provisions of Section 35-42 (Density or Lot Area Bonus in Mixed Buildings) shall not apply to any #residential# or #mixed building development#. In lieu thereof, the maximum number of #dwelling units# or #rooming units# shall equal the total #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. Fractions equal to or greater than three quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

Each #dwelling unit# shall contain at least 400 square feet of #floor area# except that this requirement shall not apply to #non-profit residences for the elderly#.

MAXIMUM NUMBER OF DWELLING UNITS OR ROOMING UNITS

District	#Dwelling Unit# Factor	#Rooming Unit# Factor
R8 (or commercial equivalent)	740	530
R10 (or commercial equivalent)	790	600

The maximum number of #dwelling units# or #rooming units# for #non-profit residences for the elderly# may be increased over the amount of #dwelling units# or #rooming units# permitted by this Section by up to 10 percent.

91-23

Floor Area Regulations for Non-Residential and Mixed Buildings

For non-#residential buildings# or #mixed buildings# within the #Special Lower Manhattan District#, the basic maximum #floor area ratio# of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified on the following chart.

The provisions of paragraph (c) of Section 74-792 (Conditions and limitations), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in the following table. Wherever there may be an inconsistency between any provision in Section 74-79 and the following table, the provisions of the table shall apply.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY DISTRICT

BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)									
Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within the Core or Subdistrict			Historic and Commercial Core	South Street Seaport Subdistrict and all waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9		C5-5	M1-4	C2-8	C4-6	C6-4
Basic maximum FAR	6.02 ¹	10	15	15	2.0 ²	2.0 ²	3.4	10	15
					6.5 ³	3.4 ³			
Maximum as-of-right #floor area# bonus for #urban plazas#	NA	2	3	NA	NA	NA	NA	NA	NA
Maximum as-of-right #floor area# bonus for Inclusionary Housing	NA	2	NA	NA	NA	NA	NA	NA	NA
Maximum FAR with as-of-right #floor area# bonuses	6.02 ¹	12	18	15	2.0 ²	2.0 ²	3.4	10	15
					6.5 ³	3.4 ³			
Maximum special permit #floor area# bonuses: subway station improvements & #covered pedestrian spaces#	NA	2	3	3	NA	NA	NA	NA	NA
Maximum total FAR with as-of-right and special permit #floor area# bonuses	6.02 ¹	12	18	18	2.0 ²	2.0 ²	3.4	10	15
					6.5 ³	3.4 ³			
Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)	NA	10	15 ⁴	15	NA	NA	NA	NA	NA
			18 ⁵						
Maximum total FAR with transferred development rights from landmark #zoning lot# and as-of-right and special permit #floor area# bonuses	6.02 ¹	14	21.6	21.6	2.4 ²	2.0 ²	3.4	12	21.6
					7.8 ³	3.4 ³			
Maximum total FAR of designated receiving sites in South Street Seaport Subdistrict (Section 91-60)	NA	NA	NA	NA	NA	2.0 ²	3.4	12	21.6
						3.4 ³			

¹ Maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3.

2. For a #commercial# or, where permitted, #manufacturing use#
3. For a #community facility use#
4. If receiving lot is located in a zoning district with a basic maximum FAR of less than 15.
5. If receiving lot is located in a zoning district with a basic maximum FAR of 15.

91-24

As-of-Right Bonuses for Increased Floor Area

Within the #Special Lower Manhattan District#, as-of-right bonuses for increased #floor area# are allowed only in accordance with the provisions of this Section.

91-241

Floor area bonus for urban plazas

The maximum permitted #floor area# on a #zoning lot# may be increased in accordance with the following regulations, provided that an #urban plaza#, which shall meet the requirements of Section 37-04 (Requirements for Urban Plazas), is included in the #development# or #enlargement#.

- (a) A #floor area# bonus for an #urban plaza# shall not be permitted for any #development# or #enlargement# located within:
 - (1) the Historic and Commercial Core;
 - (2) the South Street Seaport Subdistrict; or
 - (3) 50 feet of a #street line# of a designated #street# on which:
 - (i) retail continuity is required pursuant to Section 91-41 (Regulations for Designated Retail Streets), or;
 - (ii) #street wall# continuity is required pursuant to the regulations for Type 1 or Type 2 #street walls# pursuant to Section 91-31 (Street wall Regulations).
- (b) For each square foot of an #urban plaza#, the basic maximum #floor area# permitted by Section 91-23 (Floor Area Regulations for Non-Residential and Mixed Buildings) may be increased, in C6-4 Districts, by six square feet to a maximum #floor area# ratio of 12.0; and, in C5-3, C5-5 and C6-9 Districts, by ten square feet to a maximum #floor area# ratio of 18.0.
- (c) When an #urban plaza# that meets the requirements for a #floor area# bonus is located on a #zoning lot# divided by a district boundary, the bonusable #floor area# may be credited to either portion of the #zoning lot#, notwithstanding the location of

the #urban plaza# or the date of the creation of the #zoning lot#. The amount of bonusable #floor area# permitted on either portion of the #zoning lot# shall not exceed the maximum amount of #floor area# permitted on such portion if it were a separate #zoning lot# subject to all other provisions of Article VII, Chapter 7.

91-242

Floor area bonuses for improvements on the block bounded by Liberty, Washington, Cedar and West Streets

For any #development# on the #block# bounded by Liberty, Washington, Cedar and West Streets within the former #Special Greenwich Street Development District#, certain improvements, as certified by the City Planning Commission, shall be eligible for as-of-right bonuses for #floor area#, pursuant to the provisions of Section 91-72.

91-25

Special Permit Bonuses for Increased Floor Area

Within the #Special Lower Manhattan District#, the City Planning Commission may grant the following special permits for increased #floor area# in accordance with the provisions of this Section.

91-251

Special permit for subway station improvements

Within the #Special Lower Manhattan District#, the City Planning Commission may grant, by special permit, a #floor area# bonus for #buildings# that provide subway station improvements, pursuant to the provisions of Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan).

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Floor Area Regulations For Residential Buildings and the Residential Portion of Mixed Buildings) or 91-23 (Floor Area Regulations for Non-Residential and Mixed Buildings)

For the purposes of the Special District, the #zoning lot# for the #development# or #enlargement# that will receive the #floor area# bonus shall be located within a #Commercial District# with a #floor area ratio# of 10.0 or above and shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway.

The subway stations where such improvements are permitted are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix A.

Station	Line
Bowling Green	IRT (Lexington Avenue)
Broad Street	BMT (Nassau)
Broadway/Nassau	IND (Eighth Avenue)
Brooklyn Bridge (City Hall)	IRT (Lexington Avenue)
Chambers Street	BMT (Nassau)
Chambers Street	IND (Eighth Avenue)
Chambers Street	IRT (Seventh Avenue)
City Hall	BMT (Broadway)
Cortlandt Street (World Trade Center)	BMT (Broadway)/IRT (Seventh Avenue)
Fulton Street	BMT (Nassau)
Fulton Street	IRT (Seventh Avenue)
Fulton Street (Broadway)	IND (Eighth Avenue)/IRT (Lexington Avenue)
Rector Street	BMT (Broadway)/IRT (Seventh Avenue)
Park Place	IRT (Seventh Avenue)
South Ferry	IRT (Seventh Avenue)
Wall Street	IRT (Seventh Avenue)
Wall Street (Broadway)	IRT (Lexington Avenue)
Whitehall Street	BMT (Broadway)
World Trade Center	IND (Eighth Avenue)

91-252

Special permit for covered pedestrian space

In C5-3, C5-5, C6-4 and C6-9 Districts within the #Special Lower Manhattan District#, except within the South Street Seaport Subdistrict, the City Planning Commission may grant, by special permit, a #floor area# bonus for a #commercial# or #community facility development# or #mixed building# that provides #covered pedestrian space# on a #zoning lot#, in accordance with the provisions of Section 74-87 (Covered Pedestrian Space).

The total additional #floor area# permitted on the #zoning lot# shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Floor Area Regulations For Residential Buildings and the Residential Portion of Mixed Buildings) and 91-23 (Floor Area Regulations for Non-Residential and Mixed Buildings).

91-30

HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

For all #buildings or other structures# in the #Special Lower Manhattan District#, the height and setback regulations of the underlying districts are superseded by the regulations of this Section, except that in the C6-4 District within the South Street Seaport Subdistrict, the provisions of Section 33-432 (In other Commercial Districts) may be applied as an alternative to the height and setback and #lot coverage# regulations of this Section.

The height of all #buildings or other structures# shall be measured from #curb level#.

91-31

Street Wall Regulations

Within the #Special Lower Manhattan District#, all portions of #buildings or other structures# located above the maximum base heights specified in paragraph (a) of this Section shall provide a setback in accordance with the regulations of Section 91-32 (Setback Regulations).

(a) Within the Special District, the maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater, except as provided for the following types of #street wall# regulations:

(1) #Street wall# regulations: Type 1

For #developments# or #enlargements# that front upon a #street# indicated as "Type 1" on Map 2 (Street Wall Continuity Types 1, 2 & 3) in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# to a minimum base height of 150 feet or the height of the #building#, whichever is less. The maximum base height shall be 250 feet.

(2) #Street wall# regulations: Type 2

For #developments or enlargements# that front upon a #street# indicated as "Type 2" on Map 2 (Street Wall Continuity Types 1, 2 & 3) in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# to a minimum base height of 85 feet or the height of the #building#, whichever is less. The maximum base height shall be 150 feet.

(3) #Street wall# regulations: Type 3

For #developments or enlargements# that front upon a #street# indicated as "Type 3" on Map 2 (Street Wall Continuity Types 1, 2 & 3) in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# to a minimum base height of 60 feet, five stories, or the height of the #building#, whichever is less. The maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater.

(4) #Street wall# regulations: Type 4

For #developments# or #enlargements# that front upon a #street# within the Historic and Commercial Core, indicated as "Type 4" on Map 3 (Street Wall

Continuity Types 4 & 5) in Appendix A, the maximum base height shall be 100 feet.

(5) #Street wall# regulations: Type 5

For #developments# or #enlargements# that front upon a #street# indicated as "Type 5" on Map 3 (Street Wall Continuity Types 4 & 5) in Appendix A, no setbacks are required for any portion of a #building#.

(b) For #developments# or #enlargements# that front upon a #street# indicated as "Type 1" or "Type 2," at least 70 percent of the #aggregate width of street walls# shall be located on such #street line#. For #developments# or #enlargements# that front upon a #street# indicated as "Type 3," at least 70 percent of the #aggregate width of street walls# shall be located within 10 feet of the #street line#. The remaining 30 percent of the #aggregate width of street walls# may be located beyond such #street lines# in compliance with:

(1) the #outer court# regulations of Article II, Chapter 3, for #residential# portions of #buildings#; or

(2) the #outer court# regulations of Article II, Chapter 4, for all other portions of #buildings#; or

(3) the requirements of Section 37-07 (Requirements for pedestrian circulation space) where such areas are pedestrian circulation spaces.

