

CITY PLANNING COMMISSION DISPOSITION SHEET

**PUBLIC MEETING:
WEDNESDAY, AUGUST 22, 2007
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
1	C 070203 ZMK	10	CENTURY 21	Scheduled to be Heard 9/5/07
2	C 070204 ZSK	10	" "	" "
3	C 000198 ZMM	8	61 ST STREET-YORK AVENUE REZONING/GARAGE	" "
4	C 070441 ZSM	8	" "	" "
5	C 070398 PSK	1	NEWTOWN CREEK DEP SLUDGE LOADING FACILITY	Favorable Report Adopted
6	C 070399 MLK	1	" "	" "
7	C 050317 ZMK	15	SAHARA RESTAURANT REZONING	" "
8	C 070382 ZSR	1	120 TH PRECINCT	" "
9	C 070058 PCR	3	SOUTH RICHMOND BLUEBELT	Hearing Closed
10	C 070337 PCK	18	HRA/ACS WAREHOUSE	" "
11	C 070351 MMM	1	50 WEST STREET	" "
12	N 070412 ZRM	1	" "	" "
13	C 070413 ZSM	1	" "	" "
14	C 070414 ZSM	1	" "	" "
15	C 070415 ZSM	1	" "	" "
16	N 070394 ZRY	CW	THE WATERSHED	" "
17	N 070468 ZRM	5	400 5 TH AVENUE	" "

COMMISSION ATTENDANCE: Present (P)
Absent (A)

COMMISSION VOTING RECORD:
In Favor - Y Oppose - N Abstain - AB Recuse - R

Calendar Numbers:

		5	6	7	8												
Amanda M. Burden, AICP, Chair	P	Y	Y	Y	Y												
Kenneth J. Knuckles, Esq., Vice Chairman	P																
Angela M. Battaglia	P	Y	Y	Y	Y												
Irwin Cantor, P.E.	A																
Angela R. Cavaluzzi, R.A.	P	Y	Y	Y	Y												
Alfred C Cerullo, III	P	Y	Y	Y	Y												
Betty Y. Chen	A																
Richard W. Eaddy	P	Y	Y	Y	Y												
Lisa Gomez	P	Y	Y	Y	Y												
Nathan Leventhal	P	Y	Y	Y	Y												
John Merolo	P	Y	Y	Y	Y												
Karen A. Phillips	P	Y	Y	Y	Y												
Dolly Williams, Commissioners	P	Y	Y	Y	Y												

MEETING ADJOURNED AT: 3:00 P.M.

Note: Vice Chair Knuckles was not present for the votes.

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WEDNESDAY, AUGUST 22, 2007
10:00 A.M. SPECTOR HALL
22 READE STREET, NEW YORK 10007**

**Yvette V. Gruel, Calendar Officer
22 Reade Street, Room 2E
New York, New York 10007-1216
(212) 720-3370**

CAL NO.	ULURP NO.	CD NO.	PROJECT NAME	C.P.C. ACTION
18	C 070469 ZSM	5	400 5TH AVENUE	Hearing Closed
19	C 070470 ZSM	5	" "	" "
20	C 070447 ZMK	3	BED-STUY REZONING	" "
21	N 070448 ZRY	CW	" "	" "
22	C 070472 ZMQ	12	ST. ALBANS/HOLLIS REZONING	" "
23	N 080005 HKQ	2	SUNNYSIDE GARDENS HISTORIC DISTRICT	" "
24	C 060477 ZMK	6	45 SUMMIT STREET	" "
25	C 070156 ZSK	6	130 COURT STREET	" "
26	C 060353 ZMK	10	BAYRIDGE MIXED-USE DEVELOPMENT	" "
27	C 060354 ZSK	10	" "	" "
28	N 080035 PXM	1	55 BROADWAY OFFICE SPACE	" "
29	C 070381 ZSM	7	95 WEST 95 TH STREET GARAGE	" "
30	C 070513 HAM	11	COLON PLAZA	" "
31	C 070086 ZSM	5	800 6 TH AVENUE GARAGE	" "
32	N 070498 ZRM	4	WEST CHELSEA DISTRICT TEXT	" "
33	N 070497 ZRY	CW	PRIVATELY OWNED PUBLIC PLAZAS TEXT AMENDMENT	" "

COMMISSION ATTENDANCE: Present (P) Absent (A)	COMMISSION VOTING RECORD: In Favor - Y Oppose - N Abstain - AB Recuse - R											
	Calendar Numbers:											
Amanda M. Burden, AICP, Chair												
Kenneth J. Knuckles, Esq., Vice Chairman												
Angela M. Battaglia												
Irwin Cantor, P.E.												
Angela R. Cavaluzzi, R.A.												
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Betty Y. Chen												
Richard W. Eaddy												
Lisa Gomez												
Nathan Leventhal												
John Merolo												
Karen A. Phillips												
Dolly Williams, Commissioners												

MEETING ADJOURNED AT:

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

CITY PLANNING COMMISSION

WEDNESDAY, AUGUST 22, 2007

**MEETING AT 10:00 A.M. AT SPECTOR HALL
22 READE STREET
NEW YORK, NEW YORK**



Michael R. Bloomberg, Mayor

City of New York

[No. 16]

Prepared by Yvette V. Gruel, Calendar Officer

To view the Planning Commission Calendar and/or the Zoning Resolution on the Internet,
visit the Department of City Planning (DCP) home page at:

nyc.gov/planning

A

CITY PLANNING COMMISSION

GENERAL RULES OF PROCEDURE AS PERTAINING TO
PUBLIC MEETINGS

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

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

NOTICE--CALENDARS: City Planning Commission calendars and disposition sheets are now available on the Department of City Planning's web site (www.nyc.gov/planning). The availability of these documents on-line will occur earlier than the current printed documents.

If you wish to be notified of the web site availability of calendars and disposition sheets, please send your name, organization and E-mail address to the address listed below. Any individual or organization that would like to receive paper copies of the aforementioned documents will be able to do so at a fee of \$120.00 annually. Please have the certified check made out to the **City of New York -- Department of City Planning** to the attention of the Calendar Information Office, 22 Reade Street, Room 2E, New York, New York 10007-1216.

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

Note to Subscribers: Notify us of change of address including E-mail by writing to:

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

B
CITY PLANNING COMMISSION

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

- AMANDA M. BURDEN, AICP, Chair**
- KENNETH J. KNUCKLES, Esq., Vice Chairman**
- ANGELA M. BATTAGLIA**
- IRWIN G. CANTOR, P.E.**
- ANGELA R. CAVALUZZI, R.A.**
- ALFRED C. CERULLO, III**
- BE TTY Y. CHEN**
- RICHARD W. EADDY**
- LISA A. GOMEZ**
- NATHAN LEVENTHAL**
- JOHN MEROLO**
- KAREN A. PHILLIPS**
- DOLLY WILLIAMS, Commissioners**
- YVETTE V. GRUEL, Calendar Officer**

The regular public meetings of the Commission shall be held twice monthly on Wednesday at 10:00a.m. in Spector Hall, 22 Reade Street, Manhattan, unless otherwise ordered.

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

The next regular public meeting of the City Planning Commission is scheduled for September 5, 2007 at Spector Hall 22 Reade Street, New York, at 10:00 a.m.

C

GENERAL INFORMATION

HOW TO PARTICIPATE:

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

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

Written Comments: If you intend to submit a written statement and/or other documents please submit 20 sets of each.

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

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

(Extra copies of this form may be obtained in the Calendar Information Office at the above address.)

Subject _____

Date of Hearing _____ Calendar No. _____

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

Position: Opposed _____
 In Favor _____

Comments:

Name: _____

Address: _____

Organization (if any) _____

Address _____ Title: _____

AUGUST 22, 2007

APPROVAL OF MINUTES OF the Regular Meeting of August 8, 2007

**I. PUBLIC HEARINGS OF THE FOLLOWING MATTERS TO BE
SCHEDULED FOR WEDNESDAY, SEPTEMBER 5, 2007
STARTING AT 10:00 A.M.
IN SPECTOR HALL, 22 READE STREET
NEW YORK, NEW YORK**

BOROUGH OF BROOKLYN

Nos. 1 & 2

CENTURY 21

CD 10

C 070203 ZMK

IN THE MATTER OF an application submitted by the Century 21 Department Stores LLC and Michael Sonnaband LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b changing from a C8-2 District to a C4-2A District property bounded by 87th Street, a line 200 feet northwesterly of 5th Avenue, 88th Street, and a line 200 feet southeasterly of 4th Avenue as shown on a diagram (for illustrative purposes only) dated July 9, 2007.

Resolution for adoption scheduling September 5, 2007 for a public hearing.

No. 2

CD 10

C 070204 ZSK

IN THE MATTER OF an application submitted by the Century 21 Department Stores LLC and Michael Sonnaband LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a seven-level unattended public parking garage with a maximum capacity of 279 spaces and to permit floor space on three levels (part of 1st and 3rd levels and the 2nd level) up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (Definitions) of the Zoning

Resolution and to permit public parking spaces to be located on the roofs (part of 5th level and 7th level) of the public parking garage to facilitate the enlargement of a commercial development at 416 to 450 87th Street and 415 to 435 88th Street (Block 6050, Lots 15, 19, 51 and 59), in a C4-2A District*.

*Note: C4-2A District is proposed to be mapped under a related application for an amendment of the Zoning Map (C 070203 ZMK).

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

Resolution for adoption scheduling September 5, 2007 for a public hearing.

BOROUGH OF MANHATTAN

Nos. 3 & 4

61ST STREET-YORK AVENUE REZONING/GARAGE

No. 3

CD 8

C 000198 ZMM

IN THE MATTER OF an application submitted by 1113 York Avenue Realty Company, L.L.C. and 60th Street Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8c and 8d:

- 1) changing from a C6-2 District to a C6-3 District property bounded by East 61st Street, a line 100 feet westerly of York Avenue, a line midway between East 61st Street and East 60th Street, and a line 300 feet easterly of First Avenue; and
- 2) changing from a C8-4 District to a C4-7 District property bounded by East 61st Street, York Avenue, East 60th Street, and a line 100 feet westerly of York Avenue;

as shown on a diagram (for illustrative purposes only) dated May 21, 2007, and subject to the conditions of CEQR Declaration E- 187.

Resolution for adoption scheduling September 5, 2007 for a public hearing.

No. 4

CD 8

C 070441 ZSM

IN THE MATTER OF an application submitted by 1113 York Avenue Realty Company, LLC and 60th Street Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 195 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 1113 York Avenue a.k.a. 420 East 61st Street (Block 1455, Lots 13, and 21), in C6-3* and C4-7* Districts.

* Note: Portions of the site are proposed to be rezoned from C6-2 and C8-4 Districts to C6-3 and C4-7 Districts under a concurrent related application (C 000198 ZMM).

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

Resolution for adoption scheduling September 5, 2007 for a public hearing.

II. REPORTS

BOROUGH OF BROOKLYN

Nos. 5 & 6

NEWTOWN CREEK DEP SLUDGE LOADING FACILITY

No. 5

CD 1

C 070398 PSK

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services and the Department of Environmental Protection, pursuant to Section 197-c of the New York City Charter, for site selection of property located at Block 2508, part of lot 1 and lands underwater generally bounded by Whale Creek Canal, Newtown Creek, Kingsland Avenue and North Henry Street to the US Pierhead and Bulkhead Lines, for use as a dock and loading facility.

(On July 11, 2007, Cal. No. 2, the Commission scheduled July 25, 2007 for a public hearing. On July 25, 2007, Cal. No. 28, the hearing was closed)

For consideration.

No. 6

CD 1

C 070399 MLK

IN THE MATTER OF an application submitted by the Department of Environmental Protection, pursuant to Section 197-c of the New York City Charter for landfill of approximately 2513 square feet located at Whale Creek Canal and Newtown Creek to facilitate the construction of a dock and loading facility.

(On July 11, 2007, Cal. No. 3, the Commission scheduled July 25, 2007 for a public hearing. On July 25, 2007, Cal. No. 29, the hearing was closed.)

For consideration.

No. 7

SAHARA RESTAURANT REZONING

CD 15

C 050317 ZMK

IN THE MATTER OF an application submitted by 2329-2347 Coney Island Avenue Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c:

1. changing from an R5 District to an R6A District property bounded by Avenue T, a line midway between Coney Island Avenue and East 12th Street, a line 100 feet southerly of Avenue U, and Coney Island Avenue; and
2. establishing within the proposed R6A District a C2-3 District bounded by a line 150 feet southerly of Avenue T, a line midway between Coney Island Avenue and East 12th Street, a line 150 feet northerly of Avenue U, and Coney Island Avenue;

as shown on a diagram (for illustrative purposes only) dated March 26, 2007 and subject to the conditions of CEQR Declaration E-177

(On June 20, 2007, Cal. No. 5, the Commission scheduled July 11, 2007 for a public hearing. On July 11, 2007, Cal. No. 35, the hearing was closed.)

For consideration.

BOROUGH OF STATEN ISLAND

No. 8

120TH PRECINCT

CD 1

C 070382 ZSR

IN THE MATTER OF an application submitted by the Police Department pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a police station to be located in a residence district and to allow the applicable district bulk regulations for community facility buildings as set forth in Article II, Chapter 4 to apply to a proposed 3-story police station on property located at 60 Hill Street (Block 556, Lot 100), in an R3-2 District.

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

(On July 11, 2007, Cal. No. 5, the Commission scheduled July 25, 2007 for a public hearing. On July 25, 2007, Cal. No. 31, the hearing was closed.)

For consideration.

III. PUBLIC HEARINGS

BOROUGH OF STATEN ISLAND

No. 9

SOUTH RICHMOND BLUEBELT

CD 3

C 070058 PCR

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to section 197-c of the New York City Charter for site selection and acquisition of property located at Clovis Road between Clinton Road and Adrienne Road (Block 5133, Lot 36) and at Huguenot Avenue between Jansen Street and Short Place (Block 6550, Lot 71) for the storage and conveyance of storm water.

(On July 25, 2007, Cal. No. 14, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 29, the hearing was continued.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 10

HRA/ACS WAREHOUSE

CD 18

C 070337 PCK

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Human Resources Administration, the Administration for Children's Services, and the Department of Citywide Administrative, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 10300 Foster Avenue (Block 8149, Lot 300) for use as a warehouse.

(On July 25, 2007, Cal. No. 1, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 30, the hearing was continued.)

Close the hearing.

BOROUGH OF MANHATTAN

Nos. 11, 12, 13, 14 & 15

50 WEST STREET

No. 11

CD 1

C 070351 MMM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application, submitted by West Street Development LLC and the Department of Citywide Administrative Services (DCAS), pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of an 8 inch strip of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and Washington Street;
- the elimination, discontinuance and closing of a portion of Manhattan Approach to the Brooklyn Battery Tunnel within an area bounded by Morris Street, West Street, Joseph P. Ward Street and the southerly extension of Washington Street;
- the elimination, discontinuance and closing of volumes of Joseph P. Ward Street and a portion of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and the southerly extension of Washington Street above a lower limiting plane;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

in accordance with Map No. 30222 dated April 25, 2007 and signed by the Borough President.

(On July 25, 2007, Cal. No. 4, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 31, the hearing was continued.)

Close the hearing.

No. 12

CD 1

N 070412 ZRM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by West Street Development, LLC, pursuant to Section 201 of the New York City Charter, concerning the Special Lower Manhattan District (Article IX, Chapter 1), relating to modifications of the applicability of urban plazas, height and setback regulations and a special permit for development over or adjacent to the approaches to the Brooklyn Battery Tunnel.

Matter in Graytone or Underlined is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
*** indicate where unchanged text appears in the Zoning Resolution

91-70
SPECIAL REGULATIONS FOR CERTAIN AREAS

* * *

91-73
Special Permit for Development ~~Over or Adjacent to the Approaches to the Brooklyn Battery Tunnel~~

The City Planning Commission, by special permit, may allow:

- (a) 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, where 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.
- (b) the unmapped air space above the approaches to the Brooklyn Battery Tunnel, the unmapped air space above Joseph P. Ward Street and at-grade parcels bounding the northern #street line# of Joseph P. Ward Street to be deemed a single #zoning lot#, and in connection therewith:
 - (1) such #zoning lot# shall generate #floor area# only from such at-grade parcels and only those portions of the unmapped air space above the approaches to the Brooklyn Battery Tunnel covered by a permanent platform or #building# existing on (effective date of amendment);
 - (2) no #floor area# shall be generated from the unmapped air space above Joseph P. Ward Street; and

- (3) unused #floor area# generated from those portions of the unmapped air space above the approaches to the Brooklyn Battery Tunnel covered by a permanent platform or #building# existing on (effective date of amendment) shall only be located on the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street and shall only be used for #residential floor area#.

Notwithstanding any of the foregoing, the use and occupancy of the unmapped air space and the adjacent areas by the New York State Triborough Bridge and Tunnel Authority, as such use and occupancy is set forth in Board of Estimate Resolution No. 123 dated December 2, 1965, may be continued and in effect as set forth therein and as otherwise permitted by law

The at-grade parcels of the #zoning lot# bounding the northern #street line# of Joseph P. Ward Street shall be considered a #through lot# bounded by Washington Street and West Street from its lowest level to the sky, and only such at-grade parcels shall be used to determine compliance with applicable #bulk# regulations other than #floor area# and #lot area# regulations.

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.

* * *

**91-30
HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS**

* * *

**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:

* * *

- (2) #Street wall# regulations: Type 2A

For #developments# or #enlargements# that front upon a #street# indicated as "Type 2A" on Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3) in Appendix A, #street walls# shall extend along ~~the~~ such 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 2B

For #developments# or #enlargements# that front upon a #street# indicated as "Type 2B" on Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3) in Appendix A, #street walls# shall extend along at least 60 percent of such #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)~~(4) #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, 2A, 2B & 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)~~(5) #Street wall# regulations: Type 4

* * *

~~(5)~~(6) #Street wall# regulations: Type 5

* * *

(b) For #developments# or #enlargements# that front upon a #street# indicated as "Type 1" or "Type 2A," 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 2B", at least 60 percent of the #aggregate width of street walls# shall be located within 10 feet of 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~~ such #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#;
- (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.

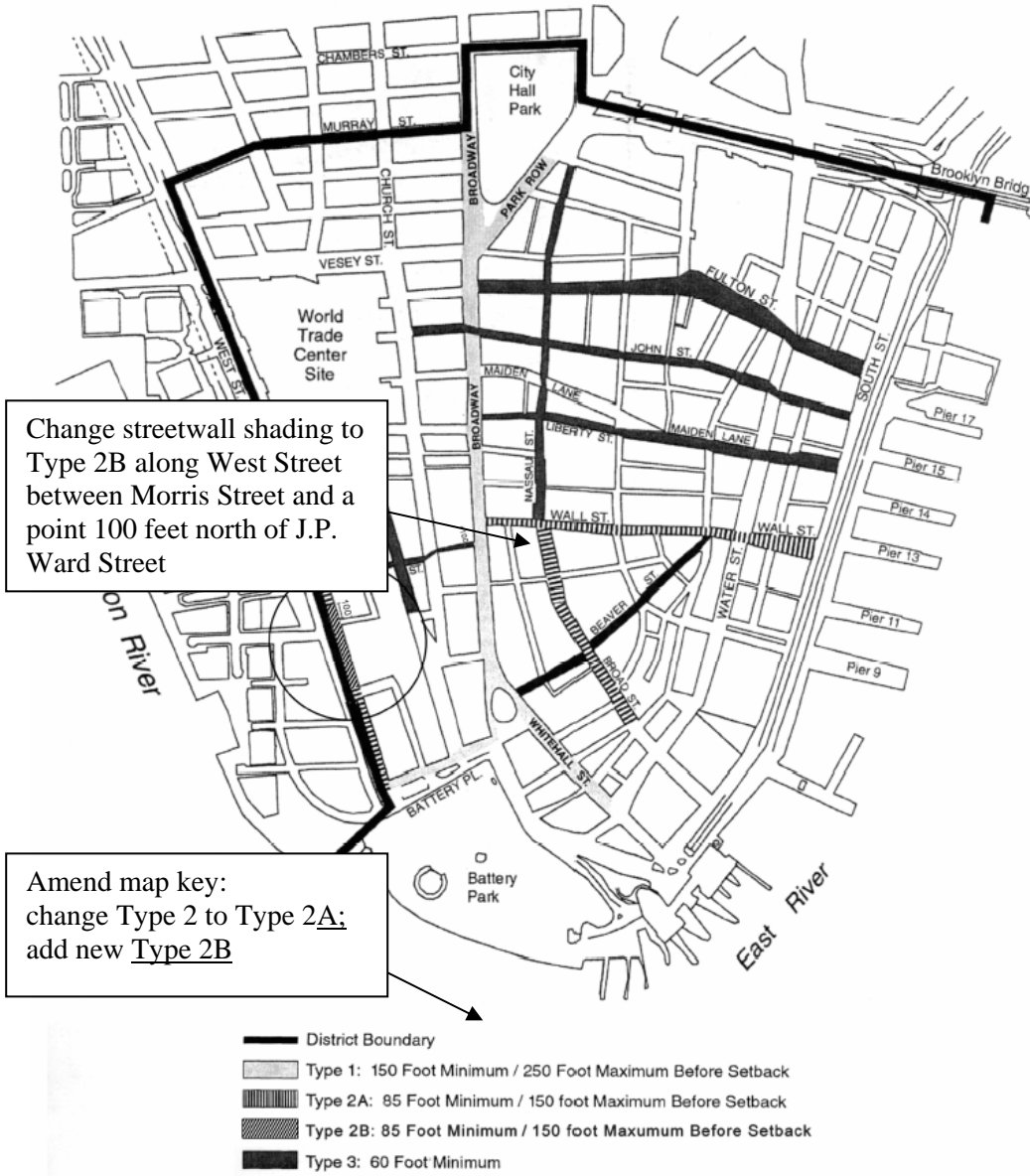
* * *

(d) Arcades and sidewalk widenings shall be permitted along any #street# indicated as "Type 1," "Type 2A" 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 August 27, 1998, 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.

* * *

3. Article IX, Chapter 1, Appendix A, Map 2: Street Wall Continuity Types 1, 2, & 3



ARTICLE IX: SPECIAL PURPOSE DISTRICTS

Chapter 1: Special Lower Manhattan District

* * *

91-23

As-of-Right Bonuses for Increased Floor Area

* * *

91-231

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:

* * *

(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 2A #street walls# pursuant to Section 91-31 (Street Wall Regulations).

* * *

(On July 25, 2007, Cal. No. 5, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 32, the hearing was continued.)

Close the hearing.

No. 13

CD 1

C 070413 ZSM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by West Street Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 91-73* of the Zoning Resolution to allow the unmapped air space above the approaches to the Brooklyn Battery Tunnel to be considered a single zoning lot and to allow such zoning lot to include contiguous area of land to facilitate the development of a mixed use development on property located at 50 West Street (Block 17, Lots 1001-1005 and Block 18, p/o Lot 100), in a C6-9 District, within the Special Lower Manhattan District.

* Note: Section 91-73 is proposed to be changed under a related application (N 070412 ZRM) for a zoning text change.

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

(On July 25, 2007, Cal. No. 6, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 33, the hearing was continued.)

Close the hearing.

No. 14

CD 1

C 070414 ZSM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by West Street Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 91-35 of the Zoning Resolution to modify the setback requirements of Section 91-32 (Setback Regulations) in connection with the construction of a mixed use development on property located at 50 West Street (Block 17, Lots 1001-1005 and Block 18, p/o Lot 100), in a C6-9 District, within the Special Lower Manhattan District.

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

(On July 25, 2007, Cal. No. 7, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 34, the hearing was continued.)

Close the hearing.

No. 15

CD 1

C 070415 ZSM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by West Street Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-91 of the Zoning Resolution to modify the provisions of

Section 37-04 (Requirements for Urban Plazas) in connection with the construction of a mixed use development on property located at 50 West Street (Block 17, Lots 1001-1005 and Block 18, p/o Lot 100), in a C6-9 District, within the Special Lower Manhattan District.

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

(On July 25, 2007, Cal. No. 8, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 35, the hearing was continued.)

Close the hearing.

No. 16

THE WATERSHED

CITYWIDE

N 070394 ZRY

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by 150 Charles Street Holdings, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), creating Section 15-41 (Enlargements of Converted Buildings).

Matter in underline is new, to be added;
Matter in ~~strike-out~~ is old, to be deleted;
Matter within # # is defined in Section 12-10 (DEFINITIONS)
*** indicates where unchanged text appears in the Resolution

Chapter 5
Residential Conversion of Existing Non-Residential Buildings

15-00
GENERAL PURPOSES

* * *

15-01
Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings# or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this Chapter. In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, 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. Existing floor space used for mechanical equipment and not counted as #floor area# in non-#residential buildings# built prior to January 1, 1977 may be converted to #dwelling units# under the provisions of this Chapter.

However, the conversion to #dwelling units# of non-#residential buildings# that meet all the requirements for new #residential development# of Article II (Residence District Regulations) and are located in R4, R5, R6, R7, R8, R9, R10, C1, C2, C3, C4, C5 or C6 Districts is exempt from the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the applicable zoning districts remain in effect.

New #developments# or #enlargements# shall be in accordance with the applicable requirements of Article II and ArticleII, except as provided by authorization pursuant to Section 15-41 (Enlargements of Converted Buildings).

* * *

15-02
General Provisions

15-021
Special use regulations

* * *

(c) In M1-5 and M1-6 Districts...

* * *

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by a #use# listed in Section ~~15-50~~ 15-60(REFERENCED COMMERCIAL AND MANUFACTURING USES),

the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

* * *

- (2) any #use# listed in Section ~~15-50~~ 15-60 which is located on #floor area# to be used for #dwelling units# has been offered a new or amended lease within the #building#, with a minimum term of 2 years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and such lease is not subject to cancellation by the landlord;

* * *

15-025
 Double glazed windows

All #dwelling units# in #buildings# which contain one or more #uses# listed in Section ~~15-50~~ 15-60(REFERENCED COMMERCIAL AND MANUFACTURING USES) and converted under the provisions of this Chapter shall be required to have double glazing on all windows. However, #dwelling units# occupied by #residential# tenants on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or in Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, shall not be required to have double glazed windows.

* * *

15-10
 REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN RESIDENTIAL AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS

* * *

15-12
 Open Space Equivalent

At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be developed for recreational use. For each additional #dwelling unit#, 100 square feet of additional roof area shall be developed for recreational use, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to Section 15-30.

* * *

15-20
REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS

* * *

15-21
Use Regulations - Transfer of Preservation Obligations and Conversion Rights

* * *

15-211
Floor area preservation

The amount or configuration of #floor area# to be preserved may be modified in accordance with the provisions of Section 15-215 (Modification for existing dwelling units).

The amount of #floor area# to be preserved for permitted #commercial# or permitted #manufacturing uses# shall be in accordance with Table I of this Section, if the #floor area# to be converted is located in a C6-2M or C6-4M District, and in accordance with Table II of this Section, if the #floor area# to be converted is located in a M1-5M or M1-6M District, unless modified by the City Planning Commission pursuant to Section ~~15-41~~ 15-51. Such #floor area# shall be comparable to the #floor area# to be converted, as required by Section 15-213.

* * *

15-212
Reduced floor area preservation

Notwithstanding the provisions of Section 15-211, Table I as set forth in this Section may be substituted for Table I in Section 15-211, and Table II in this Section may be substituted for Table II in Section 15-211 governing the amount of #floor area# to be preserved, provided that such preserved #floor area# will be occupied by a #commercial# or #manufacturing use# that has been in occupancy for two years prior to the application for a certification under the provisions of Section 15-21 or by a #use# listed in Section ~~15-50~~ 15-60(REFERENCED COMMERCIAL AND MANUFACTURING USES), and subject to the following conditions:

- (a) Where the preserved #floor area# is occupied by an existing #commercial# or #manufacturing use# for two years immediately preceding the date of application for a certification under Section 15-21, or where the preserved #floor area# is occupied by a #use# listed in Section ~~15-50~~ 15-60, the landlord shall present a lease, signed by both the landlord and such tenant, and certified as recorded by the Office of the City Register of New York County.

* * *

- (b) Where the preserved #floor area# is occupied by any such #use# for two years immediately preceding the date of application under Section 15-21, and such occupant is the owner of said #floor area#, the Chairperson of the City Planning Commission shall require that the certificate of occupancy designate the preserved #floor area# for a #use# listed in Section ~~15-50~~ 15-60 for a period of 5 years from the date of such certification.
- (c) Where the preserved #floor area# will be occupied by a #use# listed in Section ~~15-50~~ 15-60 but no such tenant is yet occupying the #floor area#, the owner shall covenant to preserve such #floor area# for a #use# listed in Section ~~15-50~~ 15-60, in the legal commitment required pursuant to Section 15-214.