(c) When a #building# fronts on two intersecting #streets# for which different maximum base heights are specified, the higher maximum base height may wrap around to the #street# with the lower maximum base height for a distance along the #street line# of 100 feet. However, "Type 5" #street walls# shall not be permitted to wrap around to the intersecting #street#.

(d) Arcades and sidewalk widenings shall be permitted along any #street# indicated as "Type 1," "Type 2" or "Type 3," pursuant to paragraphs (a), (b) or (c) of this Section, provided such arcade or sidewalk widening extends along the entire #block# frontage or abuts another arcade, existing on (effective date of amendment), of equal width and height or another sidewalk widening of equal width. In such case, the #street wall# requirements for paragraph (b) of this Section shall be measured from the permitted arcade or sidewalk widening.

91-311

Modification of streetwall regulations

Within the #Special Lower Manhattan District#, the City Planning Commission, by special permit, may modify the locational requirements and minimum base heights of Section 91-31 (Street Wall Regulations), provided that the Commission finds such change will:

- (a) produce an improved site plan consistent with existing scale and #street# configuration patterns;
- (b) enhance pedestrian circulation by providing pedestrian amenities that relieve sidewalk congestion; and
- (c) ensure a more harmonious relationship between the #development# and the surrounding area.

**91-32
Setback Regulations**

Within the #Special Lower Manhattan District#, setbacks are required for any portion of a #building# that exceeds the maximum base heights specified for the applicable #street# in Section 91-31 (Street Wall Regulations).

Required setbacks shall be provided at a height not lower than any minimum base height or 60 feet where none is specified and not higher than any maximum base height specified for the applicable #street# in Section 91-31. The depth of the setback shall be determined by the #lot area# of the #zoning lot# on which the #building# is located, as shown in the following table:

REQUIRED DEPTH OF SETBACKS

#Lot area# of #zoning lot#	Minimum setback depth
Less than 15,000 square feet	10 feet
15,001 to 30,000 square feet	15 feet
Greater than 30,000 square feet	20 feet

However, for predominantly #residential buildings# within a C6-4 District within the South Street Seaport Subdistrict, the minimum setback depth may be ten feet.

For "Type 1" and "Type 2" #street walls#, the required setbacks shall be measured from the #street line#.

For "Type 3" #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 70 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such line and the #street line#.

For all other #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 50 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such drawn line and the #street line#. However, setbacks are not required for #street walls# fronting upon the major portion of a bonused #urban plaza#.

For #buildings within the Historic and Commercial Core as shown on Map 1 in Appendix A, any #building# or portion of a #building# may be located within the required setback area beneath a #sky exposure plane# that rises from a height of 100 feet above the #street line# over the #zoning lot# at a vertical distance of six to a horizontal distance of one.

91-33

Lot Coverage Regulations

Except within the Historic and Commercial Core, any #development# or #enlargement#, or portion thereof, shall have a maximum #lot coverage# of 65 percent of the #lot area# of the #zoning lot# above the maximum base height specified in Section 91-31 (Street Wall Regulations), up to a height of 300 feet. Above a height of 300 feet, any #development# or #enlargement# or portion thereof shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#.

Within the Historic and Commercial Core, any #development# or #enlargement#, or portion thereof, shall have a maximum #lot coverage# of 75 percent of the #lot area# of the #zoning lot# above the maximum base height specified in Section 91-31, up to a height of 300 feet. Above a height of 300 feet, any #development# or #enlargement# or portion thereof shall have a maximum #lot coverage# of 60 percent of the #lot area# of the #zoning lot#.

For #developments# or #enlargements# fronting on more than one #street# where different maximum base heights are specified, the maximum #lot coverage# regulations specified in this Section, up to a height of 300 feet, shall apply above the lowest maximum base height specified for such #developments# or #enlargements#.

91-34

Maximum Horizontal Dimension for Tall Buildings

For any portion of a #development# or #enlargement# above a height of 300 feet, the maximum horizontal dimension, measured in any direction, shall not exceed 175 feet.

91-40

MANDATORY DISTRICT PLAN ELEMENTS

91-41

Regulations for Designated Retail Streets

91-411

Location of required retail space

For any #development# or #enlargement# fronting on the ground floor level of designated retail #streets#, as shown on Map 4 in Appendix A, the #street# frontage of the #building# shall be allocated exclusively to the #uses# set forth in Section 91-12 (Uses on Designated Retail Streets). However, #uses# located within lobby or entrance spaces, subway station improvements or pedestrian circulation spaces that do not front on the ground floor level of the #street# shall be in accordance with the provisions for permitted #uses# of the underlying district.

Where the #street# frontage occupied by all building entrances is 20 feet or more in width, the amount of #street# frontage occupied by lobby space, entrance space and/or a building entrance recess shall not exceed, in total, 40 linear feet or 25 percent of the building's total #street# frontage, whichever is less, exclusive of any frontage occupied by a relocated subway stair or the entrance area to a bonused subway station improvement.

Storefronts for permitted ground floor #uses# shall be no more than 10 feet from the #street line# or, where an #arcade# is provided with supporting columns at the #street line#, no more than 10 feet from the supporting columns.

91-412

Access and glazing of required retail space

Access to each permitted establishment or #use# shall be provided directly from the designated retail #street#, as shown on Map 4 in Appendix A. Where there is more than one entrance to the establishment or #use# from the designated retail #street#, direct access shall be provided via the entrance with the greatest aggregate clear opening width.

At least 50 percent of the #street wall# surface of each permitted establishment or #use# shall be glazed with clear untinted transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#.

For the purposes of this glazing requirement, the #street wall# surface of each permitted establishment shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less.

91-42

Pedestrian Circulation Space

Within the boundaries of the #Special Lower Manhattan District#, all new #developments# or #enlargements# on #zoning lots# of at least 5,000 square feet that contain 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).

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 on a #street# or #streets# listed in paragraph (a) of Section 91-31 (Street Wall Regulations);
- (d) the #zoning lot# is a #through lot# and both #street frontages# are less than 25 feet in length; or
- (e) the #zoning lot# is located in a C6-4 District within the South Street Seaport Subdistrict.

91-43

Off-Street Relocation or Renovation of a Subway Stair

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 7 (Subway Station Improvement Areas) in Appendix A.

Station	Line
Bowling Green	IRT (Lexington Avenue)
Broad Street	BMT (Nassau)
Broadway/Nassau	IND (Eighth Avenue)
Brooklyn Bridge/City Hall	IRT (Lexington Avenue)
Chambers Street	BMT (Nassau)
Chambers Street	IND (Eighth Avenue)
Chambers Street	IRT (Seventh Avenue)
City Hall	BMT (Broadway)
Cortlandt Street (World Trade Center)	BMT (Broadway)/IRT (Seventh Avenue)
Fulton Street	BMT (Nassau)
Fulton Street	IRT (Seventh Avenue)
Fulton Street (Broadway)	IND (Eighth Avenue)/IRT (Lexington Avenue)
Rector Street	BMT (Broadway)/IRT (Seventh Avenue)
Park Place	IRT (Seventh Avenue)
South Ferry	IRT (Seventh Avenue)
Wall Street	IRT (Seventh Avenue)
Wall Street (Broadway)	IRT (Lexington Avenue)
Whitehall Street	BMT (Broadway)
World Trade Center	IND (Eighth Avenue)

91-50

OFF-STREET PARKING, LOADING AND CURB CUT REGULATIONS

The off-street parking regulations of Article 1, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens) and the loading regulations of the underlying districts apply to the #Special Lower Manhattan District#, except as supplemented or modified by the provisions of this Section.

91-51

Accessory Off-Street Parking for Residential Uses in Converted Buildings

#Accessory# off-street parking spaces shall be permitted for #dwelling units# in non-#residential buildings# erected prior to January 1, 1977, or portions thereof, that are converted to #residential use#, provided:

- (a) no more than 200 spaces or a number of spaces equal to 20 percent of the number of #dwelling units# on the #zoning lot#, whichever is less, shall be permitted;
- (b) no curb cut shall be permitted on any #street# where the converted #building# has a #street# frontage of 40 feet or less;

- (c) no portion of any such parking facility shall be more than 23 feet above #curb level#;
- (d) no exhaust vents shall open onto any #street# or #public park# or publicly accessible #open space#, and no portion of the parking facility, other than entrances and exits, shall be visible from adjoining #zoning lots#, #streets# or parks; and
- (e) all such parking facilities shall be provided on the same #zoning lot# as the #residential uses# to which they are #accessory#, except as otherwise provided in Section 91-511 (Authorization for off-site parking facilities for converted buildings).

91-511

Authorization for off-site parking facilities for converted buildings

The City Planning Commission may authorize #accessory# residential off-site parking spaces for non-#residential buildings# erected prior to January 1, 1977, or portions thereof, that are converted to #residential use#, to be provided in a fully-enclosed #building# on a #zoning lot# within the #Special Lower Manhattan District# other than the #zoning lot# that contains the #residential use#, provided the Commission finds that:

- (a) such #accessory# off-site parking spaces are conveniently located in relation to the #residential use#, and in no case further than 600 feet from the #zoning lot# containing the #residential use#;
- (b) such location of the #accessory# off-site parking facility will permit better site planning for the #building# converted to #residential use#;
- (c) the #accessory# off-site parking facility will not create or contribute to traffic congestion or unduly inhibit vehicular and pedestrian movement;
- (d) that the #accessory# off-site parking facility is located so as to draw a minimum of additional vehicular traffic to and through local #residential streets#; and
- (e) that such #accessory# off-site parking facility shall contain parking spaces #accessory# only to #residential uses#.

The number of #accessory# off-site parking spaces authorized in accordance with the provisions of this Section shall be recorded on the certificates of occupancy, temporary and permanent, for both the #residential use# and the #accessory# off-site parking facility.

91-52

Curb Cut Regulations

All curb cuts shall be prohibited on #streets# indicated on Map 5 (Curb Cut Prohibitions) in Appendix A, except that:

(a) the Commissioner of Buildings may approve a curb cut where there are no alternative means of access to required off-street loading berths from other #streets# bounding the #zoning lot#; and

(b) the City Planning Commission may authorize curb cuts for loading berths, provided:

(1) such loading berths are adjacent to a fully enclosed maneuvering area on the #zoning lot#;

(2) such maneuvering area is at least equal in size to the area of the loading berth; and

(3) there is adequate space to permit head-in and head-out truck movements to and from the #zoning lot#.

The City Planning Commission may refer such applications to the Department of Transportation for comment.

(c) the City Planning Commission may authorize curb cuts for #accessory# parking for #residences#, provided such curb cuts:

(1) will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; and

(2) will not interfere with the efficient functioning of required pedestrian circulation spaces, or public transit facilities.

The City Planning Commission may refer such applications to the Department of Transportation for comment.

No curb cuts may be approved or authorized on Battery Place, Broad Street, Broadway, Liberty Street west of Broadway, Park Row South or Wall Street.

Where a curb cut is approved or authorized pursuant to this Section, the maximum width of a curb cut, including splays, shall be 15 feet for a #street# with one-way traffic and 25 feet for a #street# with two-way traffic.

91-60

REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

91-61

General Provisions

The regulations of Sections 91-60, *et. seq.*, relating to special regulations for the South Street Seaport Subdistrict are applicable only in the South Street Seaport Subdistrict. The boundaries of the South Street Seaport Subdistrict are shown on Map 1 (Special Lower Manhattan District) and Map 6 (South Street Seaport Subdistrict) in Appendix A. The regulations of Section 91-60, *et. seq.*, supplement or modify the regulations of this Chapter applying in general to the South Street Seaport Subdistrict area of the #Special Lower Manhattan District#.

In order to preserve and protect the character of the South Street Seaport Subdistrict and to implement the provisions of the Brooklyn Bridge Southeast Urban Renewal Plan, as amended, special controls and incentives are provided.

The provisions of Article VI, Chapter 2 (Special Regulations in the Waterfront Area), shall apply to #waterfront zoning lots# within the South Street Seaport Subdistrict. The provisions of paragraph (c) of Section 74-792 (Conditions and limitations) concerning the transfer of development rights from landmark sites in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts shall not apply in the South Street Seaport Subdistrict.

* * *

91-62

Definitions

For purposes of this Section, matter in *italics* is defined in Section 12-10 (DEFINITIONS) or within this Section.

#Development# rights

Within the South Street Seaport Subdistrict, the basic maximum permitted #floor area# for a #granting lot# shall be that which is allowed by the applicable district regulations as if such granting lot were undeveloped, and shall not include any additional #floor area# bonuses for #urban plazas#, #arcades#, or any other form of #floor area# increase, whether as-of-right or by special permit. #Streets# located within the Subdistrict that have been closed or discontinued in whole, part or whose air space has been closed or discontinued pursuant to Section E15-3.0 of the Administrative Code, or its successor, shall have attributed to such closed area or closed air space the basic maximum permitted #floor area# allowed within the underlying zoning district within which such #streets# are situated. The #lot area# of a closed or discontinued volume of air space shall be measured by the area of the bed of the #street# lying below and within such closed or discontinued volume.

Granting lot

Within the South Street Seaport Subdistrict, a "granting lot" is a #zoning lot# or a closed or discontinued portion of a #street# or air space over a #street # which is identified as a #granting lot#, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, upon which #development# is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Subdistrict and from which #development# rights may be transferred. Such #zoning lots# and closed portions of #streets# or air space over #streets# are identified on the map of the transfer areas as Parcels 6, 7 and 9 and the adjacent hatched #street# areas.

Person

Within the South Street Seaport Subdistrict, a "person" is an individual, corporation (whether incorporated for business, public benefit or not-for-profit purposes or otherwise), partnership, trust firm, organization, other association or any combination thereof.

Receiving lot

Within the South Street Seaport Subdistrict, a "receiving lot" is a #zoning lot# identified on the Transfer Areas Map 6 to which #development rights# may be added. Such "receiving lots" are identified on the Map as Parcels 1, 8, 15, 16, 20 and 21.

Street

(a) A #street#, as defined in Section 12-10; or

(b) a way, designed or intended for general public circulation and #use#, that:

(1) performs the pedestrian circulation functions usually associated with a way shown on the City Map;

(2) remains open and unobstructed from the at-grade circulation level to the sky, except for public facilities customarily located on a #street# shown on the City Map, or those facilities permitted to be located on a #street# shown on the City Map, including without limitation, transitory fixtures or objects unattached to the real property encompassed by such way; and

(3) is a designated pedestrian way, pursuant to Section 91-68 (Designated Pedestrian Ways).

A #street#, as defined in paragraph (b) of this Section, shall satisfy and apply to all references to #streets# provided elsewhere in the Zoning Resolution.

91-63

Transfer Areas Map

The South Street Seaport Subdistrict transfer areas map, shown hereto as Map 6 of Appendix A, sets forth each #granting lot# and #receiving lot# within the Subdistrict.

91-64

Transfer of Development Rights from Granting Lots

Within the South Street Seaport Subdistrict, #development rights# from each of the #granting lots# may be conveyed, or otherwise disposed of:

(a) directly to a #receiving lot#, or

(b) to a #person# for subsequent disposition to a #receiving lot#, all in accordance with the provisions of this Subdistrict, except that with respect to #zoning lots# located on Parcels 6, 7, and 9, as identified on Map 6 in Appendix A, only those #development rights# in excess of the larger of the following conditions may be so conveyed or otherwise disposed of:

(1) an amount equal to the product of the #lot area# of each of such #zoning lots# multiplied by 5.0; or

(2) the total #floor area# of all existing #buildings# on any such #zoning lots#.

The City Planning Commission shall certify such initial transfer from the #granting lots#. Any #person# may convey its interest in all or a portion of such #development rights# to another #person#, but such #development rights# may only be used for a #development# on a #receiving lot#.

91-65

Addition of Development Rights to Receiving Lots

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of #development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a #lot area# of less than 30,000 square feet, the total #floor area ratio# on such #receiving lot# shall not exceed a #floor area ratio# of 21.6. #Development rights# transferred to a #receiving lot# may be applied to the #development# of a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building#

may be increased by the aggregate of #development rights# so transferred. In no event shall the #floor area ratio# of a #residential building#, or portion thereof, exceed 12.0.

The City Planning Commission shall certify that the proposed #development# which utilizes such transferred #development rights# conforms to the regulations and controls of the Urban Renewal Plan.

91-66

Modification of Bulk Regulations

Within the South Street Seaport Subdistrict, the City Planning Commission may modify the height and setback and #lot coverage# regulations of Section 91-30, provided that:

(a) either of the following conditions have been met:

(1) that the developer has obtained negative easements limiting the height of future #development# to 85 feet or less on any adjoining #zoning lots# which are contiguous or would be contiguous to said #zoning lot# but for their separation by a #street# or #street# intersection, and such easements are recorded against such adjoining #zoning lots# by deed or written instrument. The Commission shall consider the aggregated areas of said #zoning lot# and the adjoining lots subject to such negative easements and the extent to which they achieve future assurance of light and air in determining the maximum permitted coverage. In no event shall such coverage exceed 80 percent of the #zoning lot# on which the #development# will be located; or

(2) that the #lot coverage# for that portion of a #development# below 300 feet may be increased to a maximum of 80 percent when additional #development rights# have been purchased and converted to increased #lot coverage#. The maximum percentage of #lot coverage# on such #receiving lot# shall be the sum of 65 percent plus one-half of one percent for every .10 by which the total #floor area ratio# on such #receiving lot# would exceed a #floor area ratio# of 21.6, provided that the #development# on such #receiving lot# has achieved a minimum #floor area ratio# of 18.0;

(b) In order to grant such special permit, the Commission shall make the following findings:

(1) the location of the #development# and the distribution of #bulk# will permit adequate access of light and air to surrounding #streets# and properties;

(2) any modification of height and setback will provide for better distribution of #bulk# on the #zoning lot#; and

- (3) such special permit will aid in achieving the general purposes and intent of the Subdistrict.

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

91-67

Recordation

Within the South Street Seaport Subdistrict, at the time of transfer of #development rights# from a #granting lot#, there shall be recorded in the Office of the Register of the City of New York, and indexed against such #granting lot# from which #floor area# is removed, an instrument removing such #floor area# and prohibiting construction on such #zoning lot# of any #building or other structure# which would contain #floor area# in excess of that still available to the #zoning lot# after deducting the #floor area# removed, such prohibition to be non-cancelable for 99 years; and at the time of the addition of #development rights# to a #receiving lot# as provided in Section 91-65, there shall be recorded in the Office of the Register of the City of New York, and indexed against such #receiving lot# to which #floor area# is added, an instrument transferring the #floor area# to the #receiving lot# benefited and identifying the #granting lot# (by tax block and lot number and description) from which the #floor area# has been removed. A certified copy of such instruments shall be submitted to the City Planning Commission upon recordation.

91-68

Designated Pedestrian Ways

Within the South Street Seaport Subdistrict, the volume situated above the subsurface #streets# shown on the City Map and listed below are designated pedestrian ways and are governed by paragraph (b) of the definition of #street# as set forth in Section 91-62 (Definitions):

- (a) Fulton Street, between Water and South Streets
- (b) Water Street, between Fulton and Beekman Streets
- (c) Front Street, between Fulton and Beekman Streets, and between John and Fulton Streets
- (d) South Street (the 18-foot-wide strip located on the northwesterly side), between Beekman and John Streets.

91-69

Special Permit for Development of Piers 9, 11, 13 and 14

Within the area bounded by South Street, the southerly edge of Pier 9, the U. S. Pierhead Line, and the northerly edge of Pier 14, which, for the requirements of this Section, shall be deemed to be a single #zoning lot#, the City Planning Commission may, by special permit, permit modification of the bulk regulations, other than #floor area ratio# applicable to the #zoning lot#, and may modify or waive the requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS), in accordance with the provisions of this Section.

The special permit shall be subject to the condition that the property owner, principal lessee or licensee of property owner has entered into an agreement with the Department of Parks and Recreation to operate and maintain the publicly-accessible areas in accordance with Section 62-624 (Maintenance and operation of waterfront public access areas). For purposes of this Section, the requirements of such publicly-accessible shall be deemed "waterfront public access areas."

In granting any such modifications, the Commission shall find that:

- (a) any modification of height and setback regulations results in an appropriate distribution of permitted bulk on the piers;
- (b) no #buildings or other structures# shall unduly obstruct the visual corridor bounded by the prolongation of the northern and southern #street lines# of Wall Street seaward to the U. S. Pierhead Line; and
- (c) any modification will not unduly impede surface traffic and will minimize possible vehicular/pedestrian conflicts in the surrounding area;
- (d) that the seaward end of all such piers is unobstructed to the greatest extent feasible so as to maximize views northward and southward;
- (5) the development plan for such area includes an appropriate amount of publicly accessible open space which shall incorporate appropriate design features that serve the needs of the local area, including but not limited to landscaping, lighting and seating; and
- (6) the development plan is integrated with existing and proposed nearby #developments#.