* * *

15-30
 MINOR MODIFICATIONS

* * *

15-40
AUTHORIZATION

15-41
Enlargements of Converted Buildings

In all #commercial# and #residence districts#, for #enlargements# of non-#residential buildings# converted to #dwelling units#, the City Planning Commission may authorize the following:

- (a) A waiver of the requirements of Section 15-12 (Open Space Equivalent) for the existing portion of the #building# converted to #dwelling units#; and
- (b) The maximum #floor area ratio# permitted pursuant to Section 23-142 for the applicable district without regard for #height factor# or #open space ratio# requirements.

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

- (1) The #enlarged building# is compatible with the scale of the surrounding area;
- (2) Open areas are provided on the #zoning lot# that are of sufficient size to serve the residents of the #building#. Such open areas, which may be located on rooftops, courtyards, or other areas on the #zoning lot# shall be accessible to and

usable by all residents of the #building#, and have appropriate access, circulation, seating, lighting and paving;

(3) The site plan includes superior landscaping for all open areas on the #zoning lot#, including the planting of #street trees#, and

(3) The #enlarged building# will not adversely effect structures or #open space# in the vicinity in terms of scale, location and access to light and air.

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

~~15-40~~ 15-50

SPECIAL PERMIT

~~15-41~~ 15-51

Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021 paragraph (e), or 15-21 in accordance with the provisions of Sections 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

~~15-50~~ 15-60

REFERENCED COMMERCIAL AND MANUFACTURING USES

(On July 25, 2007, Cal. No. 9, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 36, the hearing was continued.)

Close the hearing.

BOROUGH OF MANHATTAN

Nos. 17, 18 & 19

400 5TH AVENUE

No. 17

CD 5

N 070468 ZRM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by 400 Fifth Realty LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article VIII, Chapter 1, Special Midtown District, concerning Sections 81-212 (Provisions for the Transfer of Development Rights from a Landmark) and 81-81 (General Provisions), and the addition of Section 81-85 (Transfer of Development Rights from a Landmark in the 5th Avenue Subdistrict).

Matter in underline is new, to be added

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

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

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

81-212

Special provisions for transfer of development rights from landmark sites

The provisions of Section 74-79 (Transfer of Development Rights for Landmark Sites) shall apply in the #Special Midtown District#, subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, ~~and~~ Section 81-747 (Transfer of development rights from landmark theaters); and Section 81-85 (Transfer of development rights from landmark sites within the Special Fifth Avenue Subdistrict).

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

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

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

Within the Grand Central Subdistrict, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-63, but not both.

* * * *

81-81

General Provisions

The regulations of Sections 81-82 to 81-8485, inclusive, relating to Special Regulations for the Fifth Avenue Subdistrict, are applicable only in the Fifth Avenue Subdistrict, whose boundaries are shown on Map 2 in Appendix A. They supplement or modify the regulations of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

* * * *

81-85

Transfer of development rights from landmark sites

For new #developments# or #enlargements#, in addition to the provisions of Section 74-79 (Transfer of Development Rights from Landmark Sites) and Section 81-212 (Special provisions for transfer of development rights from landmark sites), the Commission may modify or waive the requirements of Section 81-40 (MANDATORY DISTRICT PLAN ELEMENTS), inclusive, and the requirements of Section 81-84 (Mandatory Regulations and Prohibitions).

In granting such special permit, the Commission shall find that the permitted transfer of #floor area# and modification or waiver of mandatory plan elements will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with surrounding landmark #buildings or other structures#.

(On July 25, 2007, Cal. No. 10, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 37, the hearing was continued.)

Close the hearing.

No. 18

CD 5

C 070469 ZSM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by 400 Fifth Realty LLC and 401 Fifth LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

1. Sections 81-212* and 74-79 - to allow the transfer of 173,692 square feet of floor area from property located at 393-401 Fifth Avenue (Block 866, Lots 3 and 76) that is occupied by a landmark building to property located at 400-404 Fifth Avenue (Block 838, Lots 42, 45, 46, 47 and 48); and
2. Section 81-85* - to modify the requirements of Section 81-84 (Mandatory Regulations and Prohibitions) to allow a hotel lobby within 50 feet of the Fifth Avenue street line and Section 81-45 (Pedestrian Circulation Space) and 37-07 (Requirements for Pedestrian Circulation Space) to allow a reduction of the amount and dimensional requirements of the required pedestrian circulation space;

to facilitate the development of a 57-story mixed use building on property located at 400-404 Fifth Avenue (Block 838, Lots 42, 45, 46, 47 and 48), in a C5-3 District, within the Special Midtown District (Fifth Avenue Subdistrict), Borough of Manhattan, Community District 5.

* Note: A zoning text change is proposed under a concurrent related application (N 070468 ZRM) for amendment to Sections 81-212 (Special provisions for transfer of development rights from landmark sites) and Section 81-81 (General Provisions) and the creation of a new Section 81-85 (Transfer of development rights from landmark sites).

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

(On July 25, 2007, Cal. No. 11, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 38, the hearing was continued.)

Close the hearing.

No. 19

CD 5

C 070470 ZSM

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by 400 Fifth Realty LLC and 401 Fifth LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-277 of the Zoning Resolution to modify the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation) to facilitate the development of a 57-story mixed use building on property located at 400-404 Fifth Avenue (Block 838, Lots 42, 45, 46, 47 and 48), in a C5-3 District, within the Special Midtown District (Fifth Avenue Subdistrict).

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

(On July 25, 2007, Cal. No. 12, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 39, the hearing was continued.)

Close the hearing.

BOROUGH OF BROOKLYN

Nos. 20 & 21

BED-STUY REZONING

No. 20

CD 3

C 070447 ZMK

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Sections 16c and 17a:

1. **eliminating from within an existing R5 District a C1-3 District** bounded by:
 - a. Halsey Street, a line 150 feet easterly of Marcus Garvey Boulevard, the westerly prolongation of a line midway between Decatur Street and Bainbridge Street, Marcus Garvey Boulevard, MacDonough Street, and a line 150 feet westerly of Marcus Garvey Boulevard;

- b. a line midway between Jefferson Avenue and Hancock Street, a line 150 feet easterly of Lewis Avenue-Dr. Sandy F. Ray Boulevard, Halsey Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard , Macon Street, and a line 150 feet westerly of Lewis Avenue-Dr. Sandy F. Ray Boulevard;
 - c. Madison Street, a line 150 feet easterly of Malcolm X Boulevard, Halsey Street, and a line 150 feet westerly of Malcolm X Boulevard;
 - d. Hancock Street, Ralph Avenue, Halsey Street, a line 150 feet easterly of Ralph Avenue, Macon Street, and a line 150 feet westerly of Ralph Avenue; and
 - e. Bainbridge Street, Malcolm X Boulevard, Chauncey Street, and a line 150 feet westerly of Malcolm X Boulevard;
- 2. eliminating from within an existing R5 District a C2-3 District bounded by:**
- a. Monroe Street, a line 150 feet easterly of Marcus Garvey Boulevard, Putnam Avenue, Marcus Garvey Boulevard, Jefferson Avenue, a line 150 feet easterly of Marcus Garvey Boulevard, Halsey Street, a line 150 feet westerly of Marcus Garvey Boulevard, Madison Street, and Marcus Garvey Boulevard;
 - b. a line midway between Decatur Street and Bainbridge Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard , Bainbridge Street, and a line 510 feet easterly of Marcus Garvey Boulevard;
 - c. Halsey Street, a line 150 feet easterly of Malcolm X Boulevard, Bainbridge Street, and a line 150 feet westerly of Malcolm X Boulevard;
 - d. Madison Street, Ralph Avenue, Hancock Street, and a line 150 feet westerly of Ralph Avenue; and
 - e. Decatur Street, a line 150 feet easterly of Ralph Avenue, Bainbridge Street, and Ralph Avenue;
- 3. eliminating from within an existing R6 District a C1-3 District bounded by:**
- a. Lafayette Avenue, a line 150 feet easterly of Franklin Avenue, Lexington Avenue, and a line 150 feet westerly of Franklin Avenue;
 - b. a line 150 feet northeasterly of Fulton Street, a line midway between Bedford Avenue and Spencer Place, a line 100 feet northeasterly of Fulton Street, Bedford Avenue, Brevoort Place, a

- line 100 feet southwesterly of Fulton Street, Franklin Avenue, Fulton Street, and Claver Place;
- c. Quincy Street, a line 150 feet easterly of Nostrand Avenue, Jefferson Avenue, a line 150 feet westerly of Nostrand Avenue, Monroe Street, Nostrand Avenue, Gates Avenue, and a line 150 feet westerly of Nostrand Avenue;
 - d. Quincy Street, a line 150 feet easterly of Tompkins Avenue, Madison Street, and a line 150 feet westerly of Tompkins Avenue;
 - e. Putnam Avenue, a line 150 feet easterly of Tompkins Avenue, Halsey Street, and a line 150 feet westerly of Tompkins Avenue;
 - f. Quincy Street, a line 150 feet easterly of Marcus Garvey Boulevard, Gates Avenue, and a line 150 feet westerly of Marcus Garvey Boulevard;
 - g. a line 100 feet northerly of Fulton Street, Tompkins Avenue, Fulton Street, New York Avenue, Herkimer Street, and a line 150 feet easterly of Nostrand Avenue;
 - h. Decatur Street, Marcus Garvey Boulevard, Fulton Street, Albany Avenue, Herkimer Street, a line 150 feet westerly of Albany Avenue, a line midway between Fulton Street and Herkimer Street, a line 100 feet westerly of Albany Avenue, a line 100 feet northerly of Fulton Street, and a line 150 feet westerly of Albany Avenue;
 - i. Quincy Street, a line 150 feet easterly of Malcolm X Boulevard, Gates Avenue, and a line 150 feet westerly of Malcolm X Boulevard;
 - j. Monroe Street, Howard Avenue, Broadway, Saratoga Avenue, Jefferson Avenue, a line 150 feet southwesterly of Broadway, Putnam Avenue, and a line 150 feet westerly of Howard Avenue;
 - k. Hancock Street, a line 150 feet easterly of Ralph Avenue, Halsey Street, and Ralph Avenue;
 - l. Decatur Street, Saratoga Avenue, Bainbridge Street, and a line 150 feet westerly of Saratoga Avenue;
 - m. Bainbridge Street, a line 150 feet easterly of Howard Avenue, Sumpter Street, a line 150 feet westerly of Howard Avenue, Chauncey Street, and Howard Avenue;

- n. Sumpter Street, a line 100 feet easterly of Ralph Avenue, MacDougal Street and its westerly centerline prolongation, and Ralph Avenue; and
- o. Marion Street, a line 150 feet easterly of Malcolm X Boulevard, a line 100 feet northerly of Fulton Street, Patchen Avenue, Fulton Street, a line 300 feet easterly of Ralph Avenue, a line midway between Fulton Street and Herkimer Street, a line 150 feet easterly of Ralph Avenue, Herkimer Street, Ralph Avenue, a line midway between Fulton Street and Herkimer Street, Rochester Avenue; Fulton Street, and Malcolm X Boulevard;

4. eliminating from within an existing R6 District a C1-4 District bounded by:

- a. Bainbridge Street, a line perpendicular to the southerly street line of Bainbridge Street distant 200 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Lewis Avenue-Dr. Sandy F. Ray Boulevard and the southerly street line of Bainbridge Street, a line 100 feet southerly of Bainbridge Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, Fulton Street, and a line 480 feet easterly of Marcus Garvey Boulevard; and
- b. a line 200 feet northeasterly of Fulton Street, Malcolm X Boulevard, Fulton Street, Rochester Avenue, a line midway between Fulton Street and Herkimer Street and its westerly prolongation, Utica Avenue, Fulton Street, and a line perpendicular to the northerly street line of Fulton Street distant 300 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Malcolm X Boulevard and the northerly street line of Fulton Street;

5. eliminating from within an existing R6 District a C2-3 District bounded by:

- a. a line 150 feet northeasterly of Fulton Street, Claver Place, Fulton Street, Franklin Avenue, a line midway between Fulton Street and Lefferts Place, and Classon Avenue;
- b. Quincy Street, a line 150 feet easterly of Bedford Avenue, Halsey Street, Bedford Avenue, a line 100 feet northeasterly of Fulton Street, a line midway between Bedford Avenue and Spencer Place, Hancock Street, Bedford Avenue, Jefferson Avenue, and a line 150 feet westerly of Bedford Avenue;
- c. Jefferson Avenue, Nostrand Avenue, Macon Street, and a line 150 feet westerly of Nostrand Avenue;

- d. Gates Avenue, a line 150 feet easterly of Marcus Garvey Boulevard, Monroe Street, and a line 150 feet westerly of Marcus Garvey Boulevard;
- e. Decatur Street, Throop Avenue, a line 100 feet northerly of Fulton Street, a line 100 feet westerly of Albany Avenue, a line midway between Fulton Street and Herkimer Street, Brooklyn Avenue, Fulton Street, and Tompkins Avenue and its southerly centerline prolongation;
- f. Bainbridge Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, a line 100 feet southerly of Bainbridge Street, and a line perpendicular to the southerly street line of Bainbridge Street distant 200 feet westerly (as measured along the street line) from the point of intersection of the westerly street line of Lewis Avenue-Dr. Sandy F. Ray Boulevard and the southerly street line of Bainbridge Street,
- g. Fulton Street, a line perpendicular to the southerly street line of Fulton Street distant 60 feet easterly (as measured along the street line) from the point of intersection of the southeasterly street line of Troy Avenue and the southerly street line of Fulton Street, Herkimer Street, a line perpendicular to the northerly street line of Herkimer Street distant 50 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Troy Avenue and the northerly street line of Herkimer Street, a line midway between Fulton Street and Herkimer Street, and Albany Avenue;
- h. Madison Street, a line 150 feet easterly of Ralph Avenue, Hancock Street, and Ralph Avenue;
- i. Macon Street, Saratoga Avenue, Decatur Street, and a line 150 feet westerly of Saratoga Avenue;
- j. Bainbridge Street, a line 150 feet easterly of Ralph Avenue, Chauncey Street, and Ralph Avenue; and
- k. MacDougal Street and its westerly centerline prolongation, Howard Avenue, a line 100 feet northerly of Fulton Street, a line 100 feet northerly of Hull Street, Saratoga Avenue, Herkimer Street, a line 150 feet westerly of Saratoga Avenue, a line midway between Fulton Street and Herkimer Street, a line 450 feet easterly of Ralph Avenue; Fulton Street, and Ralph Avenue;

6. changing from an R5 District to an R5B District property bounded by:

- a. Halsey Street, Howard Avenue, Bainbridge Street, and a line 100 feet easterly of Ralph Avenue; and
- b. Herkimer Street, Saratoga Avenue, the southerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and Howard Avenue;

7. changing from an R6 District to an R5B District property bounded by:

- a. Herkimer Street, a line 350 feet westerly of Schenectady Avenue, a line midway between Fulton Street and Herkimer Street, Schenectady Avenue, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and Troy Avenue; and
- b. Bainbridge Street, Howard Avenue, a line midway between Bainbridge Street and Chauncey Street, and a line 100 feet easterly of Ralph Avenue;

8. changing from an R5 District to an R6A District property bounded by:

- a. Monroe Street, a line 100 feet easterly of Malcolm X Boulevard, Chauncey Street, and a line 100 feet westerly of Malcolm X Boulevard; and
- b. Monroe Street, Ralph Avenue, Halsey Street, and a line 100 feet westerly of Ralph Avenue;

9. changing from an R6 District to an R6A District property bounded by:

- a. Lafayette Avenue, a line 100 feet easterly of Franklin Avenue, Jefferson Avenue, Franklin Avenue, a line 100 feet northeasterly of Fulton Street, a line 200 feet westerly of Franklin Avenue, a line 100 feet southerly of Jefferson Avenue, a line 100 feet westerly of Franklin Avenue, a line midway between Lafayette Avenue and Clifton Place, and Classon Avenue;
- b. Quincy Street, a line 100 feet easterly of Bedford Avenue, Halsey Street, Bedford Avenue, a line 100 feet northeasterly of Fulton Street, and a line 100 feet westerly of Bedford Avenue;
- c. Quincy Street, a line 100 feet easterly of Nostrand Avenue, a line midway between Quincy Street and Gates Avenue, a line 100 feet westerly of Tompkins Avenue, Quincy Street, a line 100 feet easterly of Tompkins Avenue, a line midway between Quincy Street and Gates Avenue, Lewis Avenue-Dr. Sandy F. Ray Boulevard, Quincy Street, a

line 325 feet easterly of Stuyvesant Avenue, a line midway between Quincy Street and Gates Avenue, a line 100 feet westerly of Malcolm X Boulevard, Quincy Street, a line 100 feet easterly of Malcolm X Boulevard, a line midway between Quincy Street and Gates Avenue, a line 170 feet westerly of Ralph Avenue, Gates Avenue, a line 100 feet easterly of Ralph Avenue, Halsey Street, Ralph Avenue, Monroe Street, a line 100 feet westerly of Ralph Avenue, a line midway between Gates Avenue and Monroe Street, a line 100 feet easterly of Malcolm X Boulevard, Monroe Street, a line 150 feet westerly of Stuyvesant Avenue, a line midway between Gates Avenue and Monroe Street, a line 100 feet easterly of Tompkins Avenue, Decatur Street, Marcus Garvey Boulevard, a line 100 feet northeasterly of Fulton Street, Throop Avenue, Fulton Street, Tompkins Avenue, a line 100 feet northeasterly of Fulton Street, a line 100 feet westerly of Tompkins Avenue, a line midway between Monroe Street and Gates Avenue, a line 100 feet easterly of Nostrand Avenue, Macon Street, a line 100 feet westerly of Nostrand Avenue, Putnam Avenue, Nostrand Avenue, Madison Street, a line 100 feet westerly of Nostrand Avenue, Monroe Street, Nostrand Avenue, Gates Avenue, and a line 100 feet westerly of Nostrand Avenue;

- d. Herkimer Street, Brooklyn Avenue, a line midway between Fulton Street and Herkimer Street, a line perpendicular to the northerly street line of Herkimer Street distant 50 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Herkimer Street and the northwesterly street line of Troy Avenue, Herkimer Street, Albany Avenue, a line 185 feet southerly of Herkimer Street, Kingston Avenue, Herkimer Street, St. Andrews Place, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), Brooklyn Avenue, a line 150 feet northerly of Atlantic Avenue, and New York Avenue;
 - e. Fulton Street, Schenectady Avenue, a line midway between Fulton Street and Herkimer Street, a line 350 feet northwesterly of Schenectady Avenue, Herkimer Street, and Troy Avenue; and
 - f. MacDougal Street and its westerly centerline prolongation, Howard Avenue, Fulton Street, and Ralph Avenue;
10. **changing from a C4-3 District to an R6A District** property bounded by Gates Avenue, a line 150 feet easterly of Ralph Avenue, Monroe Street, and a line 100 feet easterly of Ralph Avenue;
11. **changing from an M1-1 District to an R6A District** property bounded by Gates Avenue, Nostrand Avenue, Monroe Street, and a line 225 feet westerly of Nostrand Avenue;

12. changing from an R5 District to an R6B District property bounded by:

- a. Monroe Street, a line 100 feet westerly of Malcolm X Boulevard, Chauncey Street, Stuyvesant Avenue, Fulton Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, Bainbridge Street, a line 510 feet easterly of Marcus Garvey Boulevard, a line midway between Decatur Street and Bainbridge Street and its westerly prolongation, Marcus Garvey Boulevard, Decatur Street, Throop Avenue, Putnam Avenue, a line 175 feet easterly of Throop Avenue, Madison Street, and Throop Avenue; and
- b. Monroe Street, a line 100 feet westerly of Ralph Avenue, Halsey Street, a line 100 feet easterly of Ralph Avenue, Bainbridge Street, Patchen Avenue, Chauncey Street, and a line 100 feet easterly of Malcolm X Boulevard;

13. changing from an R6 District to an R6B District property bounded by:

- a. a line midway between Lafayette Avenue and Clifton Place, a line 100 feet westerly of Franklin Avenue, a line 100 feet southerly of Jefferson Avenue, a line 200 feet westerly of Franklin Avenue, a line 100 feet northeasterly of Fulton Street, and Classon Avenue;
- b. Quincy Street, a line 100 feet westerly of Bedford Avenue, a line 100 feet northeasterly of Fulton Street, Franklin Avenue, Jefferson Avenue, and a line 100 feet easterly of Franklin Avenue;
- c. a line 100 feet southwestly of Fulton Street, Franklin Avenue, a line perpendicular to the easterly street line of Franklin Avenue distant 200 feet southerly (as measured along the street line) from the point of intersection of the southwestly street line of Fulton Street and the easterly street line of Franklin Avenue, a line 100 feet southwestly of Fulton Street, Bedford Avenue, a line 100 feet southerly of Brevoort Place, Franklin Avenue, a line midway between Lefferts Place and Atlantic Avenue, and Classon Avenue;
- d. Quincy Street, a line 100 feet westerly of Nostrand Avenue, Gates Avenue, a line 225 feet westerly of Nostrand Avenue, Monroe Street, a line 100 feet westerly of Nostrand Avenue, Madison Street, Nostrand Avenue, Putnam Avenue, a line 100 feet westerly of Nostrand Avenue, Macon Street, Arlington Place, Halsey Street, and a line 100 feet easterly of Bedford Avenue;
- e. a line midway between Fulton Street and Herkimer Street, a line 150 feet westerly of Nostrand Avenue, a line 100 feet southerly of Herkimer Street, and a line 100 feet easterly of Bedford Avenue;

- f. Quincy Street, a line 100 feet westerly of Tompkins Avenue, a line midway between Quincy Street and Gates Avenue, and a line 100 feet easterly of Nostrand Avenue;
- g. a line midway between Gates Avenue and Monroe Street, a line 100 feet westerly of Tompkins Avenue, a line 100 feet northerly of Fulton Street, a line 150 feet easterly of Nostrand Avenue, Macon Street, and a line 100 feet easterly of Nostrand Avenue;
- h. a line midway between Fulton Street and Herkimer Street, New York Avenue, a line midway between Herkimer Street and Atlantic Avenue, a line 100 feet easterly of Nostrand Avenue, Herkimer Street, and a line 150 feet easterly of Nostrand Avenue;
- i. Quincy Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, a line midway between Quincy Street and Gates Avenue, and a line 100 feet easterly of Tompkins Avenue;
- j. a line midway between Gates Avenue and Monroe Street, a line 150 feet westerly of Stuyvesant Avenue, Monroe Street, Throop Avenue, Madison Street, a line 175 feet easterly of Throop Avenue, Putnam Avenue, Throop Avenue, Decatur Street, and a line 100 feet easterly of Tompkins Avenue;
- k. Herkimer Street, Kingston Avenue, a line 185 feet southerly of Herkimer Street, Albany Avenue, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and St. Andrews Place;
- l. Quincy Street, a line 100 feet westerly of Malcolm X Boulevard, a line midway between Quincy Street and Gates Avenue, and a line 325 feet easterly of Stuyvesant Avenue;
- m. Quincy Street, a line 150 feet westerly of Ralph Avenue, a line midway between Quincy Street and Gates Avenue, and a line 100 feet easterly of Malcolm X Boulevard;
- n. a line midway between Gates Avenue and Monroe Street, a line 100 feet westerly of Ralph Avenue, Monroe Street, and a line 100 feet easterly of Malcolm X Boulevard;
- o. Monroe Street, Howard Avenue, Putnam Avenue, a line 100 feet southwesterly of Broadway, Jefferson Avenue, Saratoga Avenue, Hull Street and its westerly centerline prolongation, Fulton Street, Howard Avenue, MacDougal Street and its westerly centerline prolongation, Ralph Avenue, Bainbridge Street, a line 100 feet easterly of Ralph Avenue, a line midway between Bainbridge Street and Chauncey

Street, Howard Avenue, Halsey Street, and a line 100 feet easterly of Ralph Avenue;

- p. Bainbridge Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, a line 100 feet southerly of Bainbridge Street, and a line 480 feet easterly of Marcus Garvey Boulevard;
- q. Lewis Avenue-Dr. Sandy F. Ray Boulevard, Fulton Street, and Troy Avenue;
- r. Chauncey Street, a line 200 feet easterly of Stuyvesant Avenue, a line 100 feet southerly of Chauncey Street, a line 100 feet easterly of Stuyvesant Avenue, Fulton Street, and Stuyvesant Avenue;
- s. Chauncey Street, Patchen Avenue, a line 100 feet northerly of Sumpter Street, a line 100 feet northerly of Fulton Street, a line 100 feet easterly of Malcolm X Boulevard, Marion Street, and Malcolm X Boulevard; and
- t. Fulton Street, Rochester Avenue, a line midway between Fulton Street and Herkimer Street, Ralph Avenue, Herkimer Street, a line 150 feet easterly of Ralph Avenue, a line midway between Fulton Street and Herkimer Street, Saratoga Avenue, Herkimer Street, Howard Avenue, a line midway between Herkimer Street and Atlantic Avenue, a line midway between Kane Place and Columbus Place, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), Buffalo Avenue, a line 150 feet northerly of Atlantic Avenue, Suydam Place, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and Utica Avenue and its northerly centerline prolongation (straight line portion);

14. changing from a C4-3 District to an R6B District property bounded by:

- a. Halsey Street, Arlington Place, a line 180 feet southeasterly of Halsey Street, a line 100 feet westerly of Arlington Place, a line 100 feet southerly of Halsey Street, and a line 100 feet easterly of Bedford Avenue;
- b. Macon Street, a line 150 feet easterly of Nostrand Avenue, a line 100 feet northerly of Fulton Street, and a line 100 feet easterly of Nostrand Avenue;
- c. a line midway between Fulton Street and Herkimer Street, a line 150 feet easterly of Nostrand Avenue, Herkimer Street, and a line 100 feet easterly of Nostrand Avenue; and

- d. a line midway between Fulton Street and Herkimer Street, a line 100 feet westerly of Nostrand Avenue, a line 100 feet southerly of Herkimer Street, and a line 150 feet westerly of Nostrand Avenue;

15. changing from an R6 District to an R7D District property bounded by:

- a. a line 100 feet northeasterly of Fulton Street, Bedford Avenue, a line 100 feet southwesterly of Fulton Street, a line perpendicular to the easterly street line of Franklin Avenue distant 200 feet southerly (as measured along the street line) from the point of intersection of the southwesterly street line of Fulton Street and the easterly street line of Franklin Avenue, Franklin Avenue, a line 100 feet southwesterly of Fulton Street, and Classon Avenue;
- b. a line 100 feet northerly of Fulton Street, Tompkins Avenue, Fulton Street, Throop Avenue, a line 100 feet northerly of Fulton Street, Marcus Garvey Boulevard, Fulton Street, a line perpendicular to the northerly street line of Herkimer Street distant 50 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Troy Avenue and the northerly street line of Herkimer Street, a line midway between Fulton Street and Herkimer Street, Brooklyn Avenue, Fulton Street, and a line 150 feet easterly of Nostrand Avenue; and
- c. Marion Street, a line 100 feet easterly of Malcolm X Boulevard, a line 100 feet northerly of Fulton Street, a line 100 feet northerly of Sumpter Street, Patchen Avenue, Fulton Street, Hull Street and its westerly centerline prolongation, Saratoga Avenue, a line midway between Fulton Street and Herkimer Street, a line 150 feet easterly of Ralph Avenue, Herkimer Street, Ralph Avenue, a line midway between Fulton Street and Herkimer Street, Rochester Avenue, Fulton Street, and Malcolm X Boulevard;

16. changing from a C4-3 District to an R7D District property bounded by a line 100 feet northerly of Fulton Street, a line 150 feet easterly of Nostrand Avenue, Fulton Street, and a line 100 feet easterly of Nostrand Avenue;

17. changing from an R6 District to a C4-5D District property bounded by:

- a. Fulton Street, New York Avenue, a line midway between Fulton Street and Herkimer Street, and a line 150 feet easterly of Nostrand Avenue; and
- b. Herkimer Street, a line 100 feet easterly of Nostrand Avenue, a line midway between Herkimer Street and Atlantic Avenue, and Nostrand Avenue;

18. **changing from a C4-3 District to a C4-5D District** property bounded by Halsey Street, a line 100 feet easterly of Bedford Avenue, a line 100 feet southerly of Halsey Street, a line 100 feet westerly of Arlington Place, a line 180 feet southerly of Halsey Street, Arlington Place, Macon Street, a line 100 feet easterly of Nostrand Avenue, Fulton Street, a line 150 feet easterly of Nostrand Avenue, a line midway between Fulton Street and Herkimer Street, a line 100 feet easterly of Nostrand Avenue, Herkimer Street, Nostrand Avenue, a line midway between Herkimer Street and Atlantic Avenue, a line 150 feet easterly of Nostrand Avenue, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), a line 150 feet westerly of Nostrand Avenue, a line 100 feet southerly of Herkimer Street, a line 100 feet westerly of Nostrand Avenue, a line midway between Fulton Street and Herkimer Street, a line 100 feet easterly of Bedford Avenue, Herkimer Street, and Bedford Avenue;
19. **changing from an M1-1 District to a C4-5D District** property bounded by Fulton Street, Brooklyn Avenue, Herkimer Street, and New York Avenue;
20. **changing from an M1-1 District to an M1-1/R7D District** property bounded by a line midway between Herkimer Street and Atlantic Avenue, Howard Avenue, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and a line midway between Kane Place and Columbus Place;
21. **establishing within an existing R6 District a C2-4 District** bounded by:
- a. a line 100 feet southerly of Bainbridge Street, Lewis Avenue-Dr. Sandy F. Ray Boulevard, Troy Avenue, Herkimer Street, a line perpendicular to the northerly street line of Herkimer Street distant 50 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Troy Avenue and the northerly street line of Herkimer Street, Fulton Street, and a line 480 feet easterly of Marcus Garvey Boulevard;
 - b. a line 200 feet northerly of Fulton Street, Malcolm X Boulevard, Fulton Street, and a line perpendicular to the northerly street line of Fulton Street distant 300 feet westerly (as measured along the street line) from the point of intersection of the northwesterly street line of Malcolm X Boulevard and the northerly street line of Fulton Street; and
 - c. Broadway, Saratoga Avenue, Jefferson Avenue, a line 100 feet southwesterly of Broadway, Madison Street, Howard Avenue, and Monroe Street;
22. **establishing within a proposed R6A District a C2-4 District** bounded by:
- a. Lafayette Avenue, a line 100 feet easterly of Franklin Avenue, Lexington Avenue, and a line 100 feet westerly of Franklin Avenue;

- b. Quincy Street, a line 100 feet easterly of Bedford Avenue, Halsey Street, Bedford Avenue, a line 100 feet northeasterly of Fulton Street, a line 100 feet westerly of Bedford Avenue, Hancock Street, Bedford Avenue, Jefferson Avenue, a line 100 feet westerly of Bedford Avenue, a line midway between Gates Avenue and Monroe Street, Bedford Avenue, Gates Avenue, and a line 100 feet westerly of Bedford Avenue;
- c. Quincy Street, a line 100 feet easterly of Nostrand Avenue, Monroe Street, Nostrand Avenue, Madison Street, a line 100 feet westerly of Nostrand Avenue;
- d. Madison Street, a line 100 feet easterly of Nostrand Avenue, Putnam Avenue, and Nostrand Avenue;
- e. Putnam Avenue, Nostrand Avenue, a line midway between Jefferson Avenue and Hancock Street, and a line 100 feet westerly of Nostrand Avenue;
- f. Halsey Street, Nostrand Avenue, Macon Street, and a line 100 feet westerly of Nostrand Avenue;
- g. a line midway between Quincy Street and Gates Avenue, Marcy Avenue-Rev. Dr. Gardner C. Taylor Boulevard, Gates Avenue, and a line 100 feet westerly of Marcy Avenue-Rev. Dr. Gardner C. Taylor Boulevard;
- h. Quincy Street, a line 100 feet easterly of Tompkins Avenue, Madison Street, Tompkins Avenue, a line midway between Putnam Avenue and Jefferson Avenue, and a line 100 feet westerly of Tompkins Avenue;
- i. Jefferson Avenue, a line 100 feet easterly of Tompkins Avenue, MacDonough Street, Tompkins Avenue, Halsey Street, and a line 100 feet westerly of Tompkins Avenue;
- j. a line midway between MacDonough Street and Decatur Street, Decatur Street, a line 100 feet northerly of Fulton Street, Throop Avenue, Fulton Street, and Tompkins Avenue;
- k. Decatur Street, Marcus Garvey Boulevard, a line 100 feet northerly of Fulton Street, and a line 100 feet westerly of Marcus Garvey Boulevard;
- l. a line midway between Quincy Street and Gates Avenue, a line 100 feet easterly of Throop Avenue, Gates Avenue, and Throop Avenue;

- m. a line midway between Quincy Street and Gates Avenue, a line 100 feet easterly of Marcus Garvey Boulevard, Gates Avenue, Marcus Garvey Boulevard, a line midway between Gates Avenue and Monroe Street, a line 150 feet westerly of Marcus Garvey Boulevard, Gates Avenue, and a line 100 feet westerly of Marcus Garvey Boulevard;
 - n. Fulton Street, a line perpendicular to the southerly street line of Fulton Street distant 60 feet easterly (as measured along the street line) from the point of intersection of the southeasterly street line of Troy Avenue and the southerly street line of Fulton Street, Herkimer Street, and Troy Avenue;
 - o. Quincy Street, Stuyvesant Avenue, Gates Avenue, and a line 100 feet westerly of Stuyvesant Avenue;
 - p. Quincy Street, a line 100 feet easterly of Malcolm X Boulevard, Gates Avenue, and a line 100 feet westerly of Malcolm X Boulevard;
 - q. Monroe Street, a line 100 feet easterly of Malcolm X Boulevard, a line midway between Decatur Street and Bainbridge Street, Malcolm X Boulevard, Bainbridge Street, a line 100 feet easterly of Malcolm X Boulevard, Chauncey Street, a line 100 feet westerly of Malcolm X Boulevard, Decatur Street, Malcolm X Boulevard, a line midway between MacDonough Street and Decatur Street, a line 100 feet westerly of Malcolm X Boulevard, MacDonough Street, Malcolm X Boulevard, Macon Street, and a line 100 feet westerly of Malcolm X Boulevard;
 - r. Gates Avenue, a line 150 feet easterly of Ralph Avenue, Monroe Street, and a line 100 feet westerly of Ralph Avenue;
 - s. Madison Street, a line 100 feet easterly of Ralph Avenue, Hancock Street, Ralph Avenue, Halsey Street, and a line 100 feet westerly of Ralph Avenue; and
 - t. MacDougal Street and its westerly centerline prolongation, Howard Avenue, Fulton Street, and Ralph Avenue;
- 23. establishing within a proposed R6B District a C2-4 District bounded by:**
- a. Quincy Street, a line 100 feet easterly of Marcus Garvey Boulevard, a line midway between Quincy Street and Gates Avenue, and a line 100 feet westerly of Marcus Garvey Boulevard;
 - b. a line midway between Gates Avenue and Monroe Street, Marcus Garvey Boulevard, Monroe Street, and a line 100 feet westerly of Marcus Garvey Boulevard;

- c. Putnam Avenue, Marcus Garvey Boulevard, Jefferson Avenue, and a line 100 feet westerly of Marcus Garvey Boulevard;
- d. Halsey Street, a line 100 feet easterly of Marcus Garvey Boulevard, Macon Street, and a line 100 feet westerly of Marcus Garvey Boulevard;
- e. Jefferson Avenue, a line 100 feet easterly of Lewis Avenue-Dr. Sandy F. Ray Boulevard, Hancock Street, and Lewis Avenue-Dr. Sandy F. Ray Boulevard;
- f. Halsey Street, a line 100 feet easterly of Lewis Avenue-Dr. Sandy F. Ray Boulevard, Macon Street, and a line 100 feet westerly of Lewis Avenue-Dr. Sandy F. Ray Boulevard;
- g. Monroe Street, Howard Avenue, Madison Street, and a line 100 feet westerly of Howard Avenue;
- h. a line midway between MacDonough Street and Decatur Street, a line 100 feet easterly of Ralph Avenue, Marion Street, and Ralph Avenue;
- i. Sumpter Street, a line 100 feet easterly of Ralph Avenue, MacDougal Street and its westerly centerline prolongation, and Ralph Avenue; and
- j. a line 100 feet northerly of Fulton Street, a line 100 feet northerly of Hull Street, Saratoga Avenue, Hull Street and its westerly centerline prolongation, Fulton Street, and Howard Avenue;

24. establishing within a proposed R7D District a C2-4 District bounded by:

- a. a line 100 feet northeasterly of Fulton Street, Bedford Avenue, a line 100 feet southwesterly of Fulton Street, a line perpendicular to the easterly street line of Franklin Avenue distant 200 feet southerly (as measured along the street line) from the point of intersection of the southwesterly street line of Fulton Street and the easterly street line of Franklin Avenue, Franklin Avenue, a line 100 feet southwesterly of Fulton Street, and Classon Avenue;
- b. a line 100 feet northerly of Fulton Street, Tompkins Avenue, Fulton Street, Throop Avenue, a line 100 feet northerly of Fulton Street, Marcus Garvey Boulevard, Fulton Street, a line perpendicular to the northerly street line of Herkimer Street distant 50 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Herkimer Street and the northwesterly street line of Troy Avenue, a line midway between Herkimer Street and Fulton Street, Brooklyn Avenue, Fulton Street, and a line 100 feet easterly of Nostrand Avenue;

- c. Marion Street, a line 100 feet easterly of Malcolm X Boulevard, a line 100 feet northerly of Fulton Street, a line 100 feet northerly of Sumpter Street, Patchen Avenue, Fulton Street, a line 300 feet easterly of Ralph Avenue, a line midway between Fulton Street and Herkimer Street, a line 150 feet easterly of Ralph Avenue, Herkimer Street, Ralph Avenue, a line midway between Fulton Street and Herkimer Street, Rochester Avenue, Fulton Street, and Malcolm X Boulevard; and
 - d. Fulton Street, Hull Street and its westerly centerline prolongation, Saratoga Avenue, a line midway between Fulton Street and Herkimer Street, and a line 450 feet easterly of Ralph Avenue; and
25. **establishing a Special Mixed Use District (MX-10)** bounded by a line midway between Herkimer Street and Atlantic Avenue, Howard Avenue, the northerly boundary line of the Long Island Rail Road Right-of-Way (Atlantic Division), and a line midway between Kane Place and Columbus Place;

as shown on a diagram (for illustrative purposes only) dated May 7, 2007, and subject to the conditions of CEQR Declaration E-185.

(On July 25, 2007, Cal. No. 2, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 40, the hearing was continued.)

Close the hearing.

No. 21

CITYWIDE

N 070448 ZRY

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the establishment of the R7D and C4-5D zoning districts, the establishment of Special Mixed Use District-10 on Atlantic and Howard Avenues in Brooklyn, the application of the Inclusionary Housing program to the proposed R7D districts in the Borough of Brooklyn, Community District 3, and the clarification of language pertaining to Section 23-90 (Inclusionary Housing), inclusive, and Inclusionary Housing designated areas.

Matter in Graytone or Underlined is new, to be added;

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

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

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

**ARTICLE I
TITLE, ESTABLISHMENT OF CONTROLS, AND INTERPRETATION OF
REGULATIONS**

* * *

**11-12
Establishment of Districts**

* * *

R7A General Residence District
R7B General Residence District
R7D General Residence District
R7X General Residence District

* * *

C4-5 General Commercial District
C4-5A General Commercial District
C4-5D General Commercial District
C4-5X General Commercial District

* * *

**12-10
DEFINITIONS**

* * *

Inclusionary Housing designated area

An “Inclusionary Housing designated area” is a specified area in which the Inclusionary Housing Program is applicable, pursuant to the regulations set forth in Section 23-90, inclusive. Such #Inclusionary Housing designated areas# are identified in Section 23-922 or in Special Purpose Districts, as applicable.

* * *

**ARTICLE II
RESIDENCE DISTRICT REGULATIONS**

**Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts**

* * *

**23-011
Quality Housing Program**

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #development# or #enlargement# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and any #residential development#, #enlargement#, #extension# or conversion shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). In R5D Districts, certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

* * *

**23-10
OPEN SPACE AND FLOOR AREA REGULATIONS**

* * *

**23-142
In R6, R7, R8 or R9 Districts**

R6 R7 R8 R9

Except as otherwise provided in the following Sections:

Section 23-144 (In ~~R6, R7, and R8 Districts~~ designated areas where the Inclusionary Housing Program is applicable)

* * *

**23-144
In ~~R6, R7 and R8 Districts~~ designated areas where the Inclusionary Housing Program is Applicable**

In ~~R6, R7 and R8 Districts~~ #Inclusionary Housing designated areas# ~~where the Inclusionary Housing Program is applicable~~, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In ~~R6, R7 and R8 Districts~~ Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (~~Certain R6, R7 and R8 Districts~~ Inclusionary Housing designated areas).

District	Community District	Zoning
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R7A	Community District 1, Brooklyn	R6 R6A R6B
	<u>Community District 3, Brooklyn</u>	<u>R7D</u>
	Community District 7, Brooklyn	R8A
	Community District 2, Queens	R7X

* * *

**23-145
For residential buildings developed or enlarged pursuant to the
Quality Housing Program**

R6 R7 R8 R9 R10

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for any #residential building# on a #zoning lot developed# or #enlarged# pursuant to the Quality Housing Program shall be as set forth in the following table and the maximums for #developments#, or #enlargements# where permitted, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

**MAXIMUM LOT COVERAGE AND ~~FAR~~ FLOOR AREA RATIO
FOR
QUALITY HOUSING BUILDINGS
(in percent)**

District	Maximum #Lot Coverage#		Maximum #Floor Area Ratio#
	#Corner Lot#	#Interior Lot# or #Through Lot#	
R6	80	60	2.20
R6**	80	60	2.43
R6* R6A R7B	80	65	3.00
R6B	80	60	2.00
R7	80	65	3.44
R7* R7A	80	65	4.00
<u>R7D</u>	<u>80</u>	<u>65</u>	<u>4.20</u>
R7X	80	70	5.00

* * *

**23-147
For non-profit residences for the elderly**

(a) In R3, R4, R5, R6 and R7 Districts

* * *

However, in R6 or R7 Districts, the minimum required #open space ratio# shall not apply to #non-profit residences for the elderly developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program. Such #developments# or #enlargements# shall be subject to the requirements of R6A or R7A Districts, respectively, as set forth in paragraph (b) of this Section.

(b) In R6A R6B R7A R7B R7D R7X Districts

In the districts indicated, the maximum #lot coverage# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

**MAXIMUM LOT COVERAGE AND ~~FAR~~ FLOOR AREA RATIO
FOR NON-PROFIT RESIDENCES FOR THE ELDERLY**
(in percent)

District	Maximum #Lot Coverage#		Maximum #Floor Area Ratio#
	#Corner Lot#	#Interior Lot# or #Through Lot#	
R6A <u>R7B</u>	80	65	3.90
R6B	80	60	2.00
R7A <u>R7D</u> <u>R7X</u>	80	70	5.01
R7B	80	65	3.90
R7X	80	70	5.01

* * *

**23-51
Special Provisions Applying along District Boundaries**

R6 R7 R8 R9 R10

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4 or R5 Districts coincides with a #side lot line# of a #zoning lot#, a #side yard# at least eight feet wide shall be provided along such boundary within the districts indicated. In addition, portions of #buildings developed# or #enlarged# in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, or portions of #residential buildings developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts) when such portions are located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District.

* * *

**23-533
Required rear yard equivalents**

* * *

However, in #lower density growth management areas# and in R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A and R10X Districts, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, on any #through lot# at least 180 feet in maximum depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

* * *

**23-60
HEIGHT AND SETBACK REGULATIONS**

* * *

**23-621
Permitted obstructions in certain districts**

* * *

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

- (c) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, the permitted obstructions set forth in Section 23-62 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction within a required setback distance. Such dormer may exceed a maximum base height specified for such district provided that on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60

percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

* * *

23-633

Street wall location and height and setback regulations in certain districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

In the districts indicated, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply, except as otherwise set forth for #buildings# in R10X Districts.

R6A R7A R7D R7X

(a) #Street wall# location

- (1) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# of any #development# or #enlargement# shall be located no closer to the #street line# than the closest #street wall# of an existing #building# to such #street line#, located on the same #block#, and within 150 feet of such #development# or #enlargement#. However, a #street wall# need not be located further from the #street line# than 15 feet. On #corner lots#, these #street wall# location provisions shall apply along only one #street line#.

* * *

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

(b) Setback regulations

In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6, R7, R8, R9 and R10 Districts, setbacks are required for all portions of #buildings# that exceed the maximum base height specified in the table in this Section. Such setbacks shall be provided in accordance with the following regulations:

* * *

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

(d) Additional regulations

* * *

MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT

District	Minimum Base Height	Maximum Base Height	Maximum Building Height
R6B	30	40	50
R6**	30	45	55
R6* inside Core***	40	55	65
R6A R6* outside Core***	40	60	70
R7B R7** R7* inside Core***	40	60	75
R7A R7* outside Core***	40	65	80
<u>R7D</u>	<u>60</u>	<u>85</u>	<u>100</u>
R7X	60	85	125
R8B	55	60	75
R8**	60	80	105
R8A R8*	60	85	120
R8X	60	85	150

* * *

- * Refers to that portion of a district which is within 100 feet of a #wide street#.
- ** Refers to that portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#.
- *** Core refers to #Manhattan Core#.
- **** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (c) of this Section.

* * *

23-663

Required rear setbacks for tall buildings in other districts

* * *

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

- (b) In the districts indicated, and for #buildings developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, no portion of a #building# that exceeds the applicable maximum base height specified in Section 23-633 (Street wall location and height and setback regulations in certain districts) shall be nearer to a #rear yard line# than 10 feet.

* * *

23-692

Height limitations for narrow buildings or enlargements

R7-2 R7D R7X R8 R9 R10

In the districts indicated, if the width of a #street wall# of a new #building# or the #enlarged# portion of an existing #building# is 45 feet or less, the alternate front setback and tower regulations of Sections 23-64, 23-65, 33-44 and 33-45 shall be inapplicable.

* * *

The provisions set forth in this Section shall not apply to any #building developed# or #enlarged# pursuant to the Quality Housing Program where the width of the #street wall# at the maximum base height specified in ~~Table A of the table in~~ the table in Section 23-633 (Street wall location and height and setback regulations in certain districts) is at least 45 feet.

23-90

INCLUSIONARY HOUSING

* * *

23-92

Applicability

**23-921
R10 Districts**

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions relating to such designated areas, and in all other R10 Districts, subject to the provisions of Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas), as applicable.

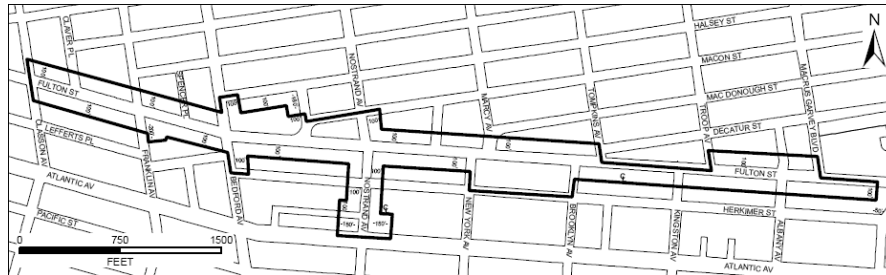
**23-922
~~Certain R6, R7 and R8 Districts~~ Inclusionary Housing designated areas**

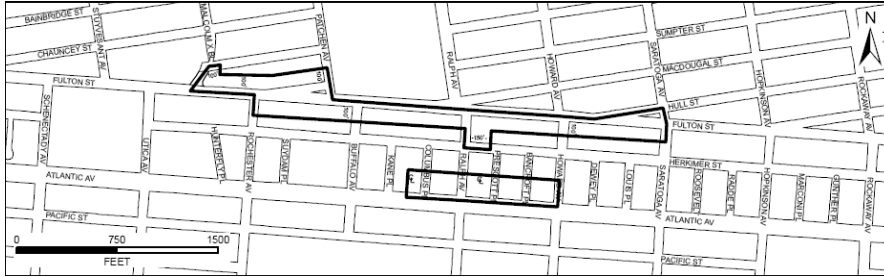
The Inclusionary Housing Program shall apply in the following areas:

* * *

(e) In Community District 3, in the Borough of Brooklyn, in the R7D Districts within the areas shown on the following Maps 7 and 8:

MAP 7
Portion of Community District 3, Brooklyn





MAP 8
Portion of Community District 3, Brooklyn

The Inclusionary Housing Program shall apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose district, pursuant to this Section.

23-93
Definitions

For the purposes of the Inclusionary Housing program, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

Administering agent

* * *

The #administering agent# shall be a not-for-profit organization, unless the Commissioner of Housing Preservation and Development finds that a good faith effort by the developer of the #compensated development# to secure a qualified not-for-profit organization as the #administering agent# was unsuccessful. However, in #~~R6, R7 and R8~~ Inclusionary Housing designated areas#, the Commissioner may approve an entity that is responsible for compliance monitoring pursuant to City, State or Federal funding sources, to serve as the #administering agent# during such compliance period.

* * *

Fair rent

* * *

However, in #~~R6, R7 and R8~~ Inclusionary Housing designated areas# , the Commissioner of Housing Preservation and Development may determine that rents satisfying the requirements of City, State or Federal programs assisting #lower income housing# will be considered #fair rent#, provided that such rents do not exceed 30 percent of #lower

income household's# income, as applicable, and provided further that upon expiration or termination of the requirements of the City, State or Federal program, rent increases and re-rentals shall be subject to the higher of the then-currently applicable Section 8 Standard or the Rent Stabilization Standard.

* * *

In ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, at initial occupancy of any #lower income housing#, a portion of the #fair rents# may be for the payment of the principal or interest on debt, and such housing may secure debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-95, paragraph (c), and provided that the lender agrees to enter into a written agreement which subordinates such debt to the provisions of the #lower income housing plan#.

Inclusionary Housing designated areas

"Inclusionary Housing designated areas" shall be those areas specified in Section 23-922 (Inclusionary Housing designated areas).

Lower income household

* * *

In ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, #lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City or State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with U. S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Lower income housing

* * *

However, in ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, #lower income housing# shall include #standard units# assisted under City, State or Federal programs.

* * *

~~R6, R7 and R8 designated areas~~

~~“R6, R7 and R8 designated areas” shall be those areas specified in Section 23-922 (Certain R6, R7 and R8 Districts).~~

* * *

23-941

In R10 Districts other than Inclusionary Housing designated areas

The #floor area ratio# of a #development# may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if the developer of such #development# provides #lower income housing# pursuant to Section 23-95 (Lower Income Housing Requirements).

* * *

23-942

In R6, R7 and R8 Districts Inclusionary Housing designated areas

The provisions of this Section shall apply in the #Inclusionary Housing designated areas# set forth in Section 23-922, except within Waterfront Access Plan BK-1 and in R7-3 Districts within Community District 1, Borough of Brooklyn and in R7-3 Districts within Community District 1, Borough of Brooklyn.

- (a) Maximum #floor area ratio#

The #floor area# of a #development# or #enlargement# may not exceed the base #floor area ratio# set forth in the following table, except that such #floor area# may be increased by one and one-quarter square feet for each square foot of #floor area# provided for #lower income housing#, up to the maximum #floor area ratio# specified in the table. However, the amount of #lower income housing# required to receive such bonus #floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, in the #building#. In addition, the following rules shall apply:

District	Base #floor area ratio#	Maximum #floor area ratio#
R6*	2.2	2.42
R6**	2.7	3.6

R6A	2.7	3.6
R6B	2.0	2.2
R7A	3.45	4.6
<u>R7D</u>	<u>4.2</u>	<u>5.6</u>
R7X	3.75	5.0
R8A	5.4	7.2

-
- * for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#
 - ** for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

23-95
Lower Income Housing Requirements

To qualify for the increased #floor area#, #compensated developments# must provide #lower income housing# for the life of the increased #floor area# in the #compensated development# pursuant to one or more of the options listed in Sections 23-951, 23-952 and 23-953, and such #lower income housing# must meet each of the following requirements:

- * * *

23-951
On-site new construction option

- * * *

In ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, if the #lower income housing# is subject to the requirements of City, State or Federal programs assisting the #lower income housing# that have size and distribution requirements conflicting with the size and distribution requirements of this paragraph, (b), then the size and distribution requirements of this paragraph, (b), may be waived by the Commissioner of Housing Preservation and Development to facilitate the #development# of #lower income housing#.

23-952
Substantial rehabilitation and off-site new construction options

To qualify for one or more of these options, the designated #lower income housing# shall meet the following requirements:

- (a) The #lower income housing# shall be located either:

* * *

Furthermore, in ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

* * *

**23-953
Preservation option**

To qualify for this option, the designated #lower income housing# shall meet the following requirements.

- (a) The #lower income housing# shall be located either:

* * *

Furthermore, in ~~#R6, R7 and R8~~ Inclusionary Housing designated areas#, the #administering agent# shall not be required to verify the income of households in tenancy, as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

#Floor Ratio#	Area #Corner Lot#	#Interior #Through Lot#	Lot# or District
* * *			
4.80	70	65	R6
3.00	80	60	R6A
2.00	80	60	R5D R6B
4.80	70	65	R7-1
6.50	70	65	R7-2
4.00	80	65	R7A
<u>4.20</u>	<u>80</u>	<u>65</u>	<u>R7D</u>
3.00	80	65	R7B
5.00	80	70	R7X
6.50	75	65	R8
6.50	80	70	R8A
4.00	80	70	R8B*
6.00	80	70	R8X
* * *			

Chapter 4
Bulk Regulations for Community Facility Buildings in Residence Districts

* * *

**24-011
Quality Housing Program**

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any #residential# portion of a #building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8. In R5D Districts, certain provisions of Article II, Chapter 8 shall apply as set forth in Section 28-01 (Applicability of this Chapter).

* * *

**24-10
FLOOR AREA AND LOT COVERAGE REGULATIONS**

**24-11
Maximum Floor Area Ratio and Percentage of Lot Coverage**

* * *

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE
#Lot coverage# (percent of #lot area#)

**24-111
Maximum floor area ratio for certain community facility uses**

* * *

R3 R4 R5 R6 R7 R8 R9

- (b) In the districts indicated, for any #zoning lot# containing nursing homes, health-related facilities or domiciliary care facilities for adults, each of which have secured certification by the appropriate governmental agency, sanitariums or philanthropic or non-profit institutions with sleeping accommodations as listed in Use Group 3, the allowable #floor area ratio# shall not exceed the maximum #floor area ratio# as set forth in the following table, except where the permissible #floor area ratio# is modified pursuant to Section 74-902 (Bulk modifications for certain community facility uses).

* * *

MAXIMUM FLOOR AREA RATIO FOR
CERTAIN COMMUNITY FACILITIES

District	Maximum #Floor Area Ratio# Permitted
* * *	
R6	2.43
R6A R7B	3.00
R7	3.44
<u>R7D</u>	<u>4.20</u>
R7X	5.00
R7A R8B	4.00
R8 R8A	6.02
* * *	

24-161

Maximum floor area ratio for zoning lots containing community facility and residential uses

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7D R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas ~~Certain R6, R7 and R8 Districts~~), except within Waterfront Access Plan Bk-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

* * *

24-164

Location of open space for residential portion

* * *

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

- (b) In the districts indicated, and for #buildings# in which the #residential# portion is #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program in other R6, R7, R8, R9 or R10 Districts, the provisions of Section 28-30 (RECREATION SPACE AND PLANTING AREAS) shall apply.

* * *

**24-351
Special provisions applying along district boundaries**

R6 R7 R8 R9 R10

In the districts indicated, if the boundary of an adjoining R1, R2, R3, R4 or R5 District coincides with a #side lot line# of a #zoning lot#, a #side yard# at least eight feet wide shall be provided along such boundary within the districts indicated. In addition, the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts) shall apply to any portion of a #building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District if the #building# that contains such portion is:

- (a) within an R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District; or
- (b) within an R6, R7, R8, R9 or R10 District, without a letter suffix, and any portion of the #zoning lot# is #developed# pursuant to the Quality Housing Program.

* * *

**24-381
Excepted through lots**

* * *

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

- (b) In the districts indicated, and in other R6, R7, R8, R9 and R10 Districts where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions, and such #zoning lot# occupies the entire #block# frontage of a #street#.

* * *

**24-382
Required rear yard equivalents**

* * *

However, in R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A and R10X Districts, and in other R6 through R10 Districts where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program, on any #through lot# at least 180 feet in depth from #street to street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

* * *

**24-522
Front setbacks in districts where front yards are not required**

* * *

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

(b) In the districts indicated, for any #development# or #enlargement#, the provisions of this Section, Section 24-53 (Alternate Front Setbacks) and Section 24-54 (Tower Regulations) shall not apply. In lieu thereof, the provisions of Section 23-60 (HEIGHT AND SETBACK REGULATIONS) shall apply.

* * *

**24-552
Required rear setbacks for tall buildings**

* * *

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

(b) In the districts indicated, for any #development# or #enlargement#, and for #buildings# in which the #residential# portion is #developed# or #enlarged# pursuant to the Quality Housing Program in other R6 through R10 Districts, no portion of a #building# that exceeds the maximum base height specified in ~~the~~ Table A-1 of ~~in~~ Section 23-633 shall be nearer to a #rear yard line# than 10 feet.

* * *

**24-592
Height limitations for narrow buildings or enlargements**

R7-2 R7D R7X R8 R9 R10

In the districts indicated, if the width of the #street wall# of a new #building#, or the #enlarged# portion of an existing #building#, is 45 feet or less, the provisions of Section

23-692 (Height limitations for narrow buildings or enlargements) shall apply to such new or #enlarged building#.

* * *

**Chapter 5
Accessory Off-Street Parking and Loading Regulations**

* * *

**25-20
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR
RESIDENCES**

* * *

**25-23
Requirements Where Group Parking Facilities Are Provided**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all new #residences developed# under single ownership or control where #group parking facilities# are provided, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #dwelling units# set forth in the following table. Such spaces shall be kept available to the residents of the #building# or #development#, in accordance with the provisions of Section 25-41 (Purpose of Spaces, and Rental to Non-Residents).