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

91-70

SPECIAL REGULATIONS FOR CERTAIN AREAS

#Developments# in the #Special Lower Manhattan District# built prior to (effective date of amendment) will continue to be governed by the regulations in effect at the time of issuance of the building permit and can only be modified or altered by the following:

91-71

Authorization for the Modification of Required Public Amenities

The City Planning Commission may authorize modifications of certain provisions of the former #Special Greenwich Street Development District#, eliminated on (effective date of amendment), that mandated public amenities, as follows:

- (a) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that resulted in an increase in the basic maximum #floor area ratio# or an increase in the adjusted basic maximum #floor area ratio#, the Commission may authorize:
- (1) the alteration of the amenity or improvement, provided that the Commission finds that such modifications improve the intended public purpose of the amenity;
 - (2) the elimination of the amenity or improvement, provided that the Commission finds that the intended public purpose is no longer useful or desirable and a new public amenity or improvement is supplied, as permitted pursuant to this Chapter, that generates the same or higher amount of bonusable #floor area#; or
 - (3) in the case of an amenity or improvement built in excess of the requirements necessary to generate the bonus #floor area# at the time of #development#, the elimination of such portion of the amenity not tied to the bonus #floor area#, provided that the Commission finds that such portion is no longer useful or desirable.
- (b) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that did not result in an increase in the basic maximum #floor area ratio#, the Commission may authorize the elimination or alteration of the amenity or improvement if it finds that the intended public purpose is no longer useful or desirable.
- (c) No mandatory or elective public amenity or improvement built pursuant to the regulations of the former Special District shall be eliminated or reduced in size, without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#, in accordance with the provisions of paragraph (a)(2) of this Section, except by special permit of the City Planning Commission, subject to a finding that the proposed

change will provide a greater public benefit in light of the public amenity's purpose and the purposes of the #Special Lower Manhattan District#.

However, the open pedestrian bridge spanning Greenwich Street between Liberty and Cedar Streets may be eliminated, without recourse to the City Planning Commission, where the pedestrian access provided between the required elevated public pedestrian circulation systems is no longer useful or desired.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-72

Certification for Development on the Block bounded by Liberty, Washington, Cedar and West Streets

For the #block# bounded by Liberty, Washington, Cedar and West Streets, the City Planning Commission shall certify that the following improvements, eligible for as-of-right #floor area# bonuses in the amount specified, are included in any plans for a proposed #development#.

(a) The following mandatory improvements are eligible for as-of-right #floor area# bonuses:

- (1) For an open pedestrian bridge with a minimum width of 15 feet spanning Washington Street near its intersection with Liberty Street to provide pedestrian access to the existing elevated public open space at the northern edge of the #block# bounded by Liberty, Washington, Albany and Greenwich Streets, as certified by the Commission, a #floor area# bonus shall be granted in the amount of 90 square feet per linear foot.
- (2) For a pedestrian connection at least 15 feet wide with a minimum floor to ceiling height of 12 feet between the existing pedestrian bridge spanning West Street and the bridge required over Washington Street pursuant to paragraph (a)(1) of this Section, as certified by the Commission, a #floor area# bonus shall be granted in the amount of 100 square feet per linear foot.

This connection shall be at the same height as the new bridge, provide an integrated connection to the existing West Street bridge and be open to the public for the same hours as the West Street bridge. Ramps but not stairs may be incorporated into the pedestrian connection to adjust its height to the Washington and West Street bridges.

(b) An optional pedestrian connection of public access from the pedestrian connection specified in paragraph (a)(2) of this Section to street level may be provided by stair,

ramp or escalator and shall be eligible for an as-of-right #floor area# bonus of 120 square feet per linear foot of stair or, if provided by escalators at least 32 inches wide, 20,000 square feet for the provision of a single run, and 30,000 square feet for the provision of a double run.

The development shall have its major pedestrian entrance and lobby on Liberty Street and be integrated with and provide unobstructed pedestrian access between the pedestrian connection specified in paragraph (a)(2) of this Section and the lobby of any new #building# on this #block#

No other #floor area# bonuses are permitted on the #block# unless the Commission has certified that the improvements specified in paragraphs (a) and (b) of this Section are included in any plans for #development# on the #block#.

91-73

Special Permit for Development over the Approaches to the Brooklyn Battery Tunnel

The City Planning Commission, by special permit, may allow the unmapped air space above the approaches to the Brooklyn Battery Tunnel to be considered a single #zoning lot# and may allow the #development# or #enlargement# of a #building# on such unmapped air space.

The #zoning lot# for such #development# or #enlargement# shall include only that portion of the area above the approaches to the Brooklyn Battery Tunnel and contiguous areas of land or property that are covered by a permanent platform and not designated as approaches to the Brooklyn Battery Tunnel.

In order to grant such special permit, the Commission shall find that:

- (a) adequate access and #street# frontage to one or more #streets# is provided; and
- (b) the streetscape, site design and the location of building entrances of the proposed #development# or #enlargement# will contribute to the overall improvement of pedestrian circulation within the surrounding area.

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

91-74

Special provisions for Battery Park Underpass/South Street

A #zoning lot# containing a #development#, or portion thereof, on a #waterfront zoning lot#, may be located within the volume above the upper limiting plane of the Battery Park Underpass/South Street, when such volume is eliminated, discontinued and closed. That portion of the #zoning lot# that lies above the Battery Park Underpass/South Street shall not

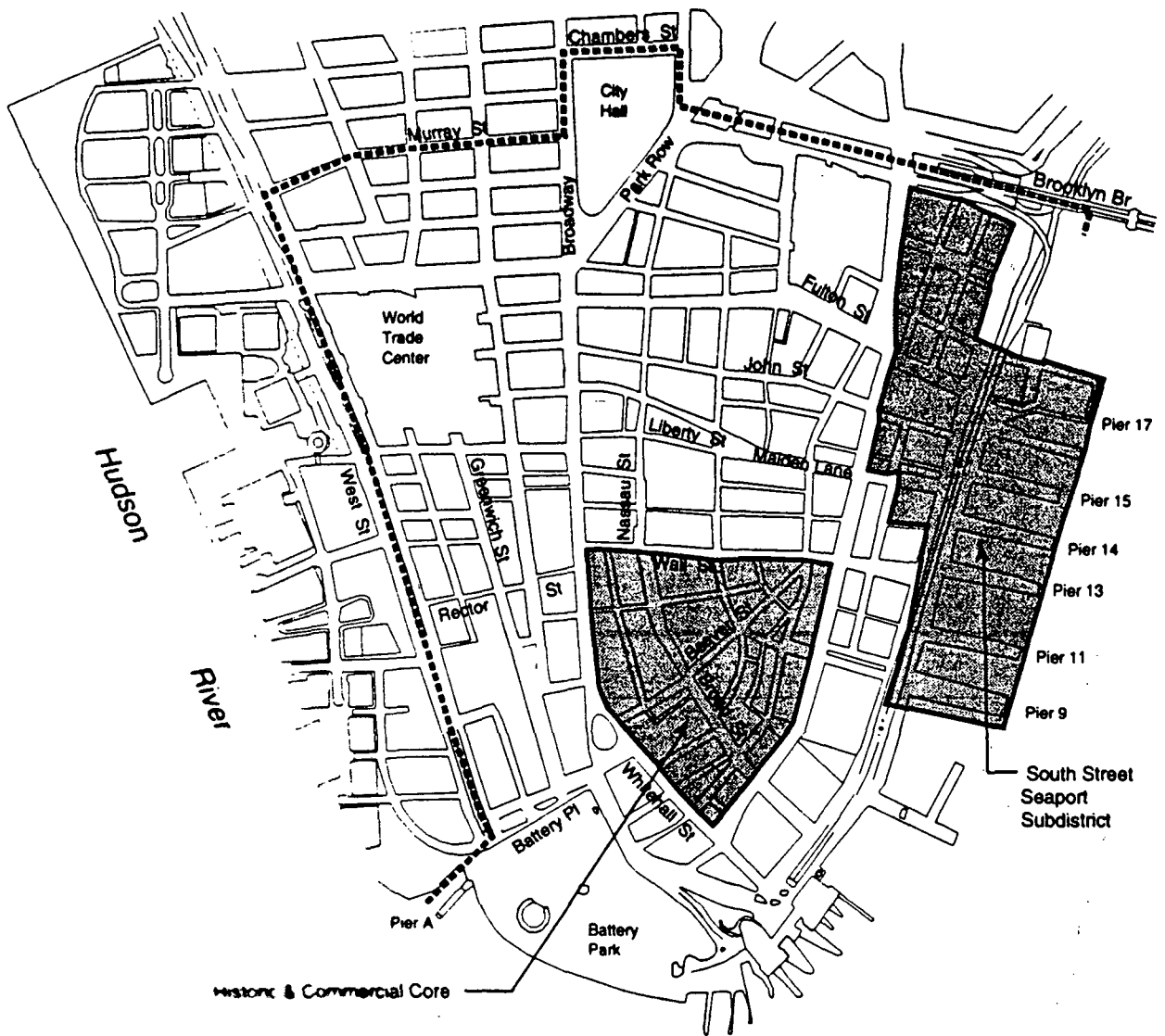
be considered #lot area# for the purpose of computing maximum #floor area#; however, such portion shall be considered #lot area# for all other purposes of this Resolution.

APPENDIX A: District Maps

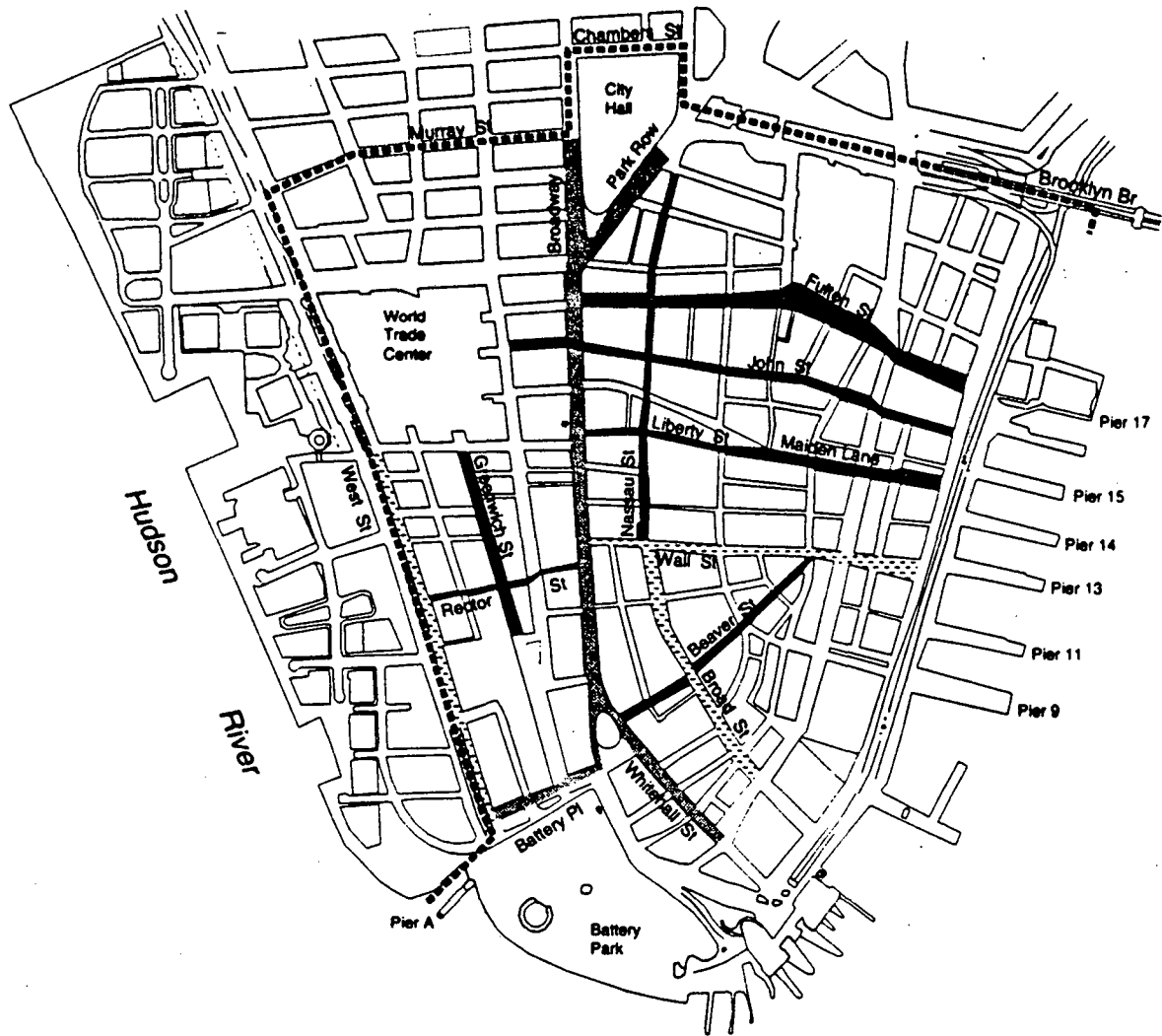
Map 1	Special Lower Manhattan District
Map 2	Street Wall Continuity Types 1, 2 & 3
Map 3	Street Wall Continuity Types 4 & 5
Map 4	Designated Retail Streets
Map 5	Curb Cut Prohibitions
Map 6	South Street Seaport Subdistrict
Map 7	Subway Station Improvement Areas