**PARKING SPACES REQUIRED WHERE
GROUP PARKING FACILITIES ARE PROVIDED**

Percent of Total #Dwelling Units#	District
100*	R1 R2 R3 R4A R4-1
100	R4 R4B R5A
85	R5
70	R6
66	R5B R5D
60	R7-1
50**	R6A R6B R7-2 R7A R7B <u>R7D</u> R7X R8B***

40 R8 R9 R10

* * *

** In R6 or R7 Districts for #residences developed# or #enlarged# pursuant to the Quality Housing Program, #accessory# off-street parking spaces shall be provided for at least 50 percent of the total number of #dwelling units#.

* * *

**25-241
Reduced requirements**

R6 R7 R8 R9 R10

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is as set forth in the following table:

**REDUCED REQUIREMENTS FOR
SMALL ZONING LOTS**

#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling Units#	District
10,000 square feet or less	50	R6 R7B
	30	R7-1 R7A <u>R7D</u> R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8* R9 R10

* In R8B Districts the parking requirements may not be reduced.

* * *

**25-25
Modification of Requirements for Public, Publicly-Assisted and Government Assisted Housing or for Non-profit Residences for the Elderly**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #dwelling units# in each category as set forth in the following table, for:

* * *

PARKING SPACES REQUIRED FOR PUBLIC, PUBLICLY-ASSISTED AND GOVERNMENT ASSISTED HOUSING DEVELOPMENTS OR NON-PROFIT RESIDENCES FOR THE ELDERLY

Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing #Developments# or #Dwelling Units# for Low Income Tenants	#Non-profit Residences for the Elderly# or #Dwelling Units for the Elderly#	Gov't Assisted Housing	District
70	56	42.5	31.5	70	R5
55	45	35.0	22.5	55	R5D R6**
39	32	25.0	16.0	35	R6A R6B R7B
45	38	30.0	20.0	45	R7-1**
30	23	15.0	12.5	25	R7-2 R7A R7D R7X R8B*
30	21	12.0	10.0	25	R8 R8A R8X R9 R10

* * *

**25-261
For new developments or enlargements**

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, for all new #developments# or #enlargements#, the maximum number of #accessory# off-street parking spaces for which requirements are waived is as set forth in the following table:

Maximum number of spaces waived

District

1	R4B R5B R5D
5	R6 R7-1 R7B
15	R7-2 R7A <u>R7D</u> R7X R8 R9 R10

25-262

For conversions

R6 R7-1 R7A R7B R7D R7X

In the districts indicated*, for conversions in #buildings#, or portions thereof, which result in the creation of additional #dwelling units# or #rooming units#, the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces, provided that the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

* * *

25-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES

25-31

General Provisions

* * *

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Type of #use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - District

FOR COMMUNITY FACILITY USES:

Agricultural #uses#, including greenhouses, nurseries or truck gardens

Square feet of #lot area# used for selling purposes:

None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 1,000 - R1 R2 R3 R4 R5

1 per 2,500 - R6 R7-1 R7B

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Square feet of #floor area# and #cellar# space, except #cellar# space #used# for storage:

None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 400 - R3

1 per 500 - R4 R5

1 per 800 - R6 R7-1 R7B

Clubs, community centers or settlement houses; philanthropic or non-profit institutions without sleeping accommodations excluding ambulatory diagnostic or treatment health care facilities listed in Use Group 4; golf course club houses; non-commercial recreation centers; or welfare centers, provided that in R5, R6 and R7-1 Districts, no #accessory# off-street parking spaces shall be required for that portion of a non-profit neighborhood settlement house or community center which is used for youth-oriented activities.

Rated Capacity:

None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 10 persons - R1 R2 R3 R4 R5

1 per 20 persons - R6 R7-1 R7B

College student dormitories, fraternity or sorority student houses

None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 6 beds - R1 R2 R3 R4 R5

1 per 12 beds - R6 R7-1 R7B

Colleges, universities, or seminaries

(a) Classrooms, laboratories, student centers or offices

Square feet of #floor area#:

None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 1,000 - R1 R2 R3 R4 R5

1 per 2,000 - R6 R7-1 R7B

(b) Theaters, auditoriums, gymnasiums or stadiums

Rated capacity:

None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 8 persons - R1 R2 R3 R4 R5

1 per 16 persons - R6 R7-1 R7B

Hospitals and related facilities*

1 per 5 beds - R1 R2 R3 R4 R5

1 per 8 beds - R6 R7-1 R7B
1 per 10 beds - R7-2 R7A R7D R7X R8 R9 R10

* * *

Libraries, museums or non-commercial art galleries**

Square feet of #floor area#:
None required - R7-2 R7A R7D R7X R8 R9 R10
1 per 1,000 - R1 R2 R3 R4 R5
1 per 2,000 - R6 R7-1 R7-B

Outdoor skating rinks

Square feet of #lot area#:
None required - R7-2 R7A R7D R7X R8 R9 R10
1 per 800 - R1 R2 R3 R4 R5
1 per 2,000 - R6 R7-1 R7B

Outdoor tennis courts

Number of Courts:
None required - R7-2 R7A R7D R7X R8 R9 R10
1 per 2 courts - R1 R2 R3 R4 R5
1 per 5 courts - R6 R7-1 R7B

Philanthropic or non-profit institutions with sleeping accommodations; all types of nursing homes, health related facilities, domiciliary care facilities or sanitariums

None required - R7-2 R7A R7D R7X R8 R9 R10
1 per 10 beds - R1 R2 R3 R4 R5
1 per 20 beds - R6 R7-1 R7B

* * *

FOR ACCESSORY COMMERCIAL USES IN LARGE-SCALE RESIDENTIAL DEVELOPMENTS:

* * *

Post offices

Square feet of #floor area#:
None required - R7-2 R7A R7D R7X R8 R9 R10

1 per 800 - R1 R2 R3
 1 per 1,200 - R4 R5
 1 per 1,500 - R6 R7-1 R7B

FOR USES PERMITTED BY SPECIAL PERMIT:

* * *

Fire or police stations

Square feet of #floor area#:
 None required - R7-2 R7A R7D R7X R8 R9 R10
 1 per 500 - R1 R2 R3 R4 R5
 1 per 800 - R6 R7-1 R7B

Riding academies or stables

Square feet of #floor area#:
 None required - R7-2 R7A R7D R7X R8 R9 R10
 1 per 500 - R1 R2 R3 R4 R5
 1 per 800 - R6 R7-1 R7B

* * *

**25-33
 Waiver of Requirements for Spaces below Minimum Number**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except for the #uses# listed in Section 25-331 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 25-31 (General Provisions) or 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to permitted non-#residential uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Number of Spaces	Districts
10	R1 R2 R3 R4 R5
25	R6 R7-1 R7B
40	R7-2 R7A <u>R7D</u> R7X R8 R9 R10

* * *

25-521

Maximum distance from zoning lot

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

Maximum Distance from Zoning Lot	District
600 feet	R3 R4 R5 R6 R7-1 R7B
1,000 feet	R7-2 R7A <u>R7D</u> R7X R8 R9 R10

* * *

Chapter 8

The Quality Housing Program

28-01

Applicability of this Chapter

The Quality Housing Program is a specific set of standards and requirements for #buildings# containing #residences#. In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, some of these standards and requirements are mandatory for the #development#, #enlargement#, #extension# of, or conversion to any #residential use# other than #single-# or #two-family residences#. In R5D Districts, only the requirements set forth in Sections 28-12 (Street Tree Planting), 28-23 (Refuse Storage and Disposal), 28-33 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.

* * *

ARTICLE III

COMMERCIAL DISTRICT REGULATIONS

Chapter 2

Use Regulations

* * *

**32-17
Use Group 8**

* * *

C. Automotive Service Establishments

* * *

#Public parking garages# or #public parking lots# with capacity of 150 spaces or less, subject to the provisions set forth for #accessory# off-street parking spaces in Sections 36-53 (Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening), and provided that such #public parking lots# are not permitted as of right in C6-1A Districts and such #public parking garages# are not permitted as of right in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts. #Public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#. 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, the #uses# are subject to the provisions of Article I, Chapter 3.

* * *

**32-43
Ground Floor Use in Certain Locations**

* * *

**32-434
Ground floor use in C4-5D Districts and in Certain C2 Districts**

In all C4-5D Districts and in C2 Districts mapped within R7D Districts, uses# on the ground floor or within five feet of #curb level# shall be limited to non-#residential uses# which shall extend along the entire width of the #building#, and lobbies, entrances to subway stations and #accessory# parking spaces, provided such lobbies and entrances do not occupy, in total, more than 25 percent of the #street wall# width of the #building# or more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#, whichever is less. Such non-#residential uses# shall have a minimum depth of 30 feet from the #street wall# of the #building#.

Enclosed parking spaces, or parking spaces within a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#. However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street#

frontage and, if such #building# fronts on both a #wide street# and a #narrow street#, such loading berth shall be located only on a #narrow street#.

* * *

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

* * *

**33-121
In districts with bulk governed by Residence District bulk regulations**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the maximum #floor area ratio# for a #commercial# or #community facility building# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

MAXIMUM FLOOR AREA RATIO

District	For #Commercial Buildings#	For #Community Buildings#	For Facility Buildings#	For #Buildings# Used for Both #Commercial# and #Community Facility Uses#
* * *				
R5D R6B	2.00	2.00		2.00
R6A R7B	2.00	3.00		3.00
R7A R8B	2.00	4.00*		4.00
<u>R7D</u>	<u>2.00</u>	<u>4.20</u>		<u>4.20</u>
R6 R7-1	2.00	4.80		4.80
R7X	2.00	5.00		5.00
R7-2 R8	2.00	6.50		6.50
* * *				

33-122

Commercial buildings in all other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

In the districts indicated, the maximum #floor area ratio# for a #commercial building# shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	0.50
C4-1 C8-1	1.00
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C7 C8-2 C8-3	2.00
C4-2A C4-3A	3.00
C4-2 C4-2F C4-3 C4-4 C4-4D C4-5 C4-6	3.40
C4-4A C4-5A C4-5X C5-1	4.00
<u>C4-5D</u>	<u>4.20</u>
C8-4	5.00
C6-1 C6-2 C6-3	6.00
C4-7 C5-2 C5-4 C6-4 C6-5 C6-8	10.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

33-123**Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts**

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the maximum #floor area ratio# for a #community facility building#, or for a #building# used for both #commercial# and #community facility uses#, shall not exceed the #floor area ratio# set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	1.00

C4-1	2.00
C8-1	2.40
C4-2A C4-3A	3.00
C1-6A C2-6A C4-4A C4-5A	4.00
<u>C4-5D</u>	<u>4.20</u>
C4-2 C4-3 C8-2	4.80
C4-5X	5.00
C6-1A	6.00
C1-6 C1-7 C2-6 C4-2F C4-4 C4-4D C4-5 C6-1 C6-2 C8-3 C8-4	6.50
C1-8A C2-7A C6-3A	7.50
C1-8X C2-7X C6-3X	9.00
C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5-1 C5-2 C5-4 C6-3 C6-4 C6-5 C6-8	10.00
C5-3 C5-5 C6-6 C6-7 C6-9	15.00

* * *

33-283

Required rear yard equivalents

C1 C2 C3 C4-1 C7 C8-1 C8-2 C8-3

In the districts indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

- (a) an open area with a minimum depth of 40 feet linking adjoining #rear yards#, or if no such #rear yards# exist, then midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts.

In C1-6A, C1-7A, C1-8X, C1-9A, C2-6A, C2-7X, C2-8A and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X or R10 Districts, a #rear yard equivalent# shall be provided only as set forth in this paragraph; or

* * *

33-294

Other special provisions along certain district boundaries

C1-6A C1-7A C1-8A C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D
C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

In the districts indicated, and in C1 and C2 Districts mapped within R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, the #development# or #enlargement# of a #building#, or portions thereof, within 25 feet of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts).

* * *

33-431

In C1 or C2 Districts with bulk governed by surrounding Residence District

* * *

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

(b) In the districts indicated, when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R10A or R10X Districts, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

33-432

In other Commercial Districts

* * *

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A
C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A
C6-4X

(b) In the districts indicated, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

* * *

33-492

Height limitations for narrow buildings or enlargements

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4D C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A
C6-2A C6-3A C6-3X C6-4A C6-4X

In the districts indicated, and in C1 and C2 Districts mapped within R7-2, R7D, R7X, R8, R9 and R10 Districts, if the width of the #street wall# of a new #building# or the #enlarged# portion of an existing #building# is 45 feet or less, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to such new or #enlarged building#.

* * *

**Chapter 4
Bulk Regulations for Residential Buildings in Commercial Districts**

**34-011
Quality Housing Program**

In C1 and C2 Districts mapped within #Residence Districts# with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).

* * *

**34-112
Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts**

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

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #Residence Districts# set forth in the following table:

Districts	Applicable #Residence District#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7
C1-6A C2-6A C4-4A C4-5A	R7A

<u>C4-5D</u>	<u>R7D</u>
C4-5X	R7X
C1-7 C4-2F C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C6-3	R9
C1-8A C2-7A C6-3A	R9A
C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X

* * *

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-011

Quality Housing Program

In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts, any #residential# portion of a #mixed building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the applicable provisions of Article II, Chapter 8. In C1 and C2 Districts mapped within R5D Districts, #mixed buildings# shall comply with certain regulations of Article II, Chapter 8 as set forth in Section 28-01 (Applicability of this Chapter).

* * *

35-23

Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

* * *

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A
C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C6-2A C6-3A C6-3X C6-4A C6-4X

- (b) In the districts indicated, the #bulk# regulations for #residential# portions of #mixed buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 shall apply to such #mixed building#.

Applicable #Residence District#	District
R6A	C4-2A C4-3A
R7A	C1-6A C2-6A C4-4A C4-5A
<u>R7D</u>	<u>C4-5D</u>
R7X	C4-5X
R8A	C1-7A C4-4D C6-2A
R9A	C1-8A C2-7A C6-3A
R9X	C1-8X C2-7X C6-3X
R10A	C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A
R10X	C6-4X

* * *

35-24

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

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A
C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A
C6-4X

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A
C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C6-2A C6-3A C6-3X C6-4A C6-4X

(a) Permitted obstructions

In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the permitted obstructions set forth in Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction within a required setback area. Such dormer may exceed a maximum base height specified for such district provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.

C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5D C4-5X

(b) #Street wall# location

* * *

C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D

(2) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other C1 or C2 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#:

(i) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line

connecting such #street lines# at points 15 feet from their intersection.

* * *

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

(c) Setback regulations

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, all #developments# or #enlargements# shall comply with the following provisions:

* * *

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C6-2A C6-3A C6-3X C6-4A C6-4X

(e) Additional regulations

In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in other #Commercial Districts# where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the following additional provisions shall apply to all #developments# or #enlargements#:

TABLE A

HEIGHT AND SETBACK FOR BUILDINGS
IN CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Building Height
C1 or C2 mapped in R6B	30	40	50
C1 or C2 mapped in R6A C4-2A C4-3A	40	60	70
C1 or C2 mapped in R7B	40	60	75
C1 or C2 mapped in R7A C1-6A C2-6A C4-4A C4-5A	40	65	80
<u>C1 or C2 mapped in R7D C4-5D</u>	<u>60</u>	<u>85</u>	<u>100</u>
C1 or C2 mapped in R7X C4-5X	60	85	125
C1 or C2 mapped in R8B	55	60	75
C1 or C2 mapped in R8A C1-7A C4-4D C6-2A	60	85	120
C1 or C2 mapped in R8X	60	85	150

* * *

35-31**Maximum Floor Area Ratio for Mixed Buildings**

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

* * *

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas ~~Certain R6, R7 and R8 Districts~~), except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

* * *

**Chapter 6
Accessory Off-Street Parking and Loading Regulations**

* * *

**36-20
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR
COMMERCIAL OR COMMUNITY FACILITY USES**

**36-21
General Provisions**

C1 C2 C3 C4 C5 C6 C7 C8

* * *

**REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL
OR COMMUNITY FACILITY USES**

Type of #Use#

Parking Spaces Required in Relation
to _____ Specified Unit of _____ Measurement -
Districts
FOR COMMERCIAL USES

Food stores with 2,000 or more square feet of #floor area# per establishment. #Uses# in parking requirement category A in Use Group 6.

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A
C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 100 sq. ft. of #floor area# - C1-1 C2-1 C4-1

1 per 200 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 300 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

General retail or service #uses#. Food stores with less than 2,000 square feet of #floor area#; #uses# in parking requirement category B in Use Group 6, 8, 9, 10 or 12 or when permitted by special permit; or #uses# in parking requirement category B1 in Use Group 6, 7, 8, 9, 10, 11, 13, 14 or 16

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A
C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 150* sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1

1 per 300* sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 400* sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

Low traffic generating #uses#. #Uses# in parking requirement category C in Use Group 6,
7, 9, 12, 13, 14 or 16 or when permitted by special permit

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A
C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 400 sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1

1 per 600 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 800 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

Court Houses

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A
C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 500 sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1

1 per 800 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 1,000 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C8-2

1 per 2,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

Places of assembly. #Uses# in parking requirement category D in Use Group 6, 8, 9, 10,
12, 13 or 14 or when permitted by special permit

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A
C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 4 persons rated capacity - C1-1 C2-1 C3 C4-1

1 per 8 persons rated capacity - C1-2 C2-2 C4-2 C8-1

1 per 12 persons rated capacity - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 25 persons rated capacity - C1-4 C2-4 C4-4 C4-5D C8-3

* * *

Storage or miscellaneous #uses#. #Uses# in parking requirement category G in Use Group 10 or Use Group 16, or when permitted by special permit, and with a minimum of 10,000 square feet of #floor area# or 15 employees.

None required - C4-4A C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 2,000 square feet of #floor area#,*** or 1 per 3 employees, whichever will require a lesser number of spaces - C4-1 C4-2 C4-3 C4-4 C4-5D C8-1 C8-2 C8-3

* * *

Hotels

(a) For that #floor area# used for sleeping accommodations

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 4 guest rooms or suites - C2-1 C4-1

1 per 8 guest rooms or suites - C2-2 C4-2 C8-1

1 per 12 guest rooms or suites - C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3

(b) For that #floor area# used for meeting halls, auditoriums, eating or drinking places, wedding chapels or banquet halls, or radio or television studios

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 4 persons rated capacity - C2-1 C4-1

1 per 8 persons rated capacity - C2-2 C4-2 C8-1

1 per 12 persons rated capacity - C2-3 C4-2A C4-3 C8-2

1 per 25 persons rated capacity - C2-4 C4-4 C4-5D C8-3

* * *

Post offices

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A
C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 800 sq. ft. of #floor area# - C1-1 C2-1 C3 C4-1

1 per 1,200 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 1,500 sq. ft. of #floor area# - C1-3 C2-3 C4-2A C4-3 C8-2

1 per 2,000 sq. ft. of #floor area# - C1-4 C2-4 C4-4 C4-5D C8-3

* * *

Funeral establishments

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A
C4-5X C4-6 C4-7 C6 C8-4

1 per 200 sq. ft. of #floor area# - C1-1 C2-2 C4-1

1 per 400 sq. ft. of #floor area# - C1-2 C2-2 C4-2 C8-1

1 per 600 sq. ft. of #floor area# - C1-3 C1-4 C2-3 C2-4 C4-2A C4-3 C4-4 C C4-5D 8-2
C8-3

FOR COMMUNITY FACILITY USES

* * *

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A
C4-5X C4-6 C4-7 C5 C6 C8-4

1 per 150* sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage
- C1-1 C2-1 C3 C4-1

1 per 300* sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage
- C1-2 C2-2 C4-2 C8-1

1 per 400* sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage
- C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - C1-4 C2-4 C4-4 C4-5D C8-3

1 per 400 square feet of #floor area# when located above the first #story# ceiling - C1-1, C1-2, C2-1 and C2-2 Districts mapped within R3-2 Districts

* * *

Hospitals and related facilities****

1 per 5 beds - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2 C8-1

1 per 8 beds - C1-3 C1-4 C2-3 C2-4 C4-2A C4-3 C4-4 C4-5D C8-2 C8-3

1 per 10 beds - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A C4-5X C4-6 C4-7 C5 C6 C8-4

* * *

**36-30
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR
RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS**

* * *

**36-331
In C1 or C2 Districts governed by surrounding Residence District bulk regulations
C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5**

In the districts indicated, the number of required #accessory# off-street parking spaces is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

**REQUIRED PARKING SPACES AS A
PERCENT OF TOTAL DWELLING UNITS**

#Residence District# within which C1 or C2 District is Mapped	Percent
R1 R2 R3 R4	100
R5	85
R6	70
R5D	66

R7-1	60
R6A R6B R7-2 R7A R7B <u>R7D</u> R7X R8B*	50
R8 R9 R10	40

* In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts.

* * *

36-341

Reduced requirements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

REDUCED REQUIREMENTS FOR SMALL ZONING LOTS

#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling Units#	District within which C1 or C2 District is Mapped
10,000 square feet or less	50	R6 R7B
	30	R7-1 R7A <u>R7D</u> R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8* R9 R10

* In R8B Districts, the parking requirements may not be reduced.

* * *

36-351

In C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the percentage of the total number of #dwelling units# in each category for which #accessory# off-street parking spaces shall be provided is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

PARKING SPACES REQUIRED FOR PUBLIC,
PUBLICLY ASSISTED AND GOVERNMENT ASSISTED HOUSING
DEVELOPMENTS
OR NON-PROFIT RESIDENCES FOR THE ELDERLY
(percent of total #dwelling units#)

Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing #Development s# or #Dwelling Units# for Low Income Tenants	#Non-profit Residences for the Elderly# or #Dwelling Units for the Elderly#	Gov't Assisted Housing	District
80	65	50.0	***	80	R1 R2
80	65	50.0	35.0	80	R3 R4
70	56	42.5	31.5	70	R5
55	45	35.0	22.5	55	R5D R6**
39	32	25.0	16.0	35	R6A R6B R7B
45	38	30.0	20.0	45	R7- 1**
30	23	15.0	12.5	25	R7-2 R7A <u>R7D</u> R7X R8B*
30	21	12.0	10.0	25	R8 R8A R8X R9 R10

* * *

36-352

In other C1 or C2 Districts or in C3, C4, C5, or C6 Districts

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

In the districts indicated, the percentage of the total number of #dwelling units# in each category for which #accessory# off-street parking spaces shall be provided is as set forth in the following table:

**PARKING SPACES REQUIRED FOR
PUBLIC, PUBLICLY ASSISTED AND GOVERNMENT ASSISTED HOUSING
DEVELOPMENTS OR NON-PROFIT RESIDENCES FOR THE ELDERLY
(percent of total #dwelling units#)**

Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing #Developments # or #Dwelling Units# for Low Income Tenants	#Non-profit Residences for the Elderly# or #Dwelling Units for the Elderly#	Gov't Assisted Housing	District
80	65	50.0	35.0	80	C3
70	56	42.5	31.5	70	C4-1
55	45	35.0	22.5	55	C4-2* C4-3*
39	32	25.0	16.0	35	C4-2A C4-3A C4-4 C4-5* C6-1*
30	23	15.0	12.5	25	C1-6 C2-6 C4-4A C4-5A C4-5D C4-5X
30	21	12.0	10.0	25	C1-7 C1-8

- C1-9
- C2-7
- C2-8
- C4-6
- C4-7 C5
- C6-2
- C6-3
- C6-4
- C6-5
- C6-6
- C6-7
- C6-8
- C6-9

* For assisted housing projects #developed#, or #enlarged# where permitted, pursuant to the Quality Housing Program in C4-2, C4-3, C4-4, C4-5 or C6-1 Districts the applicable district parking requirements shall be as follows:

District	Applicable District Parking Requirement
C4-2 C4-3	C4-2A
C4-4 C4-5 C6-1	C4-4A

36-361

For new development or enlargements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, where such districts are mapped within R6, R7, R8, R9, or R10 Districts, the requirements set forth in Section 36-31 (General Provisions) for new #development# or #enlargements# shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table. The maximum number is determined by the #Residence District# within which the #Commercial District# is mapped.

NUMBER OF SPACES FOR WHICH REQUIREMENTS ARE WAIVED

#Residence District# within which C1 or C2 District is Mapped	Maximum Number of Spaces Waived
---	---------------------------------

R5D	1
R6 R7-1 R7B	5
R7A <u>R7D</u> R7X R7-2 R8 R9 R10	15

However, in C1 or C2 Districts mapped within R5D Districts, the provisions of this Section shall apply only to #zoning lots# existing both on June 29, 2006, and on the date of application for a building permit.

* * *

36-363

For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated*, where such districts are mapped within R6, R7A, R7B, R7D, R7X, or R7-1 Districts, the requirements set forth in Section 36-311 (Application of requirements to conversions in C1 or C2 Districts) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is 20 spaces or less, provided that the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 78-46 (Waiver of Requirements for Conversions).

* No #accessory# off-street parking is required for additional #dwelling units# created by conversions in C1 or C2 Districts mapped within R7-2, R8, R9, or R10 Districts. See Section 36-311 (Application of requirements to conversions in C1 or C2 Districts).

* * *

36-52

Size and Location of Spaces

* * *

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C6-2A C6-3A C6-4A C6-4X

(b) Location of parking spaces in certain districts

In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A and R10X Districts, #accessory# off-street parking spaces shall not be located between the #street wall# of a #building# and any #street line# that is coincident with the

boundary of a #Commercial District# mapped along an entire blockfront. Where a #zoning lot# is bounded by more than one #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire blockfront, this provision need not apply along more than one #street line#.

* * *

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 2
Special Regulations Applying in the Waterfront Area**

* * *

**62-322
Residential development in R1, R2, R6, R7, R8, R9 and R10 Districts**

For #residential buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) through Section 23-15 (Maximum Floor Area Ratio in R10 Districts) shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# for any #building or other structure# on a #zoning lot# within a #waterfront block# shall be as specified in the following table, except as provided for in Sections 62-323 (Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

**MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE
FOR RESIDENTIAL BUILDINGS**

District	Maximum #Floor Area Ratio#	Maximum #Lot coverage# (in percent)	#Lot
* * *			
R6B	2.00	60	
R6	2.43	65	
R6A R7B	3.00	65	
R7-1 R7-2	3.44	65	
R7A R8B	4.00	70	
<u>R7D</u>	<u>4.20</u>	<u>70</u>	
R7-3 R7X	5.00	70	

* * *

* * *

62-323

Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts

R3 R4 R5 R6 R7

In the districts indicated, the maximum #floor area ratio# and #lot coverage# for #non-profit residences for the elderly# on a #zoning lot# within a #waterfront block# shall be as specified in the following table:

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE
FOR NON-PROFIT RESIDENCES FOR THE ELDERLY
IN R3, R4, R5, R6 AND R7 DISTRICTS

District	Maximum #Floor Area Ratio#	Maximum Coverage# (in percent)	#Lot
R3	.95	55	
R4	1.29	55	
R5	1.95	60	
R5D R6B	2.00	60	
R6 R6A R7B	3.90	65	
R7 R7A <u>R7D</u> R7X	5.01	70	

62-324

Non-residential buildings in Residence Districts

In #Residence Districts#, for any #community facility building# or any #building# used partly for #community facility use# on a #zoning lot# within a #waterfront block#, the following regulations shall apply:

* * *

MAXIMUM LOT COVERAGE FOR
COMMUNITY FACILITY BUILDINGS

District	Maximum Coverage# (in percent)	#Lot
----------	--------------------------------------	------

R1 R2 R3 R4 R5	60
R6B	65
R6 R6A R7B R7-1	70
R7-2 R7-3 <u>R7A R7D R7X</u> R8 R9A (R7A was missing from chart.)	75
R9 R9-1 R9X R10	80

* * *

62-341
Developments on land and platforms

* * *

(d) Medium and High Density Contextual Districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C6-2A C6-3A C6-4A

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of Sections 23-60, 24-50 and 35-24 shall not apply. In lieu thereof, the following regulations shall apply:

TABLE C
 HEIGHT AND SETBACK FOR ALL BUILDINGS
 IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
R6B C1 or C2 mapped within R6B	30	40	50
R6A C1 or C2 mapped within R6A C4-2A C4-3A	40	60	70
R7B C1 or C2 mapped	40	60	75

within R7B

R7A C1 or C2 mapped within R7A C1-6A C2-6A C4-4A C4-5A	40	65	80
--	----	----	----

<u>R7D</u> <u>C1 or C2 mapped</u> <u>within R7D</u> <u>C4-5D</u>	<u>60</u>	<u>85</u>	<u>100</u>
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R7X C1 or C2 mapped within R7X C4-5X	60	85	125
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**62-352
Inclusionary Housing**

The provisions of Section 23-90 (INCLUSIONARY HOUSING) shall apply in R7-3 Districts in Community District 1, Borough of Brooklyn, and in R6, R7D and R8 Districts within Waterfront Access Plan BK-1, as modified in this Section.