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Map 1 Special Lower Manhattan District

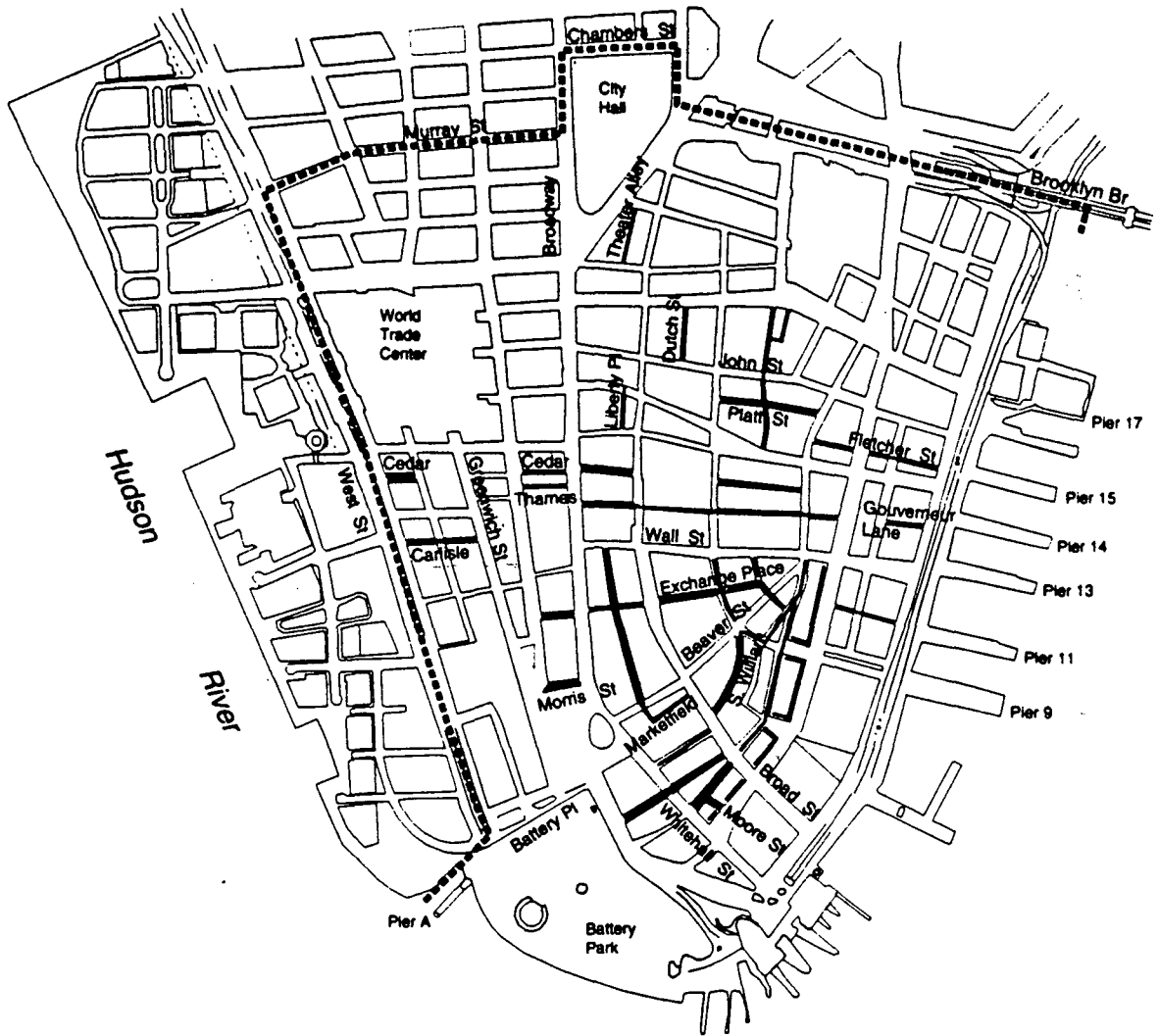


Map 2 Street Wall Continuity Types 1, 2, & 3



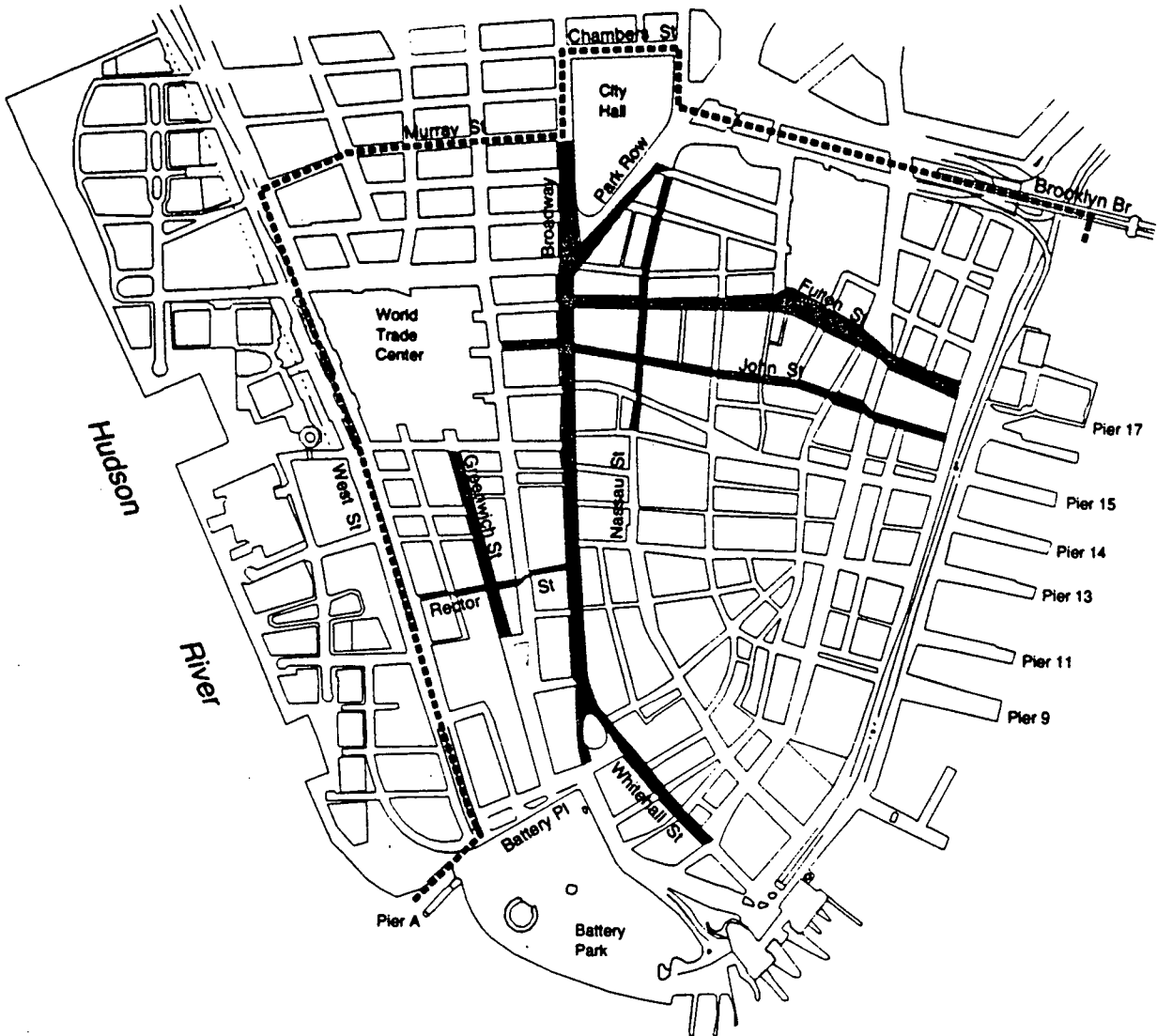
-  Type 1: 150 Foot Minimum / 250 Foot Maximum Before Setback
-  Type 2: 85 Foot Minimum / 150 foot Maximum Before Setback
-  Type 3: 60 Foot Minimum