**62-415
Requirements for supplemental public access areas**

* * *

WATERFRONT PUBLIC ACCESS AREA REQUIREMENTS

#Developments# Following Districts	in the	#Zoning Threshold	Lot#	Total Waterfront Public Access Requirement	Public Area
In R3, R4, R5 Districts; C1 or C2 in R1 thru R5 Districts; C3, C4-1 Districts		#Lot area# of 1.5 acres and #shoreline# length of 600 ft.	1.5	15% of #lot area#	
In R6, R7-1, R7-2, R7A, R7B, <u>R7D</u> , and R8B Districts and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts#		#Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft.		15% of #lot area#	

In all other #Commercial# or #Manufacturing Districts# with a permitted commercial FAR of 4.0 or less

In other R7, R8, R9 and R10 Districts and in #Commercial Districts# governed by the #bulk# regulations of such #Residence Districts# #Lot area# of 20,000 sq. ft. and #shoreline# length of 100 ft. 20% of #lot area#

In all other #Commercial# or #Manufacturing Districts# with a permitted commercial FAR above 4.0

* * *

**62-53
Parking Requirements for Commercial Docking Facilities**

* * *

REQUIRED PARKING SPACES FOR DOCKING FACILITIES

Docking Serving	Facilities Districts	Number of Required Parking Spaces
Non-commercial pleasure boats	C1 thru C8 M1 M2 M3	1 per 2 berths or moorings
Rental boats		
Ferries	R3** thru R5** C1-1 C2-1 C3 C4-1	0.30 x p*
Sightseeing, excursion or sport fishing vessels	R6** R7-1** R7A** R7B** <u>7D**</u> C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M2-1 M2-2 M3-1	0.20 x p*
	R7-2** R7-3** R7X** C1-3 C2-3 C4-3 C7 C8-2 M1-3	0.15 x p*

R8** R9**
C1-4 C2-4 C4-4 C8-3

0.10 x p*

R10**
C1-5 thru C1-9
C2-5 thru C2-8
C4-4A C4-5 C4-6
C5 C6 C8-4
M1-4 M1-5 M1-6
M2-3 M2-4 M3-2

None Required

* * *

**ARTICLE VII
ADMINISTRATION**

**Chapter 3
Special Permits by the Board of Standards and Appeals**

* * *

**73-67
Additional Floor Space of Public Parking Garages**

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C-7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, for #public parking garages# with a total of 150 spaces or less, the Board of Standards and Appeals may permit floor space on one or more #stories# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS), provided that all floor space so exempted is located not more than 23 feet above #curb level# and provided that the following findings are made:

* * *

**Chapter 4
Special Permits by the City Planning Commission**

* * *

**74-512
In other Districts**

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 or 44-43 (Location of Access to

the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and up to a height of 23 feet above #curb level# to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS). As a condition of permitting such #use#, the Commission shall make the following findings:

* * *

**74-52
Parking Garages or Public Parking Lots in High Density Central Areas**

In C1-5, C1-6, C1-7, C1-8 or C1-9 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with a capacity of not more than 100 spaces, and in C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C6, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, the Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces, and in C5 and C6-1A Districts, the Commission may permit #public parking garages# or #public parking lots# with any capacity, provided that the applicable regulations set forth in Sections 36-53 or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met.

* * *

**ARTICLE XII
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Mixed Use Districts**

* * *

**123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Residential Buildings in R6, R7, R8 and R9 Districts**

* * *

However, in ~~designated R6, R7 and R8 Districts where the Inclusionary Housing Program is applicable~~ #Inclusionary Housing designated areas#, as listed ~~below in the following table~~, the maximum permitted #floor area ratio# shall be as set forth in Section 23-942 (In ~~R6, R7 and R8 Districts~~ Inclusionary Housing designated areas). The locations of such

districts are specified in Section 23-922 (~~Certain R6, R7 and R8 Districts~~ Inclusionary Housing designated areas).

<u>#Special Mixed Use District#</u>	<u>Designated #Residence District#</u>
MX 8 Community District 1, Brooklyn	R6 R6A R6B R7A

* * *

123-64

Maximum Floor Area Ratio and Lot Coverage Requirements for Mixed Use Buildings

(a) Maximum #floor area ratio#

* * *

(4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# in #Special Mixed Use Districts# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential# portion of such #building#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in the #Inclusionary Housing designated areas# set forth in Section 23-922 (~~Certain R6, R7 and R8 Districts~~ Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, the #floor area ratios# of Section 23-942 shall apply.

* * *

123-662

All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, except an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height of a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance

with paragraph (c) of this Section. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum building height specified in Table A. However, a #building or other structure# may exceed such maximum building height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum building height does not exceed 80 percent of the gross area of that #story# directly below it.

* * *

(b) Medium and high density contextual districts

In #Special Mixed Use Districts# where the #Residence District# designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, no #building or other structure# shall exceed the maximum building height specified in Table B of this Section.

* * *

TABLE B

HEIGHT AND SETBACK FOR ALL BUILDINGS
IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS
(in feet)

District	Minimum base height	Maximum height	base	Maximum building height
R6B	30	40		50
R6A	40	60		70
R7B	40	60		75
R7A	40	65		80
<u>R7D</u>	<u>60</u>	<u>85</u>		<u>100</u>
R7X	60	85		125
R8A	60	85		120
R8B	55	60		75
R8X	60	85		150

**123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED**

The #Special Mixed Use District# is mapped in the following areas:

* * *

#Special Mixed Use District# - 9:
Northern Hunters Point Waterfront, Queens

The #Special Mixed Use District# - 9 is established in the Northern Hunters Point Waterfront in Queens as indicated on the #zoning maps#.

#Special Mixed Use District# - 10:
Atlantic and Howard Avenues, Brooklyn

The #Special Mixed Use District# - 10 is established on Atlantic and Howard Avenues in Brooklyn as indicated on the #zoning maps#.

(On July 25, 2007, Cal. No. 3, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No. 41, the hearing was continued.)

Close the hearing.

BOROUGH OF QUEENS

No. 22

ST. ALBANS/HOLLIS REZONING

CD 12

C 070472 ZMQ

CONTINUED PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 14d, 15b, 18c and 19a:

1. eliminating from within an existing R2 District a C2-2 District bounded by the southerly boundary of St. Albans Memorial Park, a line perpendicular to the northwesterly street line of Linden Boulevard distant 276 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Merrick Boulevard and the northwesterly street line of Linden

Boulevard, Linden Boulevard, and a line 100 feet northeasterly of Merrick Boulevard;

2. eliminating from within an existing R3-2 District a C1-2 District bounded by:
 - a. a line 150 feet northerly and northwesterly of Hollis Avenue, 204th Street, Hollis Avenue, 202nd Street, a line 150 feet southeasterly of Hollis Avenue, 200th Street, Hollis Avenue, 198th Street, 109th Avenue, and 199th Street;
 - b. Hollis Avenue, 205th Street, a line 150 feet southeasterly of Hollis Avenue, and 204th Street;
 - c. 109th Avenue, a line 150 feet northeasterly of Farmers Boulevard, 109th Road, and Farmers Boulevard;
 - d. Hilburn Avenue, Liberty Avenue, Farmers Boulevard, 111th Avenue, a line 150 feet northeasterly of Farmers Boulevard, 113th Road, Farmers Boulevard, 113th Avenue, Hannibal Street, Lewiston Avenue, a line 150 feet southwesterly of Farmers Boulevard, and a line 150 feet southwesterly of Liberty Avenue;
 - e. 112th Road, Francis Lewis Boulevard, 113th Avenue, and a line 150 feet southwesterly of Francis Lewis Boulevard;
 - f. a line 100 feet northwesterly of Linden Boulevard, 197th Street, a line 150 feet northwesterly of Linden Boulevard, 202nd Street, Linden Boulevard, 201st Street, a line 150 feet southeasterly of Linden Boulevard, 197th Street, Linden Boulevard, and 196th Street;
 - g. a line 150 feet northwesterly of Linden Boulevard, 205th Street, a line 100 feet northwesterly of Linden Boulevard, Francis Lewis Boulevard, a line 150 feet southeasterly of Linden Boulevard, 205th Street, Linden Boulevard, and 204th Street; and
 - h. 117th Road, a line 150 feet northeasterly of Farmers Boulevard, 118th Avenue, Farmers Boulevard, a line 100 feet southeasterly of Baisley Boulevard, Riverton Street, and Baisley Boulevard;
3. eliminating from within an existing R3-2 District a C2-2 District bounded by:
 - a. 99th Avenue, 195th Street, a line 150 feet southeasterly of 99th Avenue, and Hollis Avenue;
 - b. a line 150 feet northwesterly of Hollis Avenue, Francis Lewis Boulevard, Hollis Avenue, and 204th Street;

- c. Hollis Avenue, 200th Street, a line 150 feet southerly of Hollis Avenue, and 199th Street;
 - d. 113th Road, a line 150 feet northeasterly and easterly of Farmers Boulevard, 115th Drive, Farmers Boulevard, 114th Drive, Mexico Street, 114th Road, and Farmers Boulevard;
 - e. Murdock Avenue, Mexico Street, 114th Road, and Newburg Street; and
 - f. 113th Avenue, Merrick Boulevard, the southerly boundary of St. Albans Memorial Park and its southwesterly prolongation, a line 100 feet northeasterly of Merrick Boulevard, Linden Boulevard, 173rd Street, a line 150 feet southeasterly of Linden Boulevard, a line midway between 172nd Street and Merrick Boulevard, a line 200 feet southeasterly of 115th Avenue, 172nd Street, 116th Avenue, a line 100 feet northeasterly of Merrick Boulevard, the northwesterly boundary line of The Roy Wilkins-Southern Queens Park and its southwesterly prolongation, Merrick Boulevard, Foch Boulevard, a line 100 feet southwesterly of Merrick Boulevard, a line 200 feet southeasterly of 116th Avenue, 171st Street, 116th Avenue, a line 100 feet southwesterly of Merrick Boulevard, 115th Avenue, a line midway between Merrick Boulevard and 170th Street, a line 300 feet southeasterly of Linden Boulevard, 170th Street, Linden Boulevard, and a line 150 feet southwesterly of Merrick Boulevard;
4. eliminating from within an existing R4 District a C1-2 District bounded by:
- a. 114th Road, Francis Lewis Boulevard, 114th Drive, and a line 150 feet southwesterly of Francis Lewis Boulevard;
 - b. a line 150 feet northwesterly of Murdock Avenue, 202nd Street, Murdock Avenue, and 198th Street;
 - c. Linden Boulevard, 201st Place, a line 150 feet southeasterly of Linden Boulevard, and 201st Street; and
 - d. Linden Boulevard, 197th Street, a line 100 feet southeasterly of Linden Boulevard, and 196th Street;
5. eliminating from within an existing R4 District a C1-3 District bounded by a line 100 feet northwesterly of 110th Avenue, a line 100 feet southwesterly of Francis Lewis Boulevard, 110th Avenue, and a line 150 feet southwesterly of Francis Lewis Boulevard;
6. eliminating from within an existing R5B District a C1-2 District bounded by:

- a. a line 100 feet northwesterly of Linden Boulevard, 196th Street, a line 100 feet southeasterly of Linden Boulevard, and 195th Street; and
 - b. a line 100 feet northwesterly of Linden Boulevard, 191st Street, Linden Boulevard, and 190th Street;
7. eliminating from within the existing R5B District a C2-2 District bounded by a line 100 feet northwesterly of Linden Boulevard, 195th Street, a line 100 feet southeasterly of Linden Boulevard, 190th Street, Linden Boulevard, and 191st Street;
8. eliminating from within an existing R6B District a C1-2 District bounded by Dunkirk Drive, a line 100 feet northeasterly of Farmers Boulevard, a line 100 feet northwesterly of Linden Boulevard, 190th Street, a line 100 feet southeasterly of Linden Boulevard, a line 150 feet northeasterly of Farmers Boulevard, 117th Road, Farmers Boulevard, Linden Boulevard, Everitt Place, a line 100 feet southerly of Linden Boulevard, Montauk Street, Linden Boulevard, Newburg Street, a line 100 feet northerly of Linden Boulevard, and a line 100 feet westerly of Farmers Boulevard;
9. eliminating from within an existing R6B District a C2-2 District bounded by a line 100 feet northerly of Linden Boulevard, Newburg Street, Linden Boulevard, and the northeasterly boundary line of the Long Island Rail Road Right-of-Way (Montauk Division);
10. changing from an R3-2 District to an R2 District property bounded by:
- a. Brinkerhoff Avenue, the southwesterly boundary line of the Long Island Rail Road Right-of-Way (Montauk Division), 112th Avenue and its northeasterly centerline prolongation, a line midway between 178th Street and 178th Place, Sayres Avenue, and a line midway between 178th Street and 179th Street;
 - b. Hilburn Avenue, a line 100 feet southwesterly of Farmers Boulevard, Lewiston Avenue, Farmers Boulevard, 113th Avenue, Hannibal Street, Lewiston Avenue, and a line 150 feet southwesterly of Farmers Boulevard;
 - c. Murdock Avenue, Mexico Street, 114th Road, and Newburg Street;
 - d. 114th Road, a line 60 feet southeasterly of Mexico Street, a line midway between 114th Road and 114th Drive, a line 130 feet southeasterly of Mexico Street, 114th Drive, and Mexico Street;
 - e. Sullivan Road, Quencer Road, a line midway between Sullivan Road and Tioga Drive and its northeasterly prolongation, and Dunkirk Street;

- f. a line 100 feet southerly and southeasterly of Hollis Avenue, 202nd Street, a line 150 feet southerly and southeasterly of Hollis Avenue, and 199th Street; and
 - g. a line 100 feet southeasterly of Hollis Avenue, 205th Street, a line 150 feet southeasterly of Hollis Avenue, and 204th Street;
11. changing from an R4 District to an R2 District property bounded by:
- a. a line 150 feet northwesterly of Murdock Avenue, 202nd Street, Murdock Avenue, a line midway between 201st Street and 202nd Street, a line 100 feet northwesterly of Murdock Avenue, and 198th Street; and
 - b. a line 100 feet northwesterly of 112th Avenue, a line midway between 204th Street and 205th Street, 112th Avenue, and 204th Street;
12. changing from an R2 District to an R3A District property bounded by:
- a. 112th Avenue, 196th Street, 113th Avenue, and 194th Street; and
 - b. 121st Avenue, 192nd Street, a line 200 feet northwesterly of 122nd Avenue, and Lucas Street;
13. changing from an R3-2 District to an R3A District property bounded by:
- a. 99th Avenue, a line 80 feet southwesterly of Francis Lewis Boulevard, a line 100 feet northwesterly and northerly of Hollis Avenue, a line midway between 197th Street and 198th Street, 100th Avenue, 198th Street, a line 100 feet southeasterly of 99th Avenue, and 199th Street;
 - b. 110th Avenue/Brinkerhoff Avenue, a line midway between 178th Street and 179th Street, Sayres Avenue, a line midway between 178th Street and 178th Place, 112th Avenue, 176th Street, Sayres Avenue, 174th Street, a line 140 feet southeasterly of 111th Avenue, a line midway between 173rd Street and 174th Street, a line 90 feet northwesterly of Sayres Avenue, 172nd Street, 111th Avenue, 172nd Street, the northeasterly prolongation of the southeasterly street line of 110th Road, 173rd Street, a line 375 feet southeasterly of 110th Avenue/Brinkerhoff Avenue, a line midway between 173rd Street and 174th Street, a line 135 feet southeasterly of 110th Avenue/Brinkerhoff Avenue, and 173rd Street;
 - c. 111th Road, 194th Street, 113th Avenue, 196th Street, 115th Avenue, 199th Street, a line 100 feet southeasterly of 115th Avenue, a line midway between 201st Street and 202nd Street, 115th Avenue, a line midway between 202nd Street and 203rd Street, a line 300 feet northwesterly of 116th Avenue, 203rd Street, 116th Avenue, a line 100 feet northeasterly

of 205th Street, a line 100 feet southeasterly of 116th Avenue, a line 100 feet southwesterly of Francis Lewis Boulevard, a line 100 feet northwesterly of Linden Boulevard, 196th Street, 116th Road, 196th Street, 115th Road, and a line 100 feet easterly and northeasterly of Farmers Boulevard;

- d. a line midway between Sullivan Road and Tioga Drive and its northeasterly prolongation, Quencer Road, Newburg Street, Suffolk Drive, Farmers Boulevard, Dunkirk Drive, a line 100 feet westerly of Farmers Boulevard, a line 100 feet northerly of Linden Boulevard, Newburg Street, and Dunkirk Drive; and
 - e. Baisley Boulevard, a line 100 feet westerly of Farmers Boulevard, a line 125 feet southeasterly of Baisley Boulevard, Farmers Boulevard, 118th Avenue, a line 100 feet easterly of Farmers Boulevard, 117th Road, a line 150 feet easterly of Farmers Boulevard, a line 100 feet southeasterly of Linden Boulevard, 196th Street, 119th Avenue, Nashville Boulevard, Francis Lewis Boulevard, Springfield Boulevard, 122nd Avenue, 199th Street, a line 200 feet northwesterly of 122nd Avenue, 192nd Street, 121st Avenue, Farmers Boulevard, 120th Avenue, a line 100 feet southwesterly of Farmers Boulevard, 119th Drive, Montauk Street, the southwesterly prolongation of the northwesterly street line of 119th Road, 180th Street, 120th Avenue, 179th Street, a line 100 feet southeasterly of 120th Avenue, 178th Street, Troutville Road, a line 300 feet northeasterly of Irwin Place, Sunbury Road, Merrick Boulevard, a line 300 feet northwesterly of Sunbury Road, and Irwin Place;
14. changing from an R4 District to an R3A District property bounded by:
- a. a line 100 feet northwesterly of 119th Avenue, 205th Street, a line 100 feet northwesterly of Nashville Boulevard, a line perpendicular to a point on the southwesterly street line of Francis Lewis Boulevard distant 70 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Francis Lewis Boulevard and the northwesterly street line of Nashville Boulevard, Francis Lewis Boulevard, Nashville Boulevard, 119th Avenue, and 196th Street; and
 - b. Murdock Avenue, a line midway between 196th Street and 197th Street, 115th Avenue, and 196th Street;
 - c. a line 100 feet southeasterly of Hollis Avenue, a line 100 feet northeasterly of 205th Street, a line midway between 110th Avenue and 111th Avenue, a line 100 feet southwesterly of Francis Lewis Boulevard, a line midway between 111th Avenue and 111th Road, a line 100 feet northeasterly of 205th Street, 111th Road, and 205th Street;

15. changing from an R6B District to an R3A District property bounded by:
- a. a line 100 feet northeasterly of Linden Boulevard, a line 100 feet westerly of Farmers Boulevard, a line 85 feet northeasterly of Linden Boulevard, and Newburg Street; and
 - b. a line 100 feet southeasterly of Linden Boulevard, a line 150 feet easterly of Farmers Boulevard, 117th Road, and a line 100 feet easterly of Farmers Boulevard;
16. changing from an R3-2 District to an R3X District property bounded by:
- a. a line 100 feet southeasterly of 99th Avenue, 197th Street, 99th Avenue, 198th Street, 100th Avenue, a line midway between 197th Street and 198th Street, a line 100 feet northerly of Hollis Avenue, 197th Street, and Hollis Avenue;
 - b. 109th Avenue, 191st Street, 109th Road, 194th Street, 110th Road, 194th Street, 111th Road, a line 100 feet northeasterly of Farmers Boulevard, 111th Avenue, Farmers Boulevard, 110th Road, and a line 100 feet easterly of Farmers Boulevard;
 - c. Linden Boulevard, 178th Street and its southeasterly centerline prolongation, a northwesterly and northeasterly boundary line of St. Albans Veterans Care Facility and its northwesterly prolongation, 115th Avenue, 175th Street and its southeasterly centerline prolongation, the northerly, westerly and northerly boundary of The Roy Wilkins – Southern Queens Park, a line 100 feet northeasterly of Merrick Boulevard, 116th Avenue, 172nd Street, a line 240 feet southeasterly of 115th Avenue, a line 75 feet southwesterly of 172nd Street, 115th Avenue, a line midway between 172nd Street and Merrick Boulevard, a line 100 feet southeasterly of Linden Boulevard, and 173rd Street; and
 - d. 115th Road, 196th Street, 116th Road, 196th Street, a line 100 feet northwesterly of Linden Boulevard, a line 100 feet northeasterly of Farmers Boulevard, Dunkirk Drive, Farmers Boulevard, 115th Drive, and a line 100 feet easterly of Farmers Boulevard;
17. changing from an R4 District to an R3X District property bounded by a line midway between 114th Road and 114th Drive and its southwesterly prolongation, a line 100 feet southwesterly of Francis Lewis Boulevard, a line midway between 115th Road and 115th Drive, a line 100 feet northeasterly of 205th Street, 115th Road, 205th Street, a line 260 feet southeasterly of 115th Avenue, 203rd Street, 115th Avenue, 204th Street, a line 100 feet northwesterly of 115th Avenue, and a line midway between 204th Street and 205th Street;

18. changing from an R6B District to an R3-2 District property bounded by:
- a. a line 100 feet northerly of Linden Boulevard, Newburg Street, a line 85 feet northerly of Linden Boulevard, and the northeasterly boundary line of the Long Island Rail Road Right-of-Way (Montauk Division); and
 - b. a line 85 feet southerly of Linden Boulevard, Everitt Place, a line 100 feet southerly of Linden Boulevard, and Montauk Street;
19. changing from an R3-2 District to an R4A District property bounded by:
- a. a line 100 feet southeasterly of Linden Boulevard, 201st Street, a line 150 feet southeasterly of Linden Boulevard, and 197th Street; and
 - b. a line 100 feet southeasterly of Linden Boulevard, Francis Lewis Boulevard, a line 150 feet southeasterly of Linden Boulevard, and a line 100 feet southwesterly of Francis Lewis Boulevard;
20. changing from an R4 District to an R4A District property bounded by a line 100 feet southeasterly of Linden Boulevard, 197th Street, a line 150 feet southeasterly of Linden Boulevard, 201st Street, a line 100 feet southeasterly of Linden Boulevard, a line 75 feet southwesterly of 201st Place, 118th Avenue, a line 100 feet southwesterly of 201st Place, a line 260 feet southeasterly of 118th Avenue, a line 100 feet southwesterly of Francis Lewis Boulevard, a line 150 feet southeasterly of Linden Boulevard, Francis Lewis Boulevard, a line perpendicular to the southwesterly street line of Francis Lewis Boulevard distant 70 feet northwesterly (as measured along the street line) from the intersection of the southwesterly street line of Francis Lewis Boulevard and the northwesterly street line of Nashville Boulevard, a line 100 feet northwesterly of Nashville Boulevard, a line 100 feet northwesterly of 119th Avenue, and 196th Street;
21. changing from an R2 District to an R4B District property bounded by:
- a. a line 160 feet northwesterly of 112th Avenue, 205th Street, a line 100 feet northwesterly of 112th Avenue, and a line midway between 204th Street and 205th Street; and
 - b. a line 85 feet northwesterly of Murdock Avenue, a line midway between 203rd Street and 204th Street, Murdock Avenue, and 203rd Street;
22. changing from an R3-2 District to an R4B District property bounded by:
- a. 110th Avenue/Brinkerhoff Avenue, 173rd Street, a line 135 feet

- southeasterly of 110th Avenue/Brinkerhoff Avenue, a line midway between 173rd Street and 174th Street, a line 375 feet southeasterly of 110th Avenue/Brinkerhoff Avenue, 173rd Street, the southeasterly street line of 110th Road and its northeasterly prolongation, and 171st Place and its southeasterly centerline prolongation;
- b. 112th Road, Francis Lewis Boulevard, 113th Avenue, and a line 150 feet southwesterly of Francis Lewis Boulevard;
 - c. 115th Avenue, a line midway between 201st Street and 202nd Street, a line 100 feet southeasterly of 115th Avenue, and 199th Street;
 - d. 115th Avenue, 203rd Street, a line 300 feet northwesterly of 116th Avenue, and a line midway between 202nd Street and 203rd Street;
 - e. 116th Avenue, Francis Lewis Boulevard, a line 100 feet northwesterly of Linden Boulevard, a line 100 feet southwesterly of Francis Lewis Boulevard, a line 100 feet southeasterly of 116th Avenue, and a line 100 feet northeasterly of 205th Street;
 - f. Sunbury Road, a line 300 feet northeasterly of Irwin Place, Troutville Road, and a line 260 feet northeasterly of Irwin Place; and
23. changing from an R4 District to an R4B District property bounded by a line 100 feet northwesterly of 110th Avenue, a line 100 feet southwesterly of Francis Lewis Boulevard, 110th Avenue, Francis Lewis Boulevard, 112th Road, a line 150 feet southwesterly of Francis Lewis Boulevard, 113th Avenue, Francis Lewis Boulevard, 116th Avenue, 203rd Street, a line 260 feet southeasterly of 115th Avenue, 205th Street, 115th Road, a line 100 feet northeasterly of 205th Street, a line midway between 115th Road and 115th Drive, a line 100 feet southwesterly of Francis Lewis Boulevard, a line midway between 114th Road and 114th Drive and its southwesterly prolongation, a line midway between 204th Street and 205th Street, a line 100 feet northwesterly of 115th Avenue, 204th Street, 115th Avenue, a line midway between 196th Street and 197th Street, a line 180 feet northwesterly of 115th Avenue, 197th Street, a line 100 feet southeasterly of Murdock Avenue, 203rd Street, Murdock Avenue, a line midway between 203rd Street and 204th Street, 113th Avenue, 204th Street, 112th Avenue, a line midway between 204th Street and 205th Street, a line 100 feet northwesterly of 112th Avenue, 205th Street, 111th Road, a line 100 feet northeasterly of 205th Street, a line midway between 111th Avenue and 111th Road, a line 100 feet southwesterly of Francis Lewis Boulevard, a line midway between 110th Avenue and 111th Avenue, and a line 100 feet northeasterly of 205th Street;
24. changing from an R3-2 District to an R4-1 District property bounded by a line 100 feet southeasterly of Linden Boulevard, a line 100 feet southwesterly of Francis Lewis Boulevard, a line 150 feet southeasterly of Linden Boulevard, and 205th Street;

25. changing from an R4 District to an R4-1 District property bounded by:
- a. a line 100 feet northwesterly of Murdock Avenue, a line midway between 201st Street and 202nd Street, Murdock Avenue, 203rd Street, a line 100 feet southeasterly of Murdock Avenue, 197th Street, a line 180 feet northwesterly of 115th Avenue, a line midway between 196th Street and 197th Street, Murdock Avenue, and 198th Street; and
 - b. Linden Boulevard, 205th Street, a line 150 feet southeasterly of Linden Boulevard, a line 100 feet southwesterly of Francis Lewis Boulevard, a line 260 feet southeasterly of 118th Avenue, a line 100 feet southwesterly of 201st Place, 118th Avenue, and a line 75 feet southwesterly of 201st Place;
26. changing from an R2 District to an R5B District property bounded by:
- a. Hollis Avenue, 204th Street, a line 100 feet southeasterly of Hollis Avenue, and 202nd Street; and
 - b. 114th Drive, Farmers Boulevard, Quencer Road, and a line 100 feet westerly of Farmers Boulevard;
27. changing from an R3-2 District to an R5B District property bounded by:
- a. a line 100 feet northwesterly of Hollis Avenue, a line 80 feet southwesterly of Francis Lewis Boulevard, 109th Avenue, Francis Lewis Boulevard, 110th Avenue, a line 100 feet southwesterly of Francis Lewis Boulevard, a line 100 feet southeasterly of Hollis Avenue, 204th Street, Hollis Avenue, 202nd Street, a line 100 feet southeasterly of Hollis Avenue, 199th Street, a line 150 feet southerly of Hollis Avenue, 198th Street, Hollis Avenue, and 197th Street;
 - b. Linden Boulevard, 173rd Street, a line 100 feet southeasterly of Linden Boulevard, a line midway between 172nd Street and Merrick Boulevard, 115th Avenue, a line 75 feet southwesterly of 172nd Street, a line 240 feet southeasterly of 115th Avenue, 172nd Street, 116th Avenue, a line 100 feet northeasterly of Merrick Boulevard, a northwesterly boundary line of The Roy Wilkins – Southern Queens Park and its southwesterly prolongation, Merrick Boulevard, Foch Boulevard, a line 100 feet southwesterly of Merrick Boulevard, a line 200 feet southeasterly of 116th Avenue, 171st Street, 116th Avenue, a line 100 feet southwesterly of Merrick Boulevard, 115th Avenue, a line 100 feet southwesterly of Merrick Boulevard, a line 200 feet southeasterly of Linden Boulevard, and 170th Street;
 - c. 109th Avenue, a line 100 feet easterly of Farmers Boulevard, 110th