Map 3 Street Wall Continuity Types 4 & 5

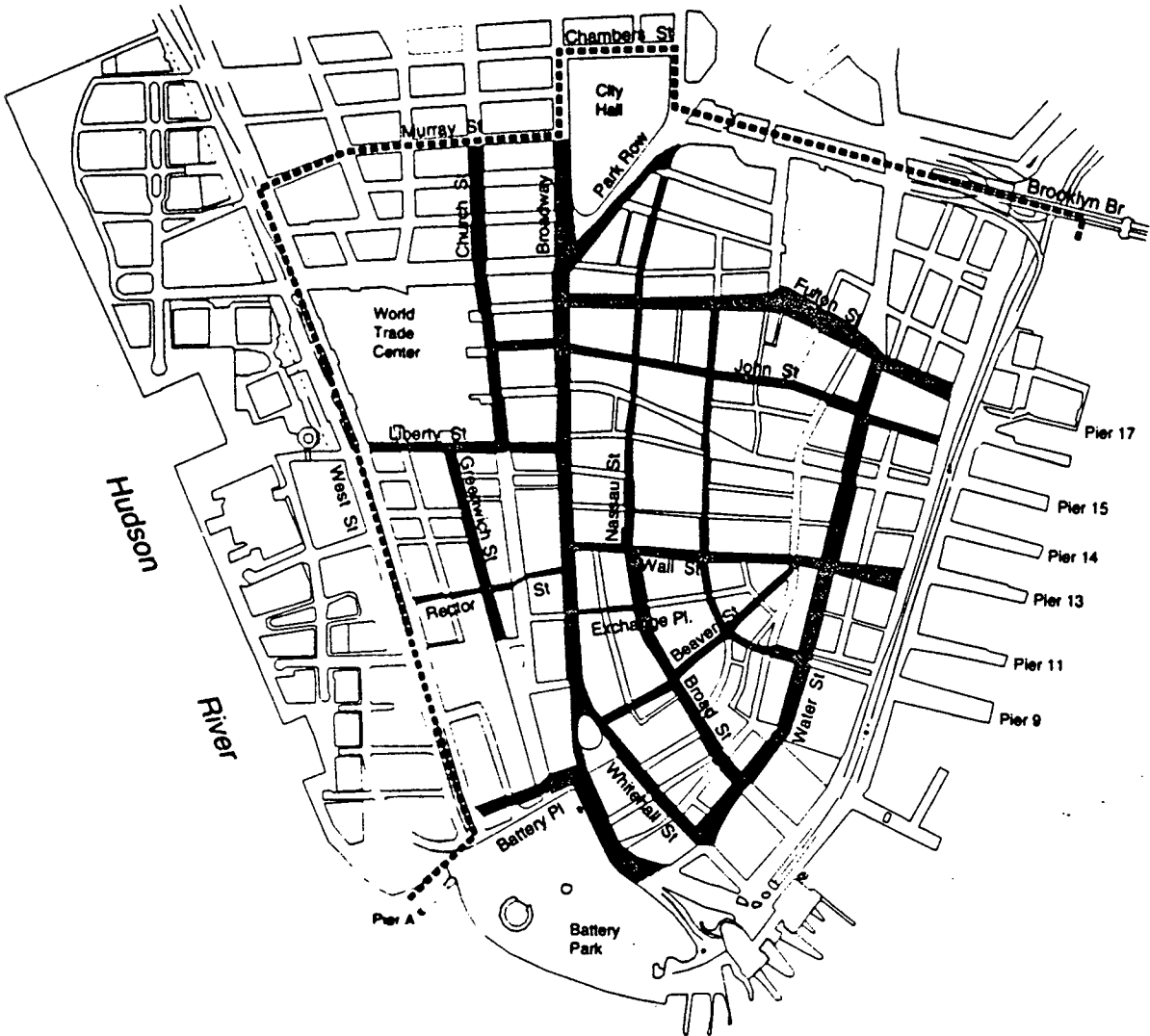


- Type 4: 100' Maximum Before Setback
- █ Type 5: Streets With No Required Setbacks

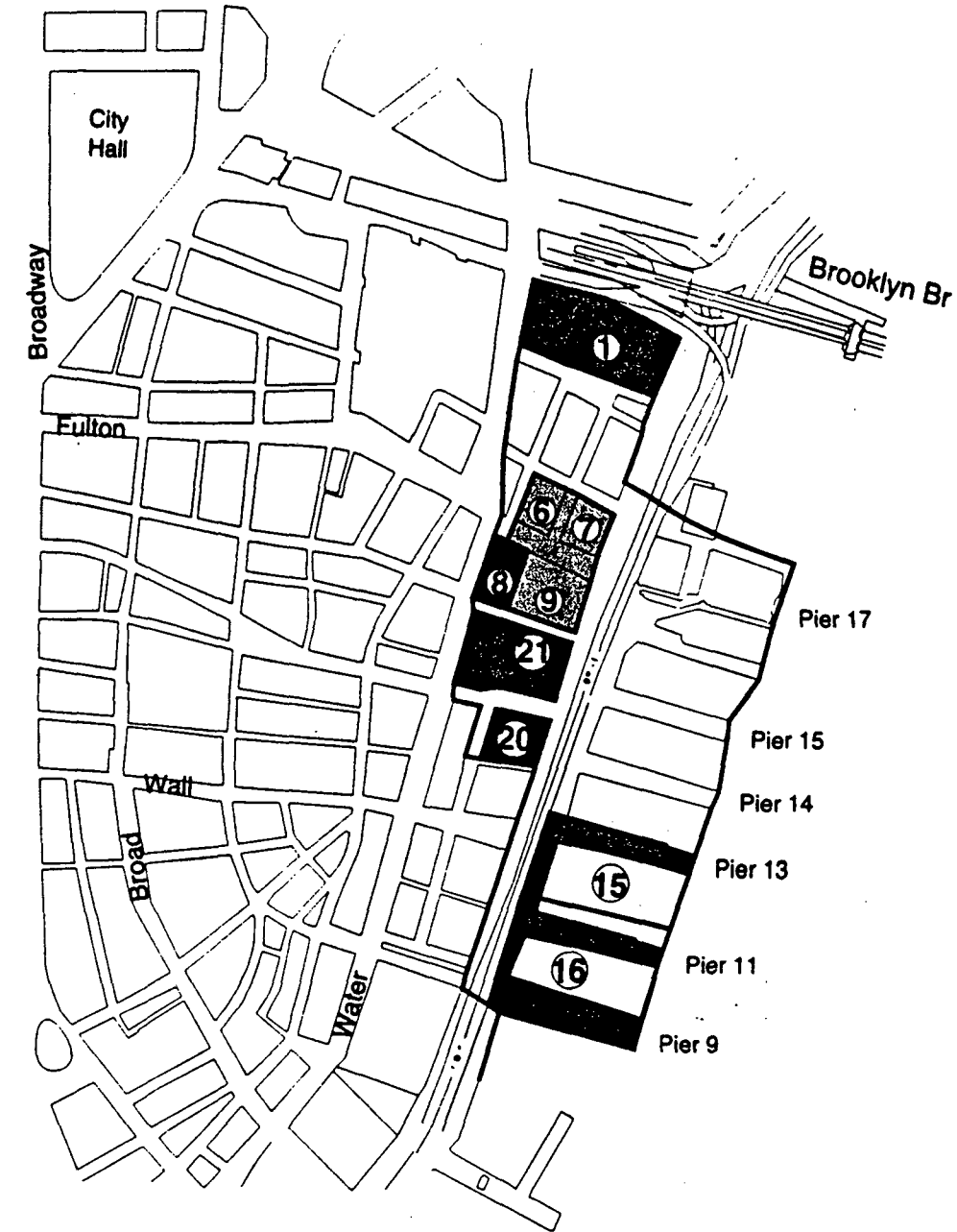
Map 4 Designated Retail Streets



Map 5 Curb Cut Prohibitions



Map 6 South Street Seaport Subdistrict

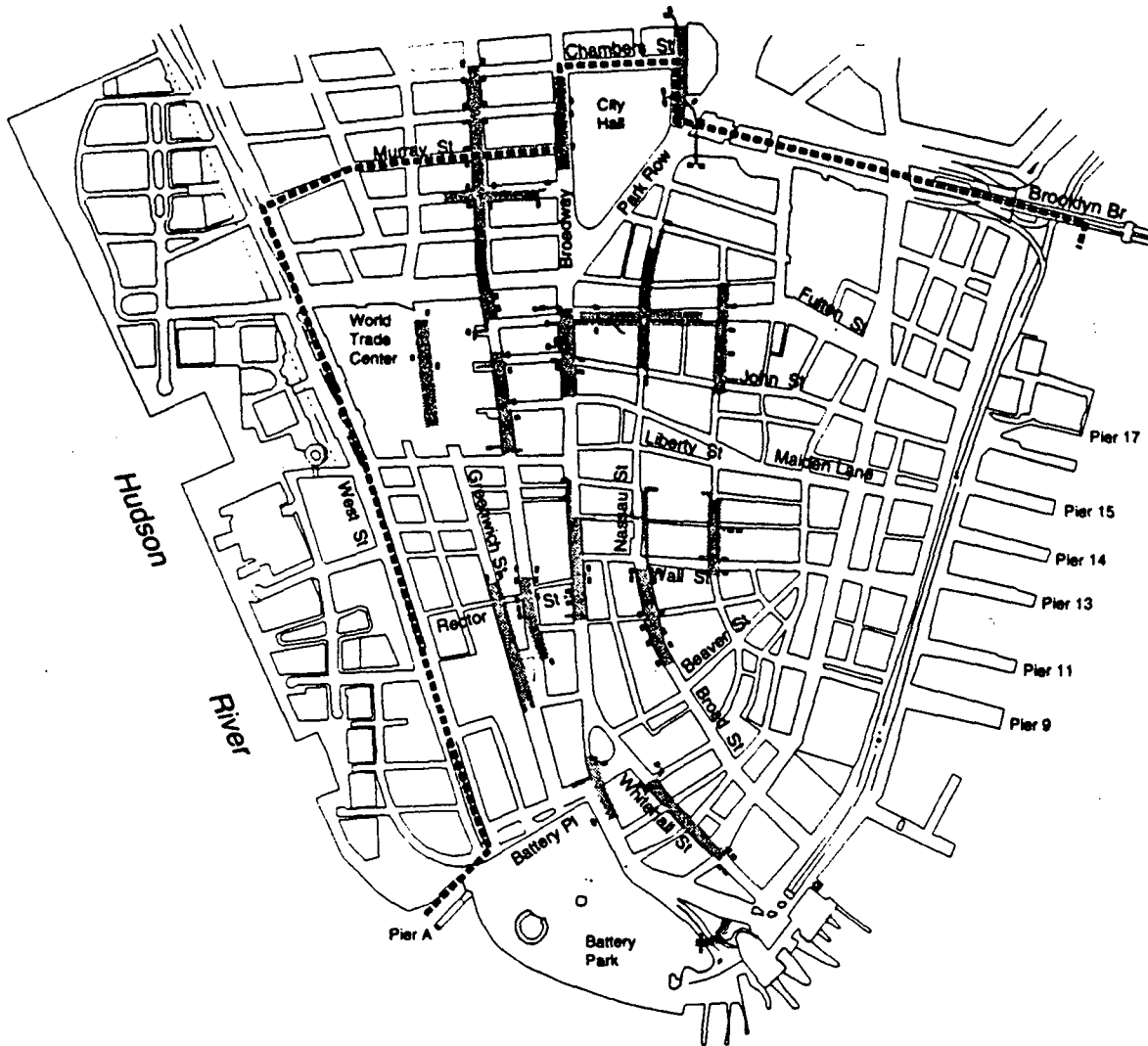


■ Receiving Lot

▨ Granting Lot

⑧ Brooklyn Bridge Southeast Urban
Renewal Plan Parcel Designation

Map 7 Subway Station Improvement Areas



-  Platform
-  Subway Entrance

Chapter 3
Special Jacob K. Javits Convention Center District

* * *

93-222
Design standards

* * *

(b) Permitted obstructions

Obstructions permitted in paragraphs (eg)(1) and (eg)(43) of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening, and Urban Plazas~~), shall be permitted in the pedestrian way. . .