Road, Farmers Boulevard, 111th Avenue, a line 100 feet northeasterly, and easterly of Farmers Boulevard, 115th Drive, Farmers Boulevard, 114th Drive, a line 130 feet southeasterly of Mexico Street, a line midway between 114th Road and 114th Drive, a line 60 feet southeasterly of Mexico Street, 114th Road, Mexico Street, Murdock Avenue, 113th Road, Hannibal Street, 113th Avenue, Farmers Boulevard, Lewiston Avenue, a line 100 feet southwesterly of Farmers Boulevard, Hilburn Avenue, Liberty Avenue, and 110th Avenue/Brinkerhoff Avenue; and

- d. a line 100 feet northwesterly of Linden Boulevard, Francis Lewis Boulevard, a line 100 feet southeasterly of Linden Boulevard, 205th Street, Linden Boulevard, 201st Street, a line 100 feet southeasterly of Linden Boulevard, 197th Street, Linden Boulevard, and 196th Street;
28. changing from an R4 District to an R5B District property bounded by:
- a. a line 100 feet southeasterly of Hollis Avenue, a line 100 feet southwesterly of Francis Lewis Boulevard, a line 100 feet northwesterly of 110th Avenue, and a line 100 feet northeasterly of 205th Street;
 - b. Linden Boulevard, 197th Street, a line 100 feet southeasterly of Linden Boulevard, and 196th Street; and
 - c. Linden Boulevard, a line 75 feet southwesterly of 201st Place, a line 100 Feet southeasterly of Linden Boulevard, and 201st Street;
29. changing from an R3-2 District to an R5D District property bounded by Baisley Boulevard, Farmers Boulevard, 117th Road, a line 100 feet easterly of Farmers Boulevard, 118th Avenue, Farmers Boulevard, a line 125 feet southeasterly of Baisley Boulevard, and a line 100 feet westerly of Farmers Boulevard;
30. changing from an R6B District to an R5D District property bounded by Dunkirk Drive, a line 100 feet easterly of Farmers Boulevard, a line 100 feet northwesterly of Linden Boulevard, 190th Street, a line 100 feet southeasterly of Linden Boulevard, a line 100 feet easterly of Farmers Boulevard, 117th Road, Farmers Boulevard, Baisley Boulevard, Everitt Place, a line 85 feet southerly of Linden Boulevard, Montauk Street, Linden Boulevard, the northeasterly boundary line of the Long Island Rail Road Right-of-Way (Montauk Division), a line 85 feet northerly of Linden Boulevard, and a line 100 feet westerly of Farmers Boulevard;
31. changing from an R2 District to an R6A District property bounded by the southerly boundary line of St. Albans Memorial Park and its northeasterly prolongation, Marne Place, Linden Boulevard, and a line 100 feet northeasterly of Merrick Boulevard;

32. changing from an R3-2 District to an R6A District property bounded by 113th Avenue, Merrick Boulevard, the southerly boundary line of St. Albans Memorial Park and its southwesterly prolongation, a line 100 feet northeasterly of Merrick Boulevard, Linden Boulevard, and a line 130 feet southwesterly of Merrick Boulevard;
33. establishing within the existing R5B District a C1-3 District bounded by:
 - a. a line 100 feet northwesterly of Linden Boulevard, 196th Street, a line 100 feet southeasterly of Linden Boulevard, and 195th Street; and
 - b. a line 100 feet northwesterly of Linden Boulevard, 191st Street, Linden Boulevard, and 190th Street;
34. establishing within the existing R3-2 District a C2-3 District bounded by 99th Avenue, 195th Street, a line 100 feet southeasterly of 99th Avenue, and Hollis Avenue;
35. establishing within the existing R5B District a C2-3 District bounded by a line 100 feet northwesterly of Linden Boulevard, 195th Street, a line 100 feet southeasterly of Linden Boulevard, 190th Street, Linden Boulevard, and 191st Street;
36. establishing within the proposed R3A District a C1-3 District bounded by Baisley Boulevard, a line 100 feet westerly of Farmers Boulevard, a line 125 feet southeasterly of Baisley Boulevard, and Riverton Street;
37. establishing within the proposed R4B District a C1-3 District bounded by:
 - a. 112th Road, Francis Lewis Boulevard, 113th Avenue, and a line 100 feet southwesterly of Francis Lewis Boulevard; and
 - b. 114th Road, Francis Lewis Boulevard, a line midway between 114th Road and 114th Drive, and a line 100 feet southwesterly of Francis Lewis Boulevard;
38. establishing within the proposed R4-1 District a C1-3 District bounded by:
 - a. Linden Boulevard, 201st Place, a line 100 feet southeasterly of Linden Boulevard, and a line 75 feet southwesterly of 201st Place; and
 - b. a line 100 feet northwesterly of Murdock Avenue, a line midway between 201st Street and 202nd Street, Murdock Avenue, and 198th Street;
39. establishing within the proposed R5B District a C1-3 District bounded by:

- a. a line 100 feet northerly and northwesterly of Hollis Avenue, 204th Street, Hollis Avenue, 202nd Street, a line 100 feet southeasterly of Hollis Avenue, 200th Street, Hollis Avenue, and 198th Street;
 - b. Hollis Avenue, 205th Street, a line 100 feet southeasterly of Hollis Avenue, and 204th Street;
 - c. a line 100 feet northwesterly of Linden Boulevard, 202nd Street, Linden Boulevard, a line 75 feet southwesterly of 201st Place, a line 100 feet southeasterly of Linden Boulevard, and 196th Street;
 - d. a line 100 feet northwesterly of Linden Boulevard, Frances Lewis Boulevard, a line 100 feet southeasterly of Linden Boulevard, 205th Street, Linden Boulevard, and 204th Street;
 - e. 109th Avenue, a line 100 feet easterly of Farmers Boulevard, 109th Road, and Farmers Boulevard; and
 - f. Hilburn Avenue, Liberty Avenue, Farmers Boulevard, 111th Avenue, a line 100 feet northeasterly of Farmers Boulevard, 113th Avenue, Farmers Boulevard, Hannibal Street, 113th Avenue, Farmers Boulevard, Lewiston Avenue, and a line 100 feet southwesterly of Farmers Boulevard;
40. establishing within the proposed R5B District a C2-3 District bounded by:
- a. a line 100 feet northwesterly of Hollis Avenue, Francis Lewis Boulevard, Hollis Avenue, and 204th Street;
 - b. Hollis Avenue, 200th Street, a line 100 feet southeasterly of Hollis Avenue, and 199th Street;
 - c. 113th Road, a line 100 feet northeasterly and easterly of Farmers Boulevard, 115th Drive, Farmers Boulevard, 114th Drive, a line 130 feet southeasterly of Mexico Street, a line midway between 114th Road and 114th Drive, a line 60 feet southeasterly of Mexico Street, 114th Road, and Farmers Boulevard; and
 - d. Linden Boulevard, 173rd Street, a line 100 feet southeasterly of Linden Boulevard, a line midway between 172nd Street and Merrick Boulevard, 115th Avenue, a line 75 feet southwesterly of 172nd Street, , a line 240 feet southeasterly of 115th Avenue, 172nd Street, 116th Avenue, a line 100 feet northeasterly of Merrick Boulevard, a northwesterly boundary line of The Roy Wilkins-Southern Queens Park and its southwesterly prolongation, Merrick Boulevard, Foch Boulevard, a line 100 feet southwesterly of Merrick Boulevard, a line 200 feet southeasterly of 116th Avenue, 171st Street, 116th Avenue, a line 100 feet southwesterly

of Merrick Boulevard, a line 200 feet southeasterly of Linden Boulevard, and 170th Street;

- 41. establishing within the proposed R5D District a C1-3 District bounded by Dunkirk Drive, a line 100 feet easterly of Farmers Boulevard, a line 100 feet northwesterly of Linden Boulevard, 190th Street, a line 100 feet southeasterly of Linden Boulevard, a line 100 feet easterly of Farmers Boulevard, 118th Avenue, Farmers Boulevard, a line 125 feet southeasterly of Baisley Boulevard, a line 100 feet westerly of Farmers Boulevard, Baisley Boulevard, Farmers Boulevard, Linden Boulevard, Everitt Place, a line 85 feet southerly of Linden Boulevard, Montauk Street, Linden Boulevard, Newburg Street, a line 85 feet northerly of Linden Boulevard, and a line 100 feet westerly of Farmers Boulevard;
- 42. establishing within the proposed R5D District a C2-3 District bounded by a line 85 feet northerly of Linden Boulevard, Newburg Street, Linden Boulevard, and the northeasterly boundary line of the Long Island Rail Road Right-of-Way (Montauk Division); and
- 43. establishing within the proposed R6A District a C2-3 District bounded by the southerly boundary line of St. Albans Memorial Park and its southwesterly prolongation, a line perpendicular to the northwesterly street line of Linden Boulevard distant 276 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Merrick Boulevard and the northwesterly street line of Linden Boulevard, Linden Boulevard, a line 130 feet southwesterly of Merrick Boulevard, 113th Avenue, and Merrick Boulevard;

as shown in a diagram (for illustrative purposes only) dated May 21, 2007, and subject to the conditions of CEQR Declaration E-186.

(On July 25, 2007, Cal. No. 13, the Commission scheduled August 8, 2007 for a public hearing. On August 8, 2007, Cal. No.42, the hearing was continued.)

Close the hearing.

No. 23

SUNNYSIDE GARDENS HISTORIC DISTRICT

CD 2

N 080005 HKQ

CONTINUED PUBLIC HEARING:

IN THE MATTER OF a communication dated July 6, 2007, from the Executive Director of the Landmarks Preservation Commission regarding the landmark designation

of the Sunnyside Gardens Historic District which consists of the property bounded by a line beginning at the northeast corner of Skillman Avenue and 43rd Street (Laurel Hill Avenue), extending northerly along the eastern curblineline of 43rd Street (Laurel Hill Avenue) to a point on a line extending westerly from the northern lot line of 39-05 43rd Street (Laurel Hill Avenue), easterly along said line and the northern lot lines of 39-24 through 39-16 44th Street (Locust Street) and part of the northern lot line of 39-14 44th Street (Locust Street), northerly along the western lot lines of 39-08 through 39-02 44th Street (Locust Street), to the southern curblineline of Barnett Avenue, northeasterly along the southern curblineline of Barnett Avenue, easterly across 45th Street (Packard Street) and easterly along the southern curblineline of 39th Avenue (Middleburg Avenue) to the southeast corner of 39th Avenue (Middleburg Avenue) and 47th Street (Carolin Street), northerly across 39th Avenue (Middleburg Avenue) to the northeast corner of 39th Avenue (Middleburg Avenue) and 47th Street (Carolin Street), northerly along the eastern curblineline of 47th Street (Carolin Street), easterly along the northern lot lines of 47-01 through 47-19 39th Avenue (Middleburg Avenue), easterly across 48th Street (Gosman Avenue), northerly along the eastern curblineline of 48th Street (Gosman Avenue), northeasterly along the southern curblineline of Barnett Avenue, easterly across 50th Street (Fitting Street), easterly along the southern curblineline of Barnett Avenue, southerly along the western curblineline of 52nd Street (Dickson Street) to the southern curblineline of 39th Avenue (Middleburg Avenue), easterly along the southern curblineline of 39th Avenue (Middleburg Avenue), southwestwesterly along the western curblineline of 52nd Street (Dickson Street) to a point on a line extending easterly from the southern lot line of 51-26 39th Avenue (Middleburg Avenue), westerly along said line and the southern lot lines of 51-26 through 51-02 39th Avenue (Middleburg Avenue), to the western curblineline of 51st Street (Stone Street), northerly along the western curblineline of 51st Street to a point on a line extending easterly from the southern lot line of 50-22 39th Avenue (Middleburg Avenue), westerly along said line and the southern lot lines of 50-22 through 50-02 39th Avenue (Middleburg Avenue) to the western curblineline of 50th Street (Fitting Street), northerly along the western curblineline of 50th Street (Fitting Street) to a point on a line extending easterly from the southern lot line of 39-02 50th Street (Fitting Street) aka 49-20 39th Avenue (Middleburg Avenue), westerly along said line and the southern lot lines of 49-26 through 49-12 39th Avenue (Middleburg Avenue), southerly along part of the eastern lot line of 39-09 49th Street (Heiser Street) and the eastern lot lines of 39-11 through 39-33 49th Street (Heiser Street), westerly along the southern lot line of 39-33 49th Street (Heiser Street) to the western curblineline of 49th Street (Heiser Street), southerly along the western curblineline of 49th Street (Heiser Street) to a point on a line extending easterly from the southern lot line of 40-17 48th Street (Gosman Avenue) aka 39-70 49th Street, (Heiser Street), westerly along said line and the southern lot lines of 40-17 48th Street (Gosman Avenue) to 40-31 48th Street (Gosman Avenue), to the western curblineline of 48th Street (Gosman Avenue), southerly along the western curblineline of 48th Street (Gosman Avenue) to a point on a line extending easterly from the southern lot line of 39-88 48th Street (Gosman Avenue), westerly along said line and the southern lot lines of 39-88 48th Street (Gosman Avenue) and 39-87 47th Street (Carolin Street), to the western curblineline of 47th Street (Carolin Street), southerly along the western curblineline of 47th Street (Carolin Street) to the southwestern corner of Skillman Avenue and 47th Street (Carolin Street), easterly across 47th Street (Carolin Street) and the southern curblineline of Skillman Avenue, southerly along the western curblineline of 48th Street (Gosman Avenue), to a point on a line extending easterly from the southern lot line of 43-20 48th Street (Gosman

Avenue), westerly along said line and the southern lot line of 43-20 48th Street (Gosman Avenue), southerly along part of the eastern lot line of 43-25 47th Street (Carolin Street), and the eastern lot lines of 43-31 through 43-37 47th Street (Carolin Street), westerly along the southern lot line of 43-37 47th Street (Carolin Street), to the western curblineline of 47th Street (Carolin Street), southerly along the western curblineline of 47th Street (Carolin Street), to a point on a line extending easterly from the southern lot line of 43-45 47th Street (Carolin Street), westerly along said line and the southern lot line of 43-45 47th Street (Carolin Street), northerly along the western lot lines of 43-45 through 43-02 47th Street (Carolin Street), to the northern curblineline of Skillman Avenue, westerly along the northern curblineline of Skillman Avenue, to the point of beginning, Borough of Queens.

(On August 8, 2007, Cal. No. 43, the hearing was continued.)

Close the hearing.

BOROUGH OF BROOKLYN

No. 24

45 SUMMIT STREET

CD 6

C 060477 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by LLJ Realty Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an M1-1 District to an R6 District property bounded by Carroll Street, a line 260 feet westerly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 100 feet westerly of Columbia Street, Summit Street, and a line 350 feet westerly of Columbia Street, as shown on a diagram (for illustrative purposes only) dated May 7, 2007.

(On August 8, 2007, Cal. No. 1, the Commission scheduled August 22, 2007 for a public hearing which has been duly advertised.)

Close the hearing.

No. 25

130 COURT STREET

CD 6

C 070156 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Two Trees Management Co. LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Section 23-47 (Minimum Required Rear Yards), Section 23-691 (Limited Height Districts), Section 23-711 (Standard minimum distance between buildings), Section 23-84 (Outer Court Regulations), Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines), Section 23-145 (For residential buildings developed or enlarged pursuant to the Quality Housing Program) and Section 36-33 (Requirements Where Group Parking Facilities Are Provided), to facilitate the development of a 6-story mixed use building on property located at 130 Court Street a.k.a. 182 Atlantic Avenue (Block 286, Lots 17 and 21), in an R6/C2-3 District, within a Special Limited Height District (LH-1).

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

(On August 8, 2007, Cal. No. 2, the Commission scheduled August 22, 2007 for a public hearing which has been duly advertised.)

Close the hearing.

Nos. 26 & 27

BAYRIDGE MIXED-USE DEVELOPMENT

No. 26

CD 10

C 060353 ZMK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by MSK Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22a:

1. changing from an M1-1 District to a C4-2 District property bounded by the southwesterly boundary line of the Long Island Railroad Right-of-Way (Bay Ridge Division), 8th Avenue, a line 175 feet northeasterly of 64th Street, and 7th Avenue;
2. changing from an M1-1 District to a C4-2A District property bounded by a line 175 feet northeasterly of 64th Street, 8th Avenue, 64th Street, a line 225 feet northwesterly of 8th Avenue, a line 150 feet northeasterly of 64th Street, and 7th Avenue; and
3. changing from an M1-2 District to a C4-2A District property bounded by a line 150 feet northeasterly of 64th Street, a line 225 feet northwesterly of 8th Avenue, 64th Street, and 7th Avenue;

as shown on a diagram (for illustrative purposes) dated May 21, 2007 and subject to the conditions of CEQR Declaration E-178.

(On August 8, 2007, Cal. No. 3, the Commission scheduled August 22, 2007 for a public hearing which has been duly advertised.)

Close the hearing.

No. 27

CD 10

C 060354 ZSK

PUBLIC HEARING:

IN THE MATTER OF an application submitted by MSK Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow a portion of a railroad yard which has been permanently discontinued or terminated to be included in the lot area of a proposed mixed use development on property located at 6200 8th Avenue (Block 5794, Lot 75), in a C4-2 District*.

* Note: The site is proposed to be rezoned from an M1-1 District to a C4-2 District under a concurrent related application (C 060353 ZMK).

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

(On August 8, 2007, Cal. No. 4, the Commission scheduled August 22, 2007 for a public hearing which has been duly advertised.)

Close the hearing.

BOROUGH OF MANHATTAN

No. 28

55 BROADWAY OFFICE SPACE

CD 1

N 080035 PXM

IN THE MATTER OF a Notice of Intent to acquire Office Space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 55 Broadway (Block 20, Lot 16) (NYPD's Lower Manhattan Security Initiative Center).

(On August 14, 2007, the Commission duly advertised August 22, 2007 for a public hearing.)

Close the hearing.

No. 29

95 WEST 95TH STREET GARAGE

CD 7

C 070381 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Columbus 95th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 100 spaces, including 43 accessory spaces, on portions of the ground floor, cellar and subcellar, and to allow floor space up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), within the C1-9 District portion of an existing mixed use building on property located at 95 West 95th Street (Block 1209, Lot 1), in C1-9 and R9 Districts.

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

(On August 8, 2007, Cal. No. 5, the Commission scheduled August 22, 2007 for a public hearing which has been duly advertised.)

Close the hearing.

No. 30

COLON PLAZA

CD 11

C 070513 HAM

PUBLIC HEARING:

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

- 1) Pursuant to article 16 of the General Municipal Law of New York State For:
 - a) the designation of property located at 1753 Madison Avenue, 55 East 115th Street (Block 1621, Lots 23-25), part of Sites 3A and 3B within the Milbank Frawley Circle East Urban Renewal Area, as an Urban Development Action; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a seven story mixed-use building, tentatively known as Colon Plaza, with approximately 55 residential units commercial and community facility space to be developed under the New York State Department of Housing and Community Renewal's Homes for Working Families program.

(On August 8, 2007, Cal. No. 6, the Commission scheduled August 22, 2007 for a public hearing which has been duly advertised.)

Close the hearing.

No. 31

800 6TH AVENUE GARAGE

CD 5

C 070086 ZSM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by Central Parking Systems pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 70 spaces on portions of the ground floor and cellar of an existing residential building on property located at 800 Avenue of the Americas (Block 829, Lots 1, 2, 3, 5, 6, and 74), in a C6-4X District.

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

(On August 8, 2007, Cal. No. 7, the Commission scheduled August 22, 2007 for a public hearing which has been duly advertised.)

Close the hearing.

No. 32

WEST CHELSEA DISTRICT TEXT

CD 4

N 070498 ZRM

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District), Community District 4, Borough of Manhattan.

Matter in underline is new, to be added;

Matter in ~~strike out~~ is old, to be deleted;

Matter within # # is defined in Section 12-10 (DEFINITIONS)

*** indicates where unchanged text appears in the Resolution

Article IX - Special Purpose Districts

Chapter 8
Special West Chelsea District

* * *

6/23/05

98-25
High Line Improvement Bonus

For #zoning lot# located between West 16th and West 19th Streets over which the #High Line# passes, the applicable basic maximum #floor area ratio# of the #zoning lot# may be increased up to the amount specified in Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), provided that:

- (a) Prior to issuing a building permit for any #development# or #enlargement# on such #zoning lot# that anticipates using #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished with a certification by the Chairperson of the City Planning Commission that:
 - (1) a contribution has been deposited into an escrow account or similar fund established by the City (the High Line Improvement Fund), or such contribution is secured by letter of credit or other cash equivalent instrument in a form acceptable to the City. Such contribution shall be used at the direction of the Chairperson solely for improvements to the #High Line# within the #High Line# improvement area applicable to such #zoning lot#, with such contribution being first used for improvements within that portion of the #High Line# improvement area on such #zoning lot#. Such contribution shall be made in accordance with the provisions of Appendix D or E, as applicable;
 - (2) a declaration of restrictions executed by all “parties in interest” to the #zoning lot#, as defined in paragraph (f)(4) of the definition of #zoning lot# in Section 12-10 (DEFINITIONS), including and incorporating such other instruments as are necessary to assure that the City’s interest in the restoration and reuse of the #High Line# as an accessible public open space is protected, as determined by the Department of City Planning in consultation with the Office of the Corporation Counsel, is filed and recorded in the Office of the Register of the City of New York; and
 - (3) all additional requirements of Appendix D or E, as applicable with respect to issuance of a building permit, have been met.

- (b) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 17th and West 18th Streets over which the #High Line# passes that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished a certification by the Chairperson of the City Planning Commission that:
- (1) if required pursuant to agreement with the City under Appendix D, #High Line# improvements within the #High Line# improvement area for such #zoning lot# have been performed in accordance with such agreement;
 - (2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix D;
 - (3) At-Grade Plaza Work has been performed on such #zoning lot# in the area shown in Diagram 3 of Appendix C, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work, in accordance with Appendix D;
 - (4) ~~stairway~~ Stairway and ~~elevator~~ Elevator ~~access~~ Access ~~work~~ Work has been performed on such #zoning lot# in the At-Grade Plaza area shown in Diagram 3 of Appendix C, or that an additional contribution to the #High Line# Improvement Fund to fund performance of such work has been made, except as otherwise provided in agreements and other instruments that provide for City construction of some or all of the Stairway and Elevator Access Work in the At-Grade Plaza, in accordance with Appendix D ; and
 - (5) all other applicable requirements of Appendix D have been met.

For temporary certificates of occupancy, certification with respect to performance of work required of owner shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work required of owner shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph, (b), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix D. In the event that owner has executed agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and for some or all of the Stairway and Elevator Access Work, in accordance with Appendix D, certificates of occupancy shall be issued if owner has substantially of finally

completed any aspects of the work required of owner pursuant to such agreements and other instruments, as the case may be, and is otherwise in full compliance with such agreements and instruments, including with respect to payment of all funds required pursuant to the terms thereof and Appendix D.

- (c) Prior to issuing a certificate of occupancy for any portion of a #development# or #enlargement# on a #zoning lot# located between West 16th and 17th Streets or between West 18th and 19th Streets over which the #High Line# passes that incorporates #floor area# that would increase the applicable basic maximum #floor area ratio# by up to an amount specified in Section 98-22, the Department of Buildings shall be furnished a certification by the Chairperson, that:
- (1) if required pursuant to agreement with the City under Appendix E, #High Line# improvements within the #High Line# improvement area for such #zoning lot# have been performed in accordance with such agreement;
 - (2) if elected by the owner, structural and remediation work has been performed on the #High Line# within the #High Line# improvement area for such #zoning lot#, in accordance with Appendix E;
 - (3) stairway and elevator access work has been performed on such #zoning lot#, in accordance with Appendix E;
 - (4) for #zoning lots# located between West 16th and 17th Streets over which the #High Line# passes, #High Line# Service Facility Work has been performed, in accordance with Appendix E; and
 - (5) all other applicable requirements of Appendix E have been met.

For temporary certificates of occupancy, certification with respect to performance of work shall be of substantial completion of the work as determined by the Chairperson. For permanent certificates of occupancy, certification with respect to performance of work shall be of final completion of the work, as determined by the Chairperson. In the event of a failure to perform work timely or to otherwise satisfy the requirements of this paragraph, (c), no temporary or permanent certificate of occupancy shall be issued for #floor area# above the applicable basic maximum #floor area# for the #zoning lot# specified in Section 98-22, and the City may perform all such work in accordance with the provisions of Appendix E.

* * *

6/23/05

98-40

SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

3/22/06

98-423

Street wall location, minimum and maximum base heights and maximum building heights

* * *

(e) Subarea H

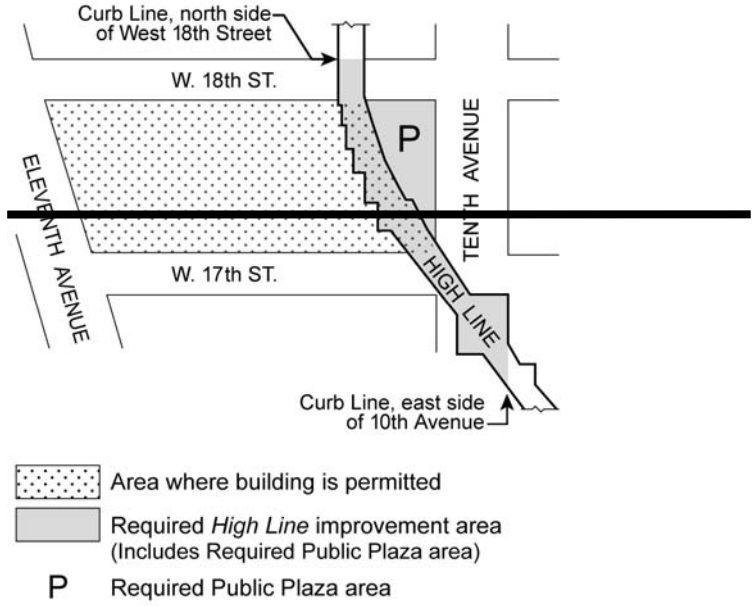
No #building or other structure# shall be located east of the #High Line#, unless otherwise specified in agreements and other instruments that provide for City construction of some or all of the At-Grade Plaza Work and some or all of the Stairway and Elevator Work, executed in accordance with Appendix D.

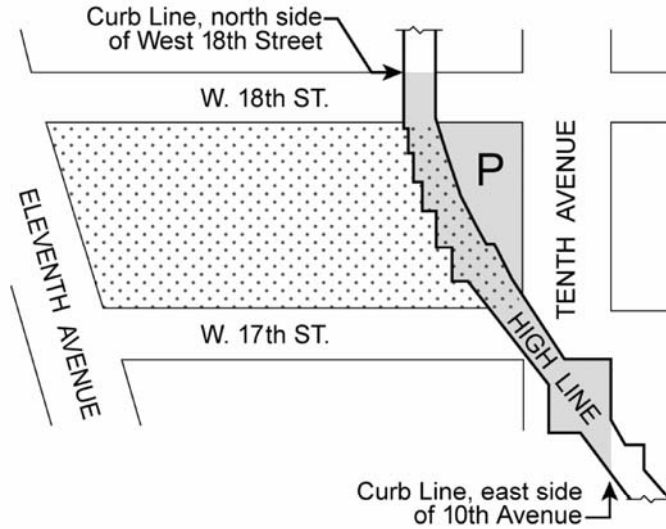
No portion of a #building or other structure# shall exceed a height of 85 feet except for two #buildings#, or portions of #buildings#, hereinafter referred to as “Tower East” and “Tower West.” At or above the base height, both such towers shall be set back at least 10 feet from any #street wall# facing a #wide street# and at least 15 feet from any #street wall# facing a #narrow street#. Such setbacks shall be provided at a height not lower than 60 feet, except that such setbacks may be provided at a height not lower than 40 feet, provided at least 65 percent of the #aggregate width of street walls# facing #narrow streets# and at least 60 percent of the #aggregate width of street walls# facing #wide streets# have a minimum base height of 60 feet.

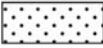

Tower East shall be located in its entirety within 240 feet of the Tenth Avenue #street line#, and Tower West shall be located in its entirety within 200 feet of the Eleventh Avenue #street line#. Tower East shall not exceed a height of 290 feet and Tower West shall not exceed a height of 390 feet. No portion of Tower East shall be located closer than 25 feet to any portion of Tower West.

A maximum of 50 percent of the #street wall# of Tower West may rise without setback from #narrow street line#. Such portion of the #street wall# shall be located a minimum of 15 feet and a maximum of 20 feet from the #narrow street line#.

Diagram 3 – Subarea H Requirements





-  Area where building is permitted
* except as described in Section 98-423 (e)
-  Required *High Line* improvement area
(Includes Required Public Plaza area)
- P** Required Public Plaza area

* * *

6/23/05

**Appendix D
Special Regulations for Zoning Lots utilizing the High Line Improvement bonus in Subarea H**

This Appendix sets forth additional requirements governing #zoning lots# located within Subarea H between West 17th and 18th Streets over which the #High Line# passes with respect to a #development# or #enlargement# which involves an increase in the applicable basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 (Maximum Floor Area Ratio in Subareas), with respect to: (1) the issuance of a building permit for such #development# or #enlargement# pursuant to paragraph (a) of Section 98-25 (High Line Improvement Bonus); and (2) the performance or funding of improvements as a condition of issuance of temporary or permanent certificates of occupancy pursuant to paragraph (b) of Section 98-25 for #floor area# in such #development# or #enlargement# which exceeds the basic maximum #floor area ratio# of the #zoning lot#. The term “parties in interest” as used herein shall mean “parties-in-interest,” as defined in paragraph (f)(4) of the definition of #zoning lot# under Section 12-10.