* * *

(e) Standards of accessibility for persons with disabilities

The standards of accessibility shall be as permitted in paragraph (dm) of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening, and Urban Plazas~~).

* * *

(l) Signs

The standards for #signs# on a pedestrian way shall be as permitted in paragraph (ip) of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening, and Urban Plazas~~).

* * *

(n) Maintenance

The standards for maintenance shall be as set forth in paragraph (kg) of Section 37-04 (Requirements for ~~Open Air Concourses, Sidewalk Widening, and Urban Plazas~~).

* * *

~~CHAPTER 8
Special Manhattan Landing Development District
(Delete entire Chapter)~~

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

* * *

Chapter 7
Special South Richmond Development District

* * *

107-44
Maximum Floor Area Ratio for Community Facility Uses

The provisions of Sections 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards) and 33-1716 (Floor Area Bonus for Front Yards) shall not apply to any #community facility uses# located in the Special District.

* * *

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special ~~Lower Manhattan~~ Tribeca Mixed- Use District

111-00
GENERAL PURPOSES

The "Special ~~Lower Manhattan~~ Tribeca Mixed- Use 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 retain adequate wage, job producing, stable industries within ~~Lower Manhattan~~ the Tribeca neighborhood;
- (b) to protect light manufacturing and to encourage stability and growth in ~~Lower Manhattan~~ the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;
- (c) to provide a limited new housing opportunity of a type and at a density appropriate to this mixed- use zone;

* * *

111-01
Definitions

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section.

Special ~~Lower Manhattan Tribeca~~ Mixed- Use District
(repeated from Section 12-10)

The "Special ~~Lower Manhattan Tribeca~~ Mixed- Use District" is a Special Purpose District designated by the letters "~~LMM~~" "~~TMU~~" in which special regulations set forth in Article XI, Chapter 1, apply. The ~~LMM~~ ~~#Special Tribeca Mixed Use District#~~ and its regulations supplement or supersede those of the districts on which it is superimposed.

* * *

111-03
District Map

The District Map for the ~~#Special Lower Manhattan Tribeca~~ Mixed- Use District# (Appendix A) identifies special areas comprising the Special District in which special zoning regulations carry out the general purposes of the ~~#Special Lower Manhattan Tribeca~~ Mixed- Use District#. These areas are as follows:

Area A1 - General Mixed- Use Area

Area A2 - Limited Mixed- Use Area (Commercial and Residential Uses)

~~Area A3 - Limited Mixed- Use Area (Commercial and Residential Uses)~~

Area ~~A4~~~~A3~~ - General Mixed- Use Area

* * *

111-10
SPECIAL USE REGULATIONS

* * *

111-102
Ground floor use restrictions

(a) Areas A1 and A4 ~~A3~~

Ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway.

* * *

111-103

Additional use regulations

(a) Areas A1 and A4 ~~A3~~

* * *

(c) Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, as listed in Use Group 12A, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244. In Areas A1, A2, ~~and A3~~ ~~and A4~~, the Board of Standards and Appeals shall additionally find for establishments of any capacity with dancing, as listed in Use Group 12A, that primary ingress and egress for such #uses# may only be located on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, with only fire or emergency egress on other #streets#, and that no portion of such #use# may be located more than 100 feet, measured perpendicularly, from the above-listed streets. Furthermore, such #uses# are restricted as provided in paragraph (a)(2) of this Section.

111-104

Special provisions for Areas A1, A2, A3, ~~A4~~ and B2

* * *

~~(c) Area A3~~

~~The regulations applicable to a C6-4 District shall apply to all new #developments# and #enlargements#, except as set forth herein.~~

~~(1) Maximum #floor area ratio#~~

~~No #floor area# bonuses shall be permitted.~~

~~(2) #Lot area per room# regulations~~

~~The #lot area per room# regulations of Article II, Chapters 3 and 4 and Article III, Chapter 5, are not applicable. In lieu thereof, the minimum required #lot area per dwelling unit# shall be 75 square feet.~~

~~No density or #lot area# bonuses shall be permitted.~~

~~(3) — #Yard# and #court# regulations~~

~~The #yard# and #court# regulations of a C6-4 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-533, 24-382, 33-283 (Required Rear Yard Equivalents) and 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A3, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.~~

~~(4) — Front height and setback regulations~~

~~The front height and setback and the alternate front setback regulations of a C6-4 District shall not apply. In lieu thereof, front building walls are required to be built for the full length of the #front lot line# on #wide# and #narrow streets#, as provided below. Along Murray Street, the mandatory front building wall shall be built parallel to the #street line# but with an initial setback at the ground of 10 feet from the #street line#. Such building wall shall rise for a minimum of 85 feet 0 inches above the #curb level# and a maximum of 125 feet 0 inches above #curb level#. Along all #wide streets# and #narrow streets#, except Murray Street, there shall be a mandatory front building wall built at the #front lot line# which shall rise for a minimum of 85 feet 0 inches above #curb level# and a maximum of 125 feet 0 inches above #curb level#. Recesses in such mandated front building walls for architectural or decorative purposes are permitted, at any #story# above the level of the second #story# ceiling, to the amount of 25 percent of the aggregate area of the wall at each #story#, provided the depth of any such recess does not exceed 10 feet. At the height of 125 feet 0 inches above #curb level#, there shall be a minimum setback, from the plane of the mandatory front building wall, of 10 feet on #wide streets#, and fifteen feet on #narrow streets#, except on Park Place where no setback shall be required.~~

~~At the height of 165 feet 0 inches above #curb level#, the #development# or #enlargement# shall follow the #bulk# regulations of the underlying C6-4 District, except on Park Place where no setback shall be required.~~

~~(5) Curb cuts and loading requirements~~

~~New #developments# or #enlargements# must be served by drive through loading facilities. Curb cuts shall not be permitted on Greenwich Street and Murray Street.~~

~~(d)(c) Area A4 A3~~

The regulations applicable to a C6-3A District shall apply to all new #developments# and #enlargements#, except as set forth herein.

111-30

ENVIRONMENTAL CONDITIONS FOR AREAS A2 AND A3

* * *

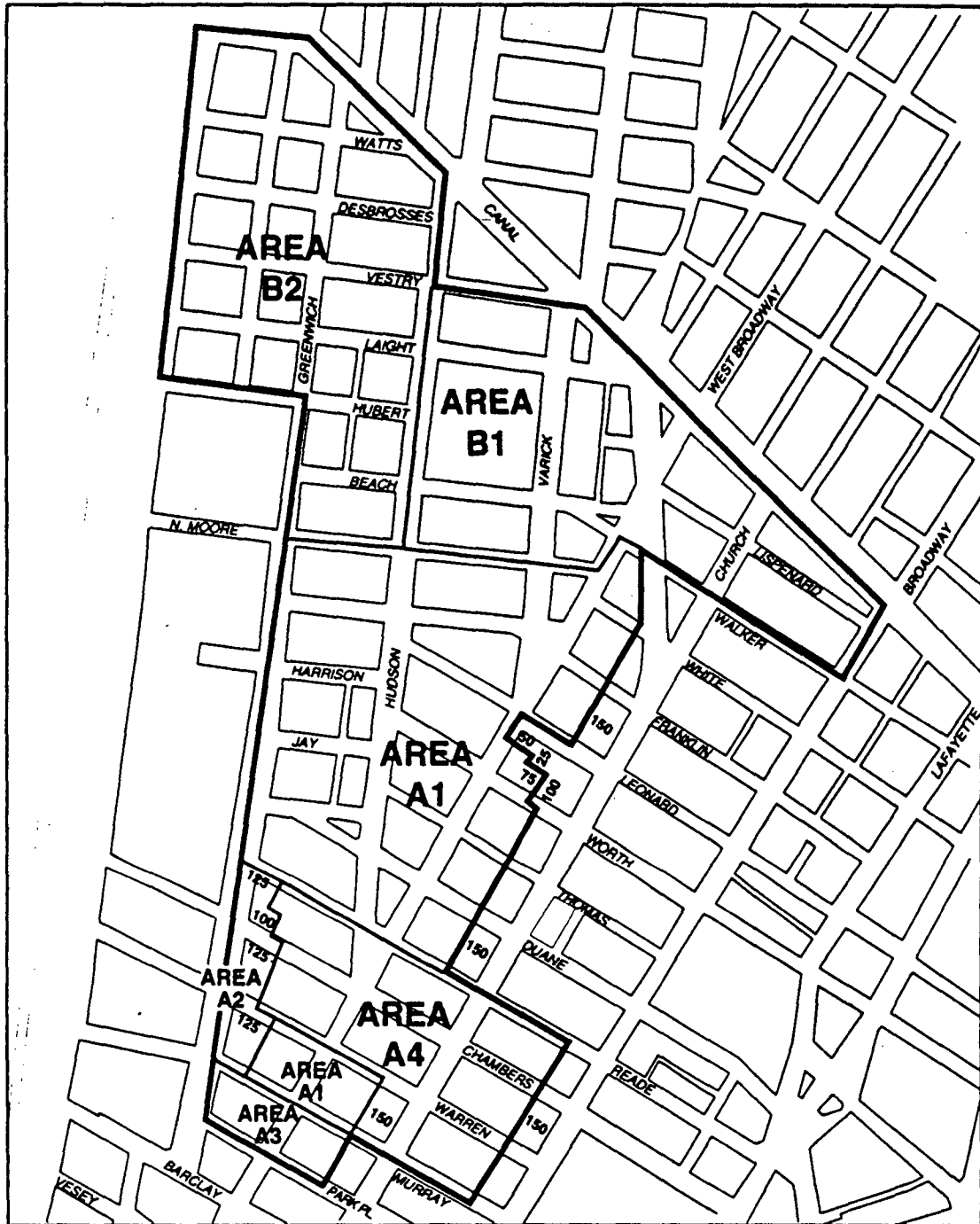
APPENDIX A

SPECIAL LOWER MANHATTAN ~~TRIBECA~~ MIXED- USE DISTRICT MAP

APPENDIX A

Special Lower Manhattan Mixed-Use District Map

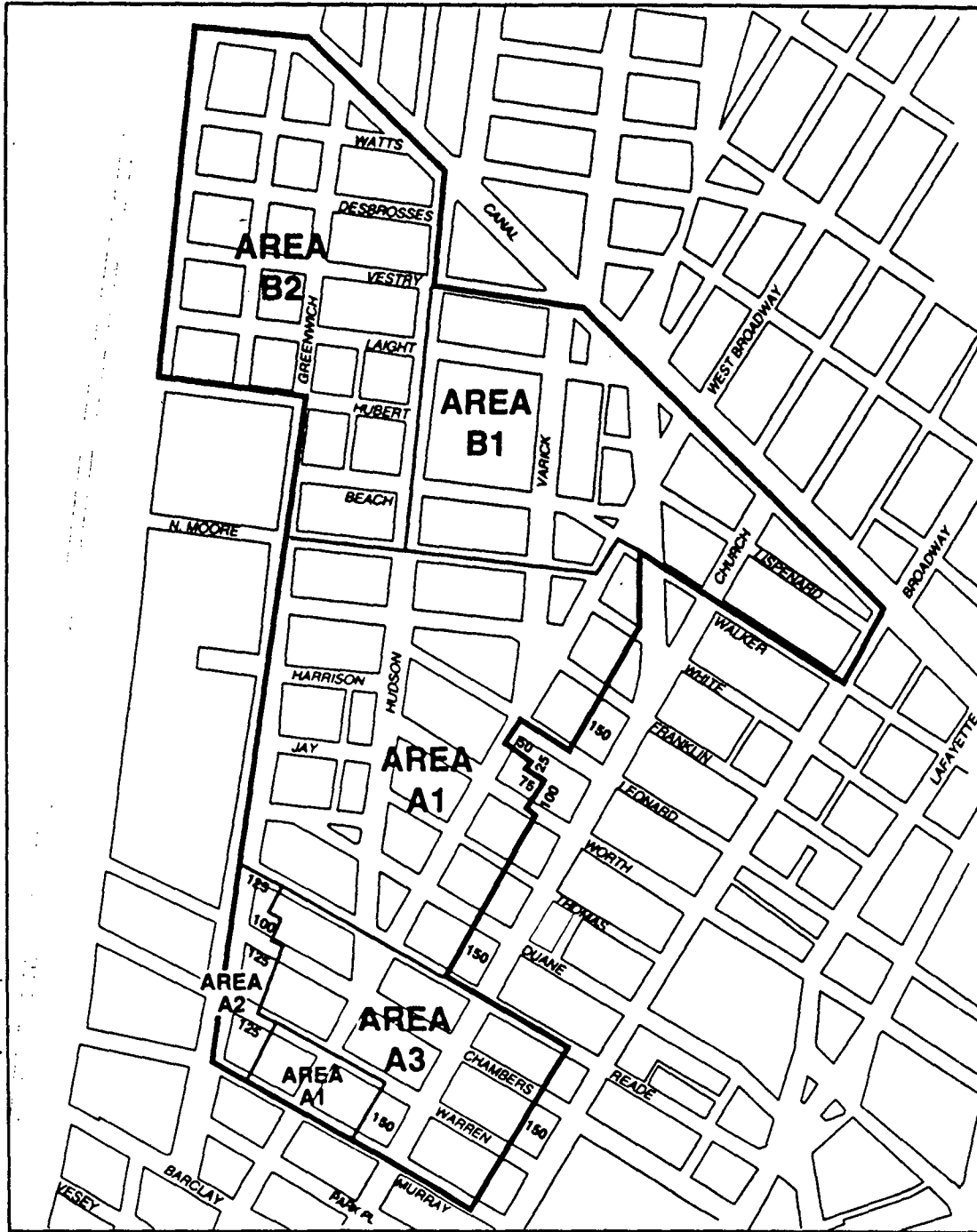
Existing



- District Boundary
- Area Boundary
- Area A1: General Mixed Use Area
- Area A2: Limited Mixed Use Area
- Area A3: Limited Mixed Use Area
- Area A4: General Mixed Use Area
- Area B1: Limited Mixed Use Area
- Area B2: Limited Mixed Use Area

APPENDIX A Special Tribeca Mixed-Use District Map

Proposed



- District Boundary
- Area Boundary
- Area A1: General Mixed Use Area
- Area A2: Limited Mixed Use Area
- Area A3: General Mixed Use Area
- Area B1: Limited Mixed Use Area
- Area B2: Limited Mixed Use Area

Chapter 7
Special Hunters Point Mixed-Use District

* * *

117-43
Mandatory Circulation Improvement

* * *

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

Such pedestrian circulation space shall meet the requirements set forth in Section 117-431 (Design standards for pedestrian circulation spaces). ~~A sidewalk widening shall not be subject to the standards set forth in Section 12-10 (DEFINITIONS).~~

* * *

117-451
Bulk regulations

- (a) Within the Court Square Subdistrict, the following provisions affecting #Commercial Districts# shall not apply:

Section 33-14 (Floor Area Bonus for an Urban Plaza);

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

Section 33-16~~15~~ (Floor Area Bonus for Arcades)

Section 33-17~~16~~ (Floor Area Bonus for Front Yards).

Section 33-18~~17~~ (Special Provisions for Zoning Lots Divided by District Boundaries)

* * *

118-60
OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT

Where a #development# or #enlargement# is constructed...of Section 37-03 (Off-Street Relocation or Renovation of a Subway Stair).

* * *

123-641

Floor area bonus for a residential plaza, urban plaza, ~~open air concourse~~, ~~sidewalk widening~~ or arcades in connection with mixed use buildings

Any #floor area# bonus for a #residential plaza#, #urban plaza#, ~~#open air concourse#~~, ~~#sidewalk widening#~~ or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #mixed use building# may be applied to a #mixed use building#, provided that any given #residential plaza#, #urban plaza#, ~~#open air concourse#~~, ~~#sidewalk widening#~~ or #arcade# shall be counted only once in determining a bonus.

* * *

(On June 3, 1998, Cal. No. 2, the Commission scheduled June 17, 1998 for a public hearing. On June 17, 1998, Cal. No. 8, the hearing was closed.)

For consideration.

No. 4

CD 1, 3

C 980315 ZMM

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. 12b and 12d:**

- 1) changing from a C5-3CR District to a C5-3 District property bounded by:
 - a) Park Place, a line 150 feet west of Broadway, Chambers Street, Broadway, Fulton Street, Church Street, Vesey Street, and West Broadway; and
 - b) the center line of former Fulton Street, South Street, Pine Street, Front Street, Maiden Lane, and Water Street;
- 2) changing from a C5-3CR District to a C4-6 District property bounded by a line 910 feet easterly of the southerly prolongation of the westerly street line of Old Slip (southwest portion), the U. S. Pierhead Line of the East River, the southerly

prolongation of the westerly street line of Old Slip (southwest portion), and South Street;

- 3) changing from a C5-5CR District to a C5-5 District property bounded by Church Street, Fulton Street, Broadway, Park Row, Beekman Street, a line 100 feet southeasterly of Nassau Street, John Street, Water Street, the former center line of Coenties Slip East, South Street, a line 110 feet northwesterly of the U.S. Bulkhead Line of the Upper Bay, the southerly boundary line of Battery Park, the easterly boundary line of Battery Park and the northerly prolongation of its straight portion, Battery Place, West Street and its southerly prolongation, Morris Street and its easterly prolongation, Greenwich Street, Liberty Street, Trinity Place, Morris Street, Broadway and its east fork, Beaver Street, Beaver Street/Wall Street Court, Pearl Street/Wall Street Court, Pearl Street, Maiden Lane, and Cortlandt Street;
- 4) changing from a C6-4CR District to a C6-9 District property bounded by Liberty Street, Greenwich Street, Morris Street and its easterly prolongation, and West Street;
- 5) changing from a C6-4 District to a C5-5 District property bounded by Battery Place, the northerly prolongation of the straight portion of the easterly boundary line of Battery Park, the northerly boundary line of Battery Park, and the southerly prolongation of West Street;
- 6) changing from a C6-9CR District to a C6-9 District property bounded by Maiden Lane, Front Street, Pine Street, South Street, the former center line of Coenties Slip East, and Water Street;
- 7) eliminating a Special Tribeca Mixed Use District (TMU)(formerly the Special Lower Manhattan Mixed Use District (LMM)) bounded by Murray Street, a line 150 feet west of Church Street, Park Place, and Greenwich Street;
- 8) eliminating a Special Greenwich Street Development District (G) bounded by Liberty Street, Church Street, Cortlandt Street, Broadway and its east fork, Whitehall Street, Bridge Street, State Street, Battery Place, and West Street;
- 9) eliminating a Special Manhattan Landing Development District (MLD) bounded by South Street, Pine Street, Front Street, Maiden Lane, Water Street, Pearl Street, Brooklyn Bridge, South Street and its westerly prolongation, the prolongation of the east street line of Pike Slip, the U.S. Pierhead Line of the East River, and the southerly boundary line of Battery Park;
- 10) eliminating a Special South Street Seaport District (S) bounded by Water Street, Pearl Street, Dover Street, South Street, a line 100 feet easterly of the southerly prolongation of the easterly street line of Beekman Street, the U.S. Pierhead Line of

the East River, the southerly prolongation of the westerly street line of Old Slip (southwest portion), South Street, Pine Street, Front Street and Maiden Lane; and

- 11) establishing a Special Lower Manhattan District (LMD) bounded by Murray Street and its westerly prolongation, Broadway, Chambers Street, Centre Street and its southwesterly prolongation, the center line of the Brooklyn Bridge and its northwesterly prolongation, the U. S. Pierhead Lines of the East River, Upper Bay, and Hudson River, the southerly boundary line of George Soilan Park, and the U.S. Bulkhead Line of the Hudson River;

as shown on a diagram (for illustrative purposes only) dated February 9, 1998.

(On June 3, 1998, Cal. No. 3, the Commission scheduled June 17, 1998 for a public hearing. On June 17, 1998, Cal. No. 9, the hearing was closed.)

For consideration.

No. 5

CD 1, 3

C 980316 HUM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) and the Economic Development Corporation (EDC) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the 8th amendment to the Brooklyn Bridge Southeast Urban Renewal Plan for the Brooklyn Bridge Southeast Urban Renewal Area.

1. The proposed amendment would:
 - a. Conform the Brooklyn Bridge Southeast Urban Renewal Plan to all zoning provisions and permissible land uses in the proposed Special Lower Manhattan District;
 - b. Adopt all applicable text and reformat the Plan to comply with HPD's current format of Urban Renewal Plans.

2. The amendment provides for the following text changes:

- a. Certain plan objectives have been eliminated;
- b. The estimated completion dates for site preparation and for land disposition have been updated from 1998 to 2000;
- c. Proposed land uses have been modified;
- d. Urban design and zoning regulations, controls or restrictions inconsistent with related provisions in the proposed Special Lower Manhattan District have been eliminated;
- e. Maps III and IV in the 7th Amended Plan which are no longer needed for the amended text have been deleted.

(On June 3, 1998, Cal. No. 4, the Commission scheduled June 17, 1998 for a public hearing. On June 17, 1998, Cal. No. 10, the hearing was closed.)

For consideration.