(a) Requirements for Issuance of Building Permit under paragraph (a) of Section 98-25

(1) As a condition of issuance of a building permit under paragraph (a) of Section 98-25:

- (i) Owner shall, subject to reduction pursuant to the other provisions of this Appendix, D, deposit into the #High Line# Improvement Fund, or secure by letter of credit or other cash equivalent instrument in a form acceptable to the City, a contribution of \$50.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot#, up to the amount specified in Section 98-22; provided, that in the event Owner has previously entered into agreements for construction of At Grade Plaza Work and Stairway and Elevator Access Work by the City pursuant to paragraph (a)(2) below and has made a contribution pursuant thereto, the amount of contribution to the #High Line# Improvement Fund under this subparagraph for purposes of Section 98-25, paragraph (a) shall be reduced by such amount at the time it is made;
- (ii) all parties-in-interest shall execute a restrictive declaration including easements to the City providing for: the location of and public access to and use of the At-Grade Plaza and the stairway and elevator that will provide access to the #High Line#, as shown in Diagram 3 of Appendix C, such easement area for the At-Grade Plaza to include the entire area of the #zoning lot# east of the #High Line# and such easement area as it relates to such stairway and elevator to be at least 2,500 square feet and in a location and configuration acceptable to the City; access for the potential performance by the City of work under the provisions set forth below; and maintenance and repair of the stairway and elevator. Such declaration shall incorporate by reference the maintenance and operating agreement referred to in paragraph (a)(1)(iii) below ; provided, that in the event Owner enters into agreements for construction of some or all of the At Grade Plaza Work and Stairway and Elevator Access Work by the City pursuant to paragraph (a)(2) below, the provisions of such restrictive declaration shall be modified as deemed necessary by the City to effectuate such agreements ; and
- (iii) Owner shall execute a maintenance and operating agreement for the At-Grade Plaza.

The easements and agreements described herein shall remain in force and effect irrespective of whether certificates of occupancy are issued pursuant to Section 98-25, paragraph (b).

- (2) Upon the request of Owner or the City, the City in its sole discretion, may enter into agreements with Owner, in a form acceptable to the City, providing for construction by the City of some or all of the At Grade Plaza Work described in paragraph (b)(2)(ii)(b) of this Appendix and some or all of the Stairway and Elevator Access Work described in paragraph (b)(3)(ii) by the City, including provisions with regard to the viability of retail space fronting the At-Grade Plaza. Pursuant to such agreements, Owner shall make a contribution of \$2,300,000 to a sub-account of the High Line Improvement Fund to fund such construction, which amount may be reduced in accordance with provisions of such agreements by an amount reflecting expenditures that owner has reasonably incurred or shall reasonably incur with respect to remediation work for the At Grade Plaza and any other work which is the responsibility of Owner pursuant thereto. All parties in interest shall execute a Restrictive Declaration pursuant to paragraph (a)(1)(ii) of this Appendix D with such modifications as deemed necessary by the City to effectuate such agreements.

(23) Upon the request of Owner, the City in its sole discretion, may elect to have Owner perform all #High Line# improvements (i.e., non-structural and non-remediation work) at its own expense within the #High Line# improvement area on such #zoning lot# and over #streets# contiguous to such #zoning lot#. In that event, certification under Section 98-25, paragraph (a), shall also be made upon execution of an agreement by Owner, approved by the Chairperson of the City Planning Commission, to perform such improvements, the cost of which shall be refunded or credited from the contribution to the #High Line# improvement. Such agreement may require Owner to reimburse the City for the costs of a full-time resident engineer to supervise such work.

(34) The location of #floor area# which would exceed the basic maximum #floor area ratio# and be subject to the provisions of Section 98-25 shall be considered to be the topmost portion of the #development# or #enlargement# unless, at the time of certification pursuant to Section 98-25, paragraph (a), Owner designates, subject to the concurrence of the Chairperson of the City Planning Commission, an alternate location.

- (b) Requirements for Issuance of Certificates of Occupancy under paragraph (b) of Section 98-25:
- (1) Structural Remediation Work under paragraph (b)(2) of Section 98-25

- (i) Owner may, at its option, elect to perform Structural Remediation Work on the portion of the #High Line# within the #High Line# improvement area on such #zoning lot# and over #streets# contiguous thereto in accordance with the provisions of this paragraph, (b). Owner may exercise such option following receipt of the City's specifications for the Structural Remediation Work or upon the City's failure to provide such specifications, as set forth in paragraphs (iv) and (v) below (unless such dates are extended by mutual agreement of the City and Owner, but in no event may exercise such option later than 90 days following receipt of a notice by the City of its intent to commence improvements to the #High Line# within the #High Line# improvement area applicable to the #zoning lot# within the next twenty-four months. In that event, the amount of contribution to the #High Line# Improvement Fund shall be reduced by \$21.00 per square foot of #floor area# which exceeds the basic maximum #floor area ratio# of the #zoning lot# up to the amount specified in Section 98-22 and the City shall refund or credit the Owner, as applicable, for any excess from or against the #High Line# Improvement Fund. In the event of exercise of such option, certification pursuant to Section 98-25, paragraph (b)(2), with respect to the Structural Remediation Work shall be of substantial completion with respect to issuance of any temporary certificate of occupancy, and of final completion with respect to issuance of any final certificate of occupancy.

- (ii) Such Structural Remediation Work shall include work on or under the #High Line# and above, at, and below grade, which shall be of the same quality and performance standards (i.e., with respect to use, useful life and maintenance requirements) as required for the remainder of the #High Line# (recognizing that there may be different standards for portions of the #High Line# that will be exposed to public view versus those that will not be so exposed) and shall include, but not be limited to, the following:
 - (a) Removal and disposal of all lead-based products in accordance with specifications provided by the City, and disposal of all waste, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;

 - (b) Repair of all damaged portions of the entire steel structure, including but not limited to railings,

- columns and footings, in accordance with the specifications provided by the City and all applicable rules, including those pertaining to historic preservation;
- (c) Recoating of the entire steel structure with the types of products and numbers of coats specified by the City;
 - (d) Repairs to damaged concrete; removal, disposal, and replacement of any concrete that is found to contain hazardous materials; and recoating of the entire concrete portion of the #High Line# as specified by the City, all in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities;
 - (e) Removal of any or all portions of the ballast material on the #High Line#, including but limited to gravel, railroad ties and steel rails, trash, plant material, and any other objectionable materials (including, but not limited to, asbestos and pigeon guano) that are found on or under the #High Line#, as specified by the City, and disposal of all such material in accordance with the rules and regulations of all appropriate regulatory agencies and disposal facilities. In the event that the City directs that any or all ballast material is to remain on the #High Line#, it shall be capped, as necessary, in accordance with the specifications provided by the City and the rules and regulations of all appropriate agencies. Any ballast material that is to remain, but also remain uncapped, shall be cleared and grubbed in accordance with specifications of the City; and
 - (f) Any work required to be performed below-grade for the anticipated improvements of the #High Line# for reuse as open space.
- (iii) Subject to the Not-To-Exceed Limit set forth in paragraph (c) of this Appendix, D, if Owner exercises the option to perform the Structural Remediation Work, it shall reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Structural Remediation Work, with associated costs (e.g., trailer, computer, telephone).

- (iv) The City shall consult with Owner regarding the drafting of the specifications for the Structural Remediation Work, and then provide Owner with such specifications by January 31, 2006, subject to delays outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not extend more than 180 days), unless such date is extended by mutual agreement between the City and Owner.
 - (v) In the event Owner exercises the option to perform the Structural Remediation Work, Owner shall have 12 months to complete such work following June 23, 2005, or of the date of exercise of such option, whichever is later, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, for any time during which Owner is unable to gain access in order to perform the Structural Remediation Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004.
 - (vi) In the event that the City does not provide the specifications for the Structural Remediation Work, within the timeframe set forth in paragraph (iv) of this Section, Owner may exercise the option to perform such work, and shall complete it within 12 months of the exercise of such option, unless such date is extended by mutual agreement between the City and Owner, and subject to reasonable extension for any delays as described in paragraph (b)(1)(v), but may use its own specifications, consistent with the description of the Structural Remediation Work set forth above and sound, high quality engineering, construction and workmanship standards and practices.
- (2) At-Grade Plaza Work under paragraph (b)(3) of Section 98-25:

The following shall apply – except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D that provide for construction of some or all of the At-Grade Plaza Work set forth in subparagraph (ii) (b) below by the City:

- (i) Owner shall perform At-Grade Plaza Work within the area on the #zoning lot# shown in Diagram 3 of Appendix C. For any temporary certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of substantial completion of the At-Grade Plaza Work (i.e., the At-Grade Plaza shall be open and accessible to the

public). For any permanent certificate of occupancy, certification pursuant to Section 98-25, paragraph (b)(3), shall be of final completion of the At-Grade Plaza Work. Substantial completion of the At-Grade Plaza Work shall also require execution by all parties-in-interest of the declarations, easements and maintenance and operating agreement described in paragraph (a) of Section (1) of this Appendix, if not previously provided in connection with issuance of a building permit.

- (ii) At-Grade Plaza Work shall include, but not be limited to:
 - (a) remediation work; and
 - (b) (i)all paving, plantings, surface treatments, lighting, trees, seating, fountains and other site amenities; and
 - (e) (ii)infrastructure work, including conduits, drainage, water line, electrical connections, and other utility work serving the At-Grade Plaza

- (iii) The At-Grade Plaza Work shall be performed by Owner pursuant to construction documents provided by the City by ~~September 30, 2006~~January 31, 2008, ~~subject to delays outside the reasonable control of the City (including, without limitation, litigation, but such delays shall not exceed more than 180 days), and to such extension as the City and Owner may mutually agree.~~ The At-Grade Plaza Work shall be completed within one year following ~~the later of June 23, 2005, or the receipt of such documents,~~ January 31, 2008, subject to reasonable extension for any delays beyond Owner's reasonable control and to such extension as the City and Owner may mutually agree, and, in addition, for any time during which Owner is unable to gain access in order to perform the At-Grade Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon ~~December 20, 2004~~[date of text referral], or for any time needed to perform any necessary remediation work on the #zoning lot#.

- (iv) In no event shall Owner be required to complete the At-Grade Plaza Work until the #High Line# improvements within the portion of the #High Line# Improvement Area adjacent to the #zoning lot# (and, as applicable, over such Improvement Area, as shown on Diagram 3 of Appendix C), are substantially complete (i.e., open to the public but for the work needed to complete the At-Grade Plaza Work). Notwithstanding the foregoing, in no event shall Owner be

entitled to certification pursuant to Section 98-25, paragraph (b)(3), until the Chairperson determines that the At-Grade Plaza Work is substantially complete.

- (v) The cost to Owner of the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph, (b)(3) of this Section) shall not exceed \$2,300,000. The amount of contribution to the #High Line# Improvement Fund under subdivision (a) of section (1) of this Appendix made for purposes of Section 98-25, paragraph (a), shall be reduced by such amount at the time it is made. In addition to the costs of the At-Grade Plaza Work, subject to the Not-To-Exceed Limit set forth paragraph (c) of this Appendix, D. Owner shall be required to reimburse the City for:
 - (a) the reasonable cost of developing the plans and construction documents for the At-Grade Plaza Work; and
 - (b) the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).

- (vi) In the event that construction documents for the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) are not delivered to Owner within the timeframe set forth in paragraph (3) of this subsection, Owner shall not be required to perform the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) consistent with such documents. Instead, Owner shall perform Alternate At-Grade Plaza Work which shall include all necessary remediation work, all necessary below-grade work (including related infrastructure work necessary to support the #High Line#), and at-grade improvements pursuant to the standards set forth in Section 37-04, paragraphs (g) through (n) of the Zoning Resolution, except that open-air cafes and kiosks shall not be permitted. Permitted obstructions, whether as described in the City's specifications for the At-Grade Plaza Work or as specified in Section 37-04, paragraph (g), for the Alternate At-Grade Plaza Work, shall not count towards #lot coverage#.

- (vii) The cost to the Owner of the Alternate At-Grade Plaza Work shall not exceed \$1,400,000. In addition, Owner shall, subject to the Not-To Exceed Limit of paragraph (c) of this Appendix, D, be required to reimburse the City for the reasonable cost of hiring or procuring the services of a full-time resident engineer to supervise the Alternate At-Grade Plaza Work, with associated costs (e.g., trailer, computers, telephone).
 - (viii) Upon substantial completion of the At-Grade Plaza and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4), Owner shall provide the City with the declarations, easements and maintenance and operating agreement described in subsection (a) of section (1) of this Appendix, if not already provided in connection with the issuance of a building permit; such At-Grade Plaza shall be open and accessible to the public during at least the same hours during which the #High Line# is open and accessible to the public, subject to the terms of the maintenance and operating agreement; and Owner shall maintain the At-Grade Plaza pursuant to the terms of the maintenance and operating agreement.
- (3) Stairway and Elevator Access Work under paragraph (b)(4) of Section 98-25:

The following shall apply except to the extent that agreements and other instruments in a form acceptable to the City have been executed pursuant to paragraph (a)(2) of this Appendix D that provide for the construction of some or all of the Stairway and Elevator Access Work described in subparagraph (ii) below by the City:

- (i) Except as provided in paragraph (b)(3)(iii) of this Section, Owner shall perform Stairway and Elevator Access Work within the At-Grade Plaza area as shown in Diagram 3 of Appendix C in conjunction with performance of the At-Grade Plaza Work. For temporary certificates of occupancy, certification pursuant to Section 98-25, paragraph (b)(4), shall be of substantial completion of the Stairway and Elevator Access Work (i.e., the stairway and elevator could be made open and accessible to the public). For permanent certificates of occupancy, certification pursuant to such Section shall be of final completion of the work.

- (ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator, shall be included in the construction drawings for the At-Grade Plaza Work described above, and shall be performed by Owner within the time period for performance of the At-Grade Plaza Work described in paragraph (c) of this Section. The location for the stairway and elevator shall take into account the viability of any retail spaces fronting the At-Grade Plaza.
- (iii) Owner shall not be responsible for performance of the Stairway and Elevator Access Work where it performs the Alternate At-Grade Plaza Work in accordance with paragraph (b) of this Section. In that event, prior to commencing the Alternate At-Grade Plaza Work and in any event as a condition of certification of substantial completion pursuant to Section 98-25, paragraph (b)(4):
 - (a) Owner shall deposit into the #High Line# Improvement Fund, a contribution of \$900,000.00 (the Access Contribution), to be used at the direction of the Chairperson of the City Planning Commission for construction of stairway and elevator facilities on the #zoning lot#, and
 - (b) Owner shall provide the City with the declarations, easements, and maintenance and operating agreement described in paragraph (a)(1) of this Appendix, if not previously provided in connection with issuance of a building permit.
- (4) City Performance of Work In the Event of Failure to Perform:
 - (i) In the event Owner has not completed any of the #High Line# Improvement Work (where an agreement for performance of such work has been executed under paragraph (a) of this Appendix, D, Structural Remediation Work (where Owner has exercised the option under paragraph (b)(1) of this Appendix), the At-Grade Plaza Work or Alternate Plaza Work, as applicable, and the Stairway and Elevator Access Work (where required to do so under paragraphs (b)(2)and (b)(3) of this Appendix), by a time at which the City has completed portions of the #High Line# (i.e., such that such portions are open and accessible to the public) immediately on either side of the #High Line# improvement area for the #zoning lot#, as shown on Diagram 3 of Appendix C, and a relevant deadline for performance of such work under paragraphs (b)(1), (b)(2) or (b)(3) has passed, subject to the

provisions of such sections relating to extension by mutual agreement or delay, the City, at its sole option, may, upon written notice to Owner, notify Owner of its intent to proceed with performance and/or completion of the relevant work at its own expense.

- (ii) The City may proceed with performance and/or completion of the work following such notice unless Owner:
 - (a) within 45 days following such notice, submits to the Department of City Planning a reasonable schedule (not to exceed 12 months in total), unless such date is extended by mutual agreement between the City and Owner, for completion of the relevant work, as applicable, which schedule shall be subject to review and reasonable approval by the City; and
 - (b) completes the relevant work in accordance with such schedule, subject to reasonable extension for any delays beyond Owner's reasonable control and, in addition, any time in which Owner is unable to gain access in order to perform the At-Grade Plaza Work or Alternate Plaza Work due to the actions of a tenant occupying the #zoning lot#, or portion thereof, upon December 20, 2004, or for any time during which remediation work is in progress on the #zoning lot#.
- (iii) In the event Owner does not comply with the requirements of paragraph (b)(4)(ii):
 - (a) the City may proceed with performance and/or completion of relevant work, and may obtain access to perform such work pursuant to the easements described in paragraph (1) of Section (a) of this Appendix;
 - (b) the City shall return to Owner any contribution made to the #High Line# Improvement Fund; and
 - (c) no building permit may be issued pursuant to Section 98-25, paragraph (a), nor any temporary or permanent certificate of occupancy may be issued pursuant to Section 98-25, paragraph (b), for #floor area# in a #development# or #enlargement# which exceeds the maximum #floor area# of the #zoning lot#.

(c) Reimbursement Not-To-Exceed Limits

Reimbursement of the City by Owner of costs pursuant to this Appendix shall not exceed a total of \$450,000.00.

* * *

(On August 8, 2007, Cal. No. 10, the Commission scheduled August 22, 2007 for a public hearing which has been duly advertised.)

Close the hearing.

CITYWIDE

No. 33

PRIVATELY OWNED PUBLIC PLAZAS TEXT AMENDMENT

CITYWIDE

N 070497 ZRY

PUBLIC HEARING:

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York to revise provisions related to privately owned public plazas.

Matter in underline is new, to be added;

Matter in ~~strike-out~~ is old, to be deleted;

Matter within # # is defined in Section 12-10 (DEFINITIONS)

*** indicates where unchanged text appears in the Resolution

* * *

Article I

Chapter 2: Construction of Language and Definitions

* * *

12-10

DEFINITIONS

* * *

Arcade

An "arcade" is a continuous covered space fronting on and open to a #street#, ~~#residential plaza# or #urban plaza#, or #publicly accessible open area#~~ and #developed# in accordance with the provisions set forth in Section ~~27-60~~ 37-80.

* * *

Plaza

A "plaza" is an open area for public use on a #zoning lot developed#, from December 15, 1961 prior to June 11, 1996, in accordance with the requirements set forth in Appendix E, Section 27-50 (PLAZA STANDARDS OF 1961).

Plaza, public

A "public plaza" is an open area for public use on a #zoning lot developed# in accordance with the requirements set forth in Section 37-70.

Plaza, residential

A "residential plaza" is an open area for public use on a #zoning lot developed# from March 2, 1977 to (the applicable date of the amendment), in accordance with the requirements set forth in Appendix E, Article II, Chapter 7.

Plaza, urban

An "urban plaza" is an open area for public use on a #zoning lot developed#, from April 16, 1975 prior to June 11, 1996, in accordance with plans certified by the Chairperson of the City Planning Commission or, after from June 13, 1996 to (the applicable date of the amendment) in accordance with the requirements set forth in Appendix E, Section 37-04.

* * *

Public Plaza – see Plaza, public

Publicly accessible open area

A "publicly accessible open area" is an open area for public use on a #zoning lot developed# in accordance with the requirements of a #plaza#, #residential plaza#, #urban plaza# or #public plaza#.

* * *

Street, wide

A "wide street" is any #street# 75 feet or more in width. In C5-3, C6-4 or C6-6 Districts, when a #front lot line# of a #zoning lot# adjoins a portion of a #street# whose average

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

* * *

Through block arcade

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

* * *

Article I

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

* * *

13-01

Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5, 6, 7 and 8, and the portion of Queens Community Districts 1 and 2 bounded by Queens Plaza North, 21st Street, 41st Avenue, 29th Street, 40th Road, Northern Boulevard, 43rd Street, Skillman Avenue, 39th Street, 48th Avenue, 30th Street, 49th Avenue, Dutch Kills Canal, Newtown Creek, Second Street, 50th Avenue, Center Boulevard, 49th Avenue, Fifth Street, Anable Basin, and the East River ("Long Island City subject area"), #accessory# off-street parking spaces, #public parking lots# and #public parking garages# shall be used or #developed# in accordance with the provisions of this Chapter, except as otherwise provided in Section 13-011 (Exceptions). In the event of a conflict between the provisions of this Chapter and those contained in special purpose district regulations or Sections 26-05 (Curb Cuts) or ~~37-01~~ 37-30 (Special Urban Design Guidelines — Streetscape STREETSCAPE), the more restrictive provisions shall apply. For the purpose herein, the more restrictive provisions shall be considered those which permit the:

- (a) fewest number of parking spaces;
- (b) most exclusive use of parking spaces; and
- (c) most limited location of curb cuts.

* * *

Article II
Chapter 3: Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-132
Balconies in R6 through R10 Districts

R6 R7 R8 R9 R10

In the districts indicated, balconies may project into or over any required open area within ~~an #urban plaza#~~, a #publicly accessible open area#, a #rear yard#, an #initial setback distance#, any open areas not occupied by ~~# towers #~~, any required side or rear setbacks, or any required #open space#, provided that such balcony:

* * *

23-16
Existing Public Amenities For Which Floor Area Bonuses Have Been Received

- (a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing ~~#plaza#~~ #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

- (b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing

~~#plaza#, #plaza# connected open area or #residential plaza# #publicly accessible open area#~~ for which a #floor area# bonus has been received, pursuant to Section ~~37-06 37-727~~ (~~Nighttime Closing of Existing Public Open Areas Hours of Access~~).

(c) Elimination or reduction in size of existing public Amenities

In all districts, no existing ~~#plaza#, #plaza# connected open area, #residential plaza#, #publicly accessible open area#, #arcade#~~ or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of ~~existing bonused~~ public amenities).

* * *

23-71

Minimum Distance between Buildings on a Single Zoning Lot

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum distance between a #residential building# and any other #building# on the same #zoning lot# shall be as provided in this Section except that these provisions do not apply:

- (a) to the extent that such two #buildings# are separated from each other by a #rear yard equivalent# as set forth in Section 23-533 (Required rear yard equivalents);
- (b) to space between a one-family, #two-family#, or three-family #residence# and a garage #accessory# thereto; or
- (c) to abutting new #buildings# maintaining a continuous #street wall# with a permitted front wall setback not exceeding 10 feet on a #wide street# or 15 feet on a #narrow street# for the entire length of all #street lines# of a #zoning lot# that fronts on a #wide street# in an R10 or equivalent #Commercial District#. In no event shall the depth of such #zoning lot# as measured from the #wide street# exceed 125 feet and its maximum permissible #floor area ratio# exceed 10.0. ~~However, any #zoning lot# which existed prior to February 1, 1981, for which a building permit application has been filed before September 24, 1981, may reach a maximum #floor area ratio# of 12.0 provided that such #zoning lot# maintains a continuous #street wall# along its entire #wide street# frontage with a front wall setback not exceeding 10 feet on a #wide street# or 15 feet on a #narrow street# for the new #building# or would, but for the frontage of a corner #residential plaza#, maintain such a continuous #street wall#.~~

* * *

Article II
Chapter 4: Bulk Regulations for Community Facility Buildings in Residence Districts

* * *

24-11
Maximum Floor Area Ratio and Percentage of Lot Coverage

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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

Section 24-13	(Floor Area Bonus for Deep Front and Wide Side Yards)
Section 24-14	(Floor Area Bonus for a Residential <u>Public</u> Plaza)
Section 24-15	(Floor Area Bonus for Arcades)
Section 24-17	(Special Provisions for Zoning Lots Divided by District Boundaries).

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

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

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

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE			
#Lot coverage# (percent of #lot area#)			
#Floor Area Ratio#	#Corner Lot#	#Interior Lot# or #Through Lot#	District
1.00	60	55	R1

1.00	60	55	R2
1.00	60	55	R3
2.00	60	55	R4
2.00	60	55	R5
4.80	70	65	R6
3.00	80	60	R6A
2.00	80	60	R5D R6B
4.80	70	65	R7-1
6.50	70	65	R7-2
4.00	80	65	R7A
3.00	80	65	R7B
5.00	80	70	R7X
6.50	75	65	R8
6.50	80	70	R8A
4.00	80	70	R8B*
6.00	80	70	R8X
10.00	75	65	R9
7.50	80	70	R9A
9.00	80	70	R9X
10.00	75	65	R10
10.00	100	70	R10A R10X

* In R8B Districts, within the boundaries of Community Board 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall not exceed 5.10.

However, the #floor area ratios# listed in this table shall not apply to #community facility uses# that are subject to the provisions of Section 24-111 (Bulk regulations for certain community facility uses).

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

In R9 or R10 Districts, the bonus provisions of Sections 24-14 (Floor Area Bonus for a ~~Residential~~ Public Plaza) or 24-15 (Floor Area Bonus for Arcades) shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

* * *

24-112

Existing public amenities for which floor area bonuses have been received

- (a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing ~~#plaza#~~ #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

- (b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing ~~#plaza#, #plaza# connected open area or #residential plaza#~~ #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section ~~37-06 37-727 (Nighttime Closing of Existing Public Open Areas Hours of Access)~~.

- (c) Elimination or reduction in size of existing public amenities

In all districts, no existing ~~#plaza#, #plaza# connected open area, #residential plaza#, #publicly accessible open area#, #arcade#~~ or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

* * *

**24-14
Floor Area Bonus for a Residential Public Plaza**

R9 R10

In the districts indicated, for each square foot of a ~~#residential public plaza#~~, subject to the provisions of ~~Article II, Chapter 7 (Special Urban Design Guidelines—Residential Plazas and Arcades) and Section 37-02 (Applicability of Article II, Chapter 7 to Residential Plazas and Arcades)~~ Section 37-70, provided on a #zoning lot#, the total #floor area# permitted on that #zoning lot# under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased by six square feet.

**24-15
Floor Area Bonus for Arcades**

R9 R10

In the districts indicated, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section ~~27-60~~ 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased by three square feet.

* * *

**24-53
Alternate Front Setbacks**

R6 R7 R8 R9 R10

In the districts indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 24-52 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such an open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 24-51 (Permitted Obstructions) or 24-54 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table, and the #sky exposure plane# shall be measured from a point above the #street line#.

If the open area provided under the terms of this Section is a ~~#residential public plaza#~~, such open area may be counted for the bonus provided for a ~~#residential public plaza#~~ in the districts indicated in Sections 24-14 (Floor Area Bonus for a Residential Public Plaza) and 24-23 (~~Lot Area Bonus for a Residential Plaza or Arcade~~).

* * *

Article II

Chapter 6: Special Urban Design Guidelines - Streetscape

* * *

26-141 Arcades

#Arcades# shall be bonused only where the #zoning lot# of a #development# occupies:

- (a) the entire #street line# of a #block# and when the #arcade# extends the full length of such #street# frontage; or
- (b) a portion of the #street line# of a #block# and the contiguous #zoning lot# contains an #arcade# extending the full length of the #street# frontage, and no walls are existing where the two #arcades# abut; or where the contiguous #zoning lot# is vacant. Such #arcade# shall be located at the same elevation as the existing #arcade#.

#Arcades# may be interrupted by a bonusable #open space# such as a ~~#residential plaza#~~ #publicly accessible open area#.

* * *

26-143 Street wall articulation

When any building wall of a #development# that is five feet or more in height adjoins a sidewalk, a ~~#residential plaza#~~ #public plaza# or an #arcade#, at least 25 percent of the total surface area of such walls between #curb level# and 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#.

Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of two feet.

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

* * *

Article II
Chapter 7
Special Urban Design Guidelines – Residential Plazas and Arcades

Sections 27-00 through 27-50 has been deleted and moved to Appendix E
Section 27-60 has been edited and moved to Section 37-80

* * *

Article III
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~~ 33-13, paragraph (a b) and ~~33-16~~ 33-15, paragraph (a).

* * *

33-12
Maximum Floor Area Ratio

C1 C2 C3 C4 C5 C6 C7 C8

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

- Section 33-13 (Floor Area Bonus for a ~~Residential~~ Public Plaza)
- ~~Section 33-14 (Floor Area Bonus for an Urban Plaza)~~
- Section ~~33-15~~ 33-14 (Floor Area Bonus for Arcades)
- Section ~~33-16~~ 33-15 (Floor Area Bonus for Front Yards)
- Section ~~33-17~~ 33-16 (Special Provisions for Zoning Lots Divided by District Boundaries)

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

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

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

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

(a) In contextual Commercial Districts

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

(b) In Community Board 7, Borough of Manhattan

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

(c) In C6-1A Districts

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

(d) In C6-4X Districts

In C6-4X Districts, a #floor area# bonus shall only be permitted for a ~~n #urban~~ public plaza pursuant to Section ~~33-14~~ 33-13.

* * *

33-124

Existing public amenities for which floor area bonuses have been received

(a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing ~~#plaza#~~ #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

(b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #plaza# or #plaza#-connected open area #publicly accessible open area# for which a #floor area# bonus has been received by certification of the City Planning Commission, pursuant to Section ~~37-05~~ 37-73 (Improvement of Existing Plazas or Plaza-Connected Open Areas Kiosks and Open Air Cafes).

- (c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #plaza#-connected open area, #residential plaza# or #urban plaza# #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section ~~37-06~~ 37-727 (Nighttime Closing of Existing Public Open Areas Hours of Access).

- (d) Elimination or reduction in size of existing public amenities

In all #Commercial Districts#, no existing #publicly accessible open area# #plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of ~~existing~~ bonused public amenities).

33-13
Floor Area Bonus for a Residential Public Plaza

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

- (a) #Community facility buildings#

In the districts indicated, and in other C1 or C2 Districts when mapped within R9 or R10 Districts, for #community facility buildings#, for each square foot of ~~#residential public plaza developed#~~ in accordance with ~~Article II, Chapter 7 Section 37-70 (PUBLIC PLAZAS)~~, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #community facility building# or a #building# used for both #commercial# and #community facility uses# may be increased by six square feet.

33-14
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 b) #Commercial buildings#

In the districts indicated, for #commercial buildings#, for each square foot of #~~urban~~ public plaza developed# in accordance with Section ~~37-04~~ 37-70 (~~Requirements for Urban Plazas~~ PUBLIC PLAZAS), the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #commercial building# may be increased as set forth in the following table:

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

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

(b c) #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~~ public plaza developed# in accordance with Section ~~37-04~~ 37-70 the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 may be increased as set forth in the following table:

Districts	Permitted Square Feet of #Floor Area# per Square Foot of # Urban Public Plaza#
C5-3 C5-5 C6-6 C6-7 C6-9	10 square feet

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

33-15 33-14
Floor Area Bonus for Arcades

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

- (a) In the districts indicated, for #commercial buildings#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section ~~27-60~~ 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) for a #commercial building# may be increased as set forth in the following table:

FLOOR AREA BONUS

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

- (b) In the districts indicated, and in C1 or C2 Districts when mapped within an R9 or R10 District, for #community facility buildings#, for each square foot of #arcade# provided on a #zoning lot# in accordance with the provisions of Section ~~27-60~~ 37-80, the total #floor area# permitted on that #zoning lot# under the provisions of Section 33-12 for a #community facility building# or a #building# used for both #commercial# and #community facility uses# may be increased as set forth in the following table:

* * *

33-16 33-15
Floor Area Bonus for Front Yards

~~33-161~~ 33-151

In districts with bulk governed by Residence District bulk regulations

* * *

~~33-162~~ 33-152

In certain other Commercial Districts

C3 C4-1

In the districts indicated, the provisions set forth in Section ~~33-161~~ 33-151 shall also apply as set forth in the following table:

Districts	Maximum #Floor Area Ratio#
C3	1.60
C4-1	2.40

~~33-17~~ 33-16

Special Provisions for Zoning Lots Divided by District Boundaries

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to other regulations resulting in different maximum #floor area ratios# on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

* * *

33-44

Alternate Front Setbacks

C1 C2 C3 C4 C5 C6 C7 C8

In all districts as indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in

such instances, except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-45 (Tower Regulations) or 85-04 (Modifications of Bulk Regulations), no #building# or other structure# shall penetrate the alternate #sky exposure plane# set forth in this Section, and the #sky exposure plane# shall be measured from a point above the #street line#.

If the open area provided under the terms of this Section is a ~~#residential plaza# or #urban plaza#~~ #public plaza#, such open area may be counted for the bonus provided for a ~~#residential plaza# or #urban plaza#~~ #public plaza# in the districts indicated in Sections 33-13 (Floor Area Bonus for a Residential Public Plaza) and ~~33-14 (Floor Area Bonus for an Urban Plaza)~~.

In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of its total #floor area# in #residential use#.

* * *

33-455

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

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

In the districts indicated, if a #zoning lot# is bounded by at least two #street lines#, a tower may occupy the percent of the #lot area# of a #zoning lot# set forth in this Section, provided that, except as otherwise set forth in Section 33-457 (Tower setbacks on narrow blocks), all portions of any #building# or #buildings# on such #zoning lot#, including such tower, are set back from #street lines# as required in this Section.

- (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~~ 33-13 (Floor Area Bonus for a ~~n Urban~~ Public Plaza) or Section ~~33-15~~ 33-14 (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~~ 33-13 or ~~33-15~~ 33-14, 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~~ 33-13, or ~~33-15~~ 33-14, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.

* * *

33-456

Alternate setback regulations on lots bounded by two or more streets

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

In the districts indicated, except as otherwise set forth in Section 33-457 (Tower setbacks on narrow blocks), if a #zoning lot# is bounded by at least two #street lines#, a tower occupying not more than the percent of #lot area# set forth in Section 33-451 (In certain specified Commercial Districts) or 33-454 (Towers on small lots), may be set back from a #street line# as follows:

- (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~~ 33-13 or ~~33-15~~ 33-14, 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~~ 33-13 or ~~33-15~~ 33-14, provided that such fraction shall be no less than one-seventh, and provided further that such setback need not exceed 35 feet.
- (c) Notwithstanding any other provisions set forth in this Section, no tower built under the provisions of this Section shall be set back less than 25 feet from the #street line# on #narrow streets# or less than 15 feet from the #street line# on #wide streets#.

* * *

Article III**Chapter 4: Bulk Regulations for Residential Buildings in Commercial Districts**

* * *

34-113**Existing public amenities for which floor area bonuses have been received**

- (a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which no #floor area# bonus has been utilized that occupies the same #zoning lot# as an existing ~~#plaza#~~ #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

- (b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #plaza# or #plaza#-connected open area #publicly accessible open area# for which a #floor area# bonus has been received, by certification of the City Planning Commission pursuant to Section ~~37-05~~ 37-73 (~~Improvement of Existing Plazas or Plaza-Connected Open Areas~~ Kiosks and Open Air Cafes).

- (c) Nighttime closing of existing public open areas

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing ~~#plaza#, #plaza#-connected open area, #residential plaza# or #urban plaza#~~ #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section ~~37-06~~ 37-727 (~~Nighttime closing of existing public open areas~~ Hours of Access).

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

In all #Commercial Districts#, no existing ~~#plaza#, #plaza#-connected open area, #residential plaza#~~ #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

* * *

**34-221
Maximum floor area ratio**

C1 C2 C3 C4 C5 C6

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

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

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

Section ~~34-225~~ 34-224 (Floor area bonus for an arcade)

Section ~~34-226~~ 34-225 (Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan).

* * *

**34-223
Floor area bonus for a ~~residential~~ public plaza**

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

In the districts indicated, except for #buildings developed# pursuant to the Quality Housing Program, for each square foot of #~~residential~~ public plaza developed# in accordance with the provisions of ~~Article II, Chapter 7 Section 37-70 (PUBLIC PLAZAS)~~, the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.

**~~34-224
Floor area bonus for an urban plaza~~**

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

~~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 Urban Plazas), the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.~~

~~34-225~~ **34-224**

Floor area bonus for an arcade

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

In the districts indicated, except for #buildings developed# pursuant to the Quality Housing Program, for each square foot of #arcade developed# in accordance with the provisions of Section ~~27-60~~ 37-80 (ARCADES), the total #floor area# permitted on that #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by three square feet.

~~34-226~~ **34-225**

Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan

* * *

Article III

Chapter 5: Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-24

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

* * *

(b)(3)

In the districts indicated, and in other C4, C5 or C6 Districts with a #residential# equivalent of an R8, R9 or R10 District where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the #street wall# location requirements shall be as set forth in paragraph (b)(2), inclusive, of this Section, except that a #street wall# with a minimum height of 12 feet shall be required on a #narrow street line# beyond 50 feet of its intersection with a #wide street#, and shall extend along such entire #narrow street# frontage of the #zoning lot#.

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

* * *

35-312

Existing public amenities for which floor area bonuses have been received

- (a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing ~~#plaza#~~ #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

- (b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #plaza# or #plaza#-connected open area #publicly accessible open area# for which a #floor area# bonus has been received by certification of the City Planning Commission, pursuant to Section ~~37-05 37-73~~ (Improvement of Existing Plazas or Plaza-Connected Open Areas Kiosks and Open Air Cafes).

- (c) Nighttime closing of existing public open area

In all #Commercial Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing ~~#plaza#, #plaza#-connected open area, #residential plaza# or #urban plaza#~~ #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section ~~37-06 37-727~~ (Nighttime closing of existing public open areas Hours of Access).

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

In all #Commercial Districts#, no existing ~~#plaza#, #plaza#-connected open area, #residential plaza#, #urban plaza#~~ #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

* * *

35-35

Floor Area Bonus for a Residential Plaza, Urban Plaza or Arcade 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# 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# or #arcade# shall be counted only once in determining a bonus.~~

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

~~(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 35-353 shall not apply.~~

~~C6 4X~~

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

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

**35-351
Residential plazas**

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

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

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

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

~~C6-1 C6-2 C6-3~~

- ~~(e) — In the districts indicated, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #residential plaza developed# in accordance with the provisions set forth in Article II, Chapter 7, the total #floor area# permitted on such #zoning lot# under the provisions of Section 33-12 (Maximum Floor Area Ratio) may be increased by four square feet, except that in C6-3 Districts, the maximum #floor area# permitted for #buildings# containing #community facility uses# may be increased by six square feet.~~

35-352

Urban plazas

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

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

~~C6-4X~~

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

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

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

35-35

Floor Area Bonus for Public Plaza or Arcade in Connection with Mixed Buildings

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

In the districts indicated, and in C1 and C2 Districts mapped within R9 or R10 Districts, #floor area# bonus provisions for #public plazas# and #arcades# shall apply as set forth in this Section. Any #floor area# bonus for a #public plaza# 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 #public plaza# or #arcade# shall be counted only once in determining a bonus.

(a) Prohibition of public plaza and arcade bonuses

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

(1) In the districts indicated, and in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.

(2) Within the boundaries of Community District 7, Borough of Manhattan, no #floor area# bonuses shall be permitted for #public plazas# or #arcades#.

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

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

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

(c) In the districts indicated, except C6-4X Districts, if more than 50% of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #public plaza# developed in accordance with Section 37-70 (PUBLIC PLAZAS), the total #floor area# permitted on that #zoning lot# under the provision of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased by six square feet.

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

(d) In the districts indicated, if 50% or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Section 33-13 and 33-14 shall apply.

C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9

(e) In the districts indicated, the provisions of Section 33-13 and 33-14 shall apply.

C6-4X

(f) In the district indicated, if all #dwelling units# in the #development# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section 33-13 shall apply.

* * *

35-40 APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# or #rooming units# on a #zoning lot# containing a #mixed building# shall equal the maximum #residential floor area# permitted for the #zoning lot# determined in accordance with the provisions set forth in Section 35-30 (APPLICATION OF FLOOR AREA AND OPEN SPACE REGULATIONS TO MIXED BUILDINGS) divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of density regulations to mixed buildings.

For a #mixed building# in a #predominantly built-up area# of a C1 District mapped within an R5 District, the maximum permitted #commercial# FAR is 1.0, the maximum permitted #community facility# FAR is 2.0 and the maximum permitted #residential# FAR is 1.65, provided the total FAR for all #uses# on the #zoning lot# does not exceed 2.0, pursuant to Section 35-30. On a 10,000 square foot #zoning lot developed# with 1.0 FAR of #commercial use# and .2 FAR of #community facility use#, the maximum #residential floor area ratio# permitted for such #mixed building# is .8. The maximum number of #dwelling units# permitted on the #zoning lot# is 9 (10,000 x .8 divided by a factor of 900, pursuant to Section 23-22).

For a #mixed building# where the #residential# portion is #developed# pursuant to the optional Quality Housing Program on a #wide street# in a C2 District mapped within an R7-1 District outside the #Manhattan Core#, the maximum permitted #commercial# FAR is 2.0, the maximum permitted #community facility# FAR is 4.8 (or 1.0 if the total FAR on the #zoning lot# exceeds 3.5), and the maximum permitted #residential# FAR is 4.0, provided the total FAR for all #uses# on the #zoning lot# does not exceed 4.8, pursuant to Section 35-30. On a 15,000 square foot #zoning lot developed# with 1.0 FAR of #commercial use# and 1.0 FAR of #community facility use#, the maximum #residential floor area ratio# permitted for such #mixed building# is 2.8. The maximum number of #dwelling units# permitted on the #zoning lot# is 62 (15,000 x 2.8 divided by a factor of 680, pursuant to Section 23-22).

For a #mixed building# in a C4-6 District #developed# with a n #urban public plaza# where less than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, the maximum permitted #commercial#

FAR is 4.08 (3.4 plus a 20 percent increase for a ~~n~~ urban public plaza), the maximum permitted ~~#community facility#~~ FAR is 12.0 (10.0 plus a 20 percent increase for a ~~n~~ urban public plaza), and the maximum permitted ~~#residential#~~ FAR is 10.0, provided the total FAR for all ~~#uses#~~ on the ~~#zoning lot#~~ does not exceed 12.0, pursuant to Section 35-30. On a 20,000 square foot ~~#zoning lot developed#~~ with 7.0 FAR of ~~#community facility use#~~ and no ~~#commercial use#~~, the maximum ~~#residential floor area ratio#~~ permitted on such ~~#zoning lot#~~ is 5.0. The maximum number of ~~#dwelling units#~~ permitted on the ~~#zoning lot#~~ is 126 (20,000 x 5 divided by a factor of 790, pursuant to Section 23-22).

* * *

Article III
Chapter 7: Special Urban Design Regulations

* * *

~~37-01~~ 37-30

~~Special Urban Design Guidelines—Streetscape~~ STREETSCAPE

~~37-011~~ 37-31
Applicability of Section ~~37-01~~

The regulations of Section ~~37-01~~ 37-30 through 37-37, inclusive, shall apply to any ~~#residential development#~~ or any ~~#development#~~ occupied by ~~#predominantly residential use#~~, constructed after April 21, 1977, located on any ~~#zoning lot#~~ within C1-8, C1-9, C2-7 C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 or C6-8 Districts, or C1 and C2 Districts mapped within R9 or R10 Districts. However, Section ~~37-01~~ 37-30 through 37-37, inclusive shall not apply within any Special Purpose District nor shall it apply to any ~~#development#~~ pursuant to the Quality Housing Program, except as otherwise set forth therein.

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

~~37-012~~ 37-32
Definitions

Development

For the purposes of Section ~~37-01~~, 37-30 through 37-37, inclusive, "development" includes construction of a new #building or other structure# on a #zoning lot#, the relocation of an existing #building# onto another #zoning lot#, and an #enlargement# involving an increase in #lot coverage#.

Predominantly residential use

For the purposes of Section ~~37-01~~ 37-30 through 37-37, inclusive, a "predominantly residential use" means a #building# having a #residential floor area# in excess of 50 percent of the total #building floor area#.

Contiguous block

For the purposes of Section ~~37-01~~ 37-30 through 37-37, inclusive, a "contiguous block" is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the new #development#.

Contiguous lot

For the purposes of Section ~~37-01~~ 37-30 through 37-37, inclusive, a "contiguous lot" is a #zoning lot# which shares a common #side lot line# with the #zoning lot# of the #development#.

37-013 37-33

Applicability of Article II

In C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6 (Special Urban Design Guidelines - Streetscape) shall apply to any #residential development# or any #development# occupied by #predominantly residential use#, except as modified by the provisions of Sections ~~37-014 to 37-017~~ 37-34 to 37-37 inclusive, relating to Modifications to the Applicability of Article II, Chapter 6. The purpose of these modifications is to make the regulations of Article II, Chapter 6, applicable to #Commercial Districts#.

37-014 37-34

Modifications to applicability of Article II, Chapter 6

In C1-8, C1-9, C2-7, C2-8, C4-6, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6, applicable to #residential developments# or #developments# occupied by a

~~#predominantly residential use#~~ are modified by the provisions of Sections ~~37-015~~ 37-35 (Retail continuity), ~~37-016~~ 37-36 (Sign regulations) and ~~37-017~~ 37-37 (Street wall articulation).

~~37-015~~ 37-35

Retail e Continuity

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

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

Such requirement of ~~#commercial uses#~~ for a minimum of 50 percent of the front building wall of a ~~#development#~~ may be waived, or additional ~~#uses#~~ permitted, upon certification by the City Planning Commission to the Commissioner of Buildings that either an adequate supply of such ~~#uses#~~ already exists at the ground floor level in the surrounding area.

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

~~37-016~~ 37-36

Sign r Regulations

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

When an existing ~~#development#~~ on a ~~#contiguous lot#~~ or ~~#contiguous block#~~ contains ~~#accessory business signs#~~ within a coordinated horizontal band along its ~~#street#~~ frontage, the signage strip along the new ~~#development#~~ shall be located at the same

elevation as the adjacent band, but in no event higher than 17 feet above #curb level#. Where coordinated horizontal bands exist on two #contiguous lots# or #contiguous blocks# on both sides of the #development#, the signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this Section, the elevation is measured from the #curb level# to the base of the signage strip.

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

~~37-017~~ 37-37

Street ~~w~~ Wall ~~a~~ Articulation

When any building wall of a #development# which is 5 feet or more in height adjoins a sidewalk, a #~~residential~~ public plaza# or an #arcade#, at least 50 percent of the total surface area of such wall between #curb level# and 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#.

Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of two feet.

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

37-02

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

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

- (a) ~~In the districts indicated, the provisions of Article II, Chapter 7 (Special Urban Design Guidelines — Residential Plazas and Arcades), shall apply to any #residential development# or to any #development# occupied by a~~

~~#predominantly residential use# that obtains a #floor area# bonus pursuant to Sections 34-223, 34-225, 35-351 or 35-353.~~

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

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

~~37-021~~
~~Modifications to applicability of Article II, Chapter 7~~

~~In the districts in which this Chapter is applicable, the regulations of Article II, Chapter 7 (Special Urban Design Guidelines—Residential Plazas and Arcades), are modified by the provisions of Sections 37-022 (Retail frontage), 37-023 (Kiosks and open air cafes), 37-024 (Maintenance requirements), 37-05 (Improvement of Existing Plazas or Plaza-Connected Open Areas), and 37-06 (Nighttime Closing of Existing Public Open Areas). The purpose of these modifications is to make the regulations of Article II, Chapter 7, applicable to #Commercial Districts#.~~

~~37-022~~
~~Retail frontage~~

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

~~37-023~~
~~Kiosks and open air cafes~~

~~Kiosks and open air cafes may be placed within a #primary space# or a #northern plaza# upon certification of the City Planning Commission pursuant to paragraph (c) of this Section. Such kiosks and open air cafes shall be considered amenities in addition to those amenities listed in Section 27-13 (Additional Amenities). All #primary spaces# shall provide at least two of the amenities listed in Section 27-13 or a kiosk or open air café as described in this Section, except that where a #primary space# is 4,000 square feet or less, it may not contain both a kiosk and an open air café.~~

(a) — Kiosks

Where a kiosk is provided, it shall be no more than a one-story structure, which including roofed areas does not exceed 60 square feet in area, and predominantly of light materials such as glass, plastic, metal or fabric as approved by the Department of Buildings in accordance with the Building Code. The aggregate area occupied by kiosks in a #primary space# larger than 4,000 square feet shall not exceed 60 square feet or 1.5 percent of the #primary space#, whichever is greater, provided no one kiosk occupies an area of more than 100 square feet. A kiosk may be a free standing structure or attached on only one side to a wall of the #development# or a #building# sharing the same #side lot line#. A kiosk may be occupied by #uses# such as news or magazine stands, takeout food stands, candy stands, flower stands or information booths. Any area occupied by a kiosk shall be excluded from the definition of #floor area#. Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), #uses# occupying kiosks may serve customers on #primary space# through open windows. In all cases, only #uses# permitted by the applicable district regulations may occupy #primary space#.

(b) — Open air cafes

Where an open air café is provided, it shall be a permanently unenclosed eating or drinking place, as permitted by applicable district regulations, which may have waiter or table service. An open air café shall occupy not more than 20 percent of the total area of the #primary space#, and shall be open to the sky except that it may have a temporary fabric roof, in conformance with the Building Code, or when located under a "pavilion" in a #northern plaza#. Only one open air café is permitted per #zoning lot#. An open air café shall be accessible from all sides where there is a boundary with the remainder of the #primary space#. No kitchen equipment shall be installed within an open air café. An open air café shall be excluded from the definition of #floor area#.

(c) — Requirements for certification

Kiosks, as described in paragraph (a) of this Section, and open air cafes as described in paragraph (b) of this Section, shall be permitted only upon certification of the City Planning Commission to the Commissioner of Buildings that such #uses#:

- (1) — promote use and enjoyment of the #residential plaza#; and
- (2) — are compatible with desirable #uses# in the surrounding area.

~~All applications for the placement of kiosks or open air cafes within existing #residential plazas# 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 or open air cafes, 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 or open air café pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the placement of the kiosk or open air café within the #residential 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.~~

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

37-024

Maintenance requirements

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

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

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

37-03 37-40

Off Street Relocation or Renovation of a Subway Stair

OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

Where a #development# or #enlargement# is constructed on a #zoning lot# of 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 Downtown Brooklyn District# as listed in Section 101-44, the #Special Union Square District# as listed in Section 118-60 and those stations listed in 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.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section ~~37-07~~ 37-50 (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section ~~37-07~~ 37-50.

Station	Line
8th Street	BMT-Broadway
23rd Street	BMT-Broadway
23rd Street	IRT-Lexington Ave.
28th Street	IRT-Lexington Ave.
33rd Street	IRT-Lexington Ave.
34th Street	IND-8th Avenue
59th Street	IRT-Lexington Ave.
Lexington Avenue-60th St.	BMT-Broadway

~~37-031~~ 37-41

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, 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 pedestrian circulation space as defined in Section ~~37-07~~ 37-50. 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.

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

(b) Design standards

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

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 total stair widths equal to or greater than the sum of the stair widths of those existing stairway entrances, but in no case may any stair be less than eight feet in width.

The relocated entrance may be relocated within a ~~n~~ #urban public 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 a ~~n~~ #urban public plaza# is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a ~~n~~ #urban public plaza#.

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 a ~~n~~ #urban public plaza# or an #arcade# in accordance with the provisions of Sections ~~27-60~~ 37-80 (ARCADES) or ~~37-073~~ 37-53 (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#.

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

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

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

(c) Hours of public accessibility

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

~~37-032~~ 37-42

Administrative procedure for a subway stair relocation or renovation

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~~ 37-50 (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued, unless the following criteria are met:

- (a) for a relocated entrance, such plan includes a stair relocation plan and related documents that bind the developer to:
 - (1) construct the new stair entrance in accordance with such plan;
 - (2) demolish above-ground elements of the existing entrance;
 - (3) seal the existing entrance at the sidewalk level; and
 - (4) maintain the work performed on the relocated or renovated entrance; or
- (b) for a renovated entrance, such plan includes a renovation plan and related documents that bind the developer to:
 - (1) renovate the entrance in accordance with such plan; and
 - (2) maintain the work performed on the renovated entrance; and
- (c) such plan and related documents bear New York City Transit's approval; and
- (d) such plan is accompanied by a certified copy of an agreement, as recorded between New York City Transit 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 and is accompanied by the Register's receipt of recordation; and

- (e) no permanent certificate of occupancy shall be issued for any #development# or #enlargement# subject to the subway stair relocation requirement or counting a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section ~~37-07~~ 37-50, 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.

~~37-033~~ 37-43

Modification of 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 Sections ~~37-01 37-30~~ (Special Urban Design Guidelines — Streetscape STREETScape), ~~37-02~~ (Applicability of Article II, Chapter 7, to Residential Plazas and Arcades), and ~~37-031 37-41~~ (Standards for location, design and hours of public accessibility) or ~~37-04 37-70~~ (Requirements for Urban Plazas PUBLIC PLAZAS) if the relocated subway stair cannot be accommodated without modification to these provisions.

~~37-034~~ 37-44

Waiver of requirements

The provisions of Section ~~37-03 37-40~~ (Off Street Relocation or Renovation of a Subway Stair 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 37-50~~ (Requirements for Pedestrian Circulation Space REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), that accommodates pedestrian traffic passing the existing stair entrance.

~~37-04~~

Requirements for Urban Plazas

Section 37-04 has been deleted and moved to Appendix E

~~37-05~~

Improvement of Existing Plazas or Plaza-Connected Open Areas

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

- ~~(a) — such #use# promotes public use and enjoyment of the #plaza# or #plaza# connected open area;~~
- ~~(b) — such #use# complements and stabilizes desirable #uses# in the surrounding area;~~
- ~~(c) — such #use# is proposed as part of a general improvement of the #plaza# or #plaza# connected open area where necessary, including as much landscaping and free public seating as is feasible;~~
- ~~(d) — such #use# complies with the requirements set forth in paragraph (g)(3) of Section 37-04 (Requirements for Urban Plazas); and~~
- ~~(e) — the owner of such #use# will maintain such #use# in accordance with the provisions for maintenance and penalties for violations of paragraphs (q) and (r) of Section 37-04.~~

~~All applications for the placement of kiosks or open air cafes within existing #plazas# or #plaza# connected open areas 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 or open air cafes, 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 or open air café pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the placement of the kiosk or open air café within the #plaza# or #plaza# connected open area. 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.~~

~~The Commission shall furnish a copy of the application for certification 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 a facility in the area. The Commission shall respond to such request for certification within 60 days of receipt of a complete application. Such certification shall be effective for a period of three years but, upon application, may be renewed for a similar period by the City Planning Commission.~~

37-06

Nighttime Closing of Existing Public Open Areas

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

- ~~(a) — such closing is necessary for public safety and maintenance of the public open areas as documented by the applicant;~~
- ~~(b) — the layout and design of the public open areas will promote public use and free and easy pedestrian circulation throughout the space;~~
- ~~(c) — the enclosure or barrier that limits public access shall:

 - ~~(1) — be of a design that is integrated with the design of the public open areas in a manner that would promote the attractiveness of the space for public use and enjoyment;~~
 - ~~(2) — be either removable or designed to be unobtrusive during the hours of public access;~~
 - ~~(3) — not inhibit or diminish access to the public open area nor impede pedestrian circulation into, through, or along the frontage of the public open area, and not obstruct access during the hours of public access; and~~
 - ~~(4) — not obstruct visual access to any portion of the public open areas;~~~~
- ~~(d) — public access to the public open areas between the hours of 7:00 a.m. and 8:30 p.m. from May 1 to September 30 and from 7:00 a.m. to 7:00 p.m. from October 1 to April 30, or a schedule specified by the Commission, is assured by appropriate legal documents and that an additional entry plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the public open areas;~~
- ~~(e) — in the case of existing #plazas#:

 - ~~(1) — the #plaza# is in full compliance with the provisions of Section 27-50 (PLAZA STANDARDS OF 1961);~~
 - ~~(2) — the #plaza#, where appropriate, has been improved in accordance with the standards set forth for #urban plazas# in Section 37-04, including, but not limited to, adequate lighting, landscaping, planting, trees, flower beds, pedestrian walkways, sitting areas, works of art, drinking fountains or reflecting pools, and with access for persons with disabilities;~~~~

- (3) ~~a program for continuing maintenance of the #plaza# has been established in accordance with the following requirements:~~
- (i) ~~In #Residence Districts#, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is in #residential# or #community facility use#, such maintenance shall be established pursuant to Sections 27 40 through 27 44, inclusive.~~
 - (ii) ~~In C1 or C2 Districts, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is occupied by #residential# or #community facility uses#, such maintenance shall be established pursuant to Sections 27 40 through 27 44, inclusive, and Section 37 025.~~
 - (iii) ~~In C4, C5 or C6 Districts with a base #floor area ratio# of not more than 10.0, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is occupied by #residential uses#, such maintenance shall be established pursuant to Sections 27 40 through 27 44, inclusive, and Section 37 025.~~
 - (iv) ~~In #Commercial# or #Manufacturing Districts#, for #zoning lots# containing #buildings# where more than 50 percent of the #floor area# is occupied by #community facility#, #commercial# or #manufacturing uses#, such maintenance shall be established pursuant to Section 37 04;~~
- (f) ~~in the case of existing #residential plazas# or #urban plazas#:~~
- (1) ~~the #residential plaza# is in full compliance with the provisions of Section 27 00 through Section 27 40, inclusive, and the #urban plaza#, if #developed# prior to June 12, 1996, is in full compliance with plans certified by the Chairman of the City Planning Commission and, if #developed# after June 12, 1996, is in full compliance with the provisions of Section 37 04, inclusive;~~
 - (2) ~~the maintenance program for the upkeep and protection of the public open areas set forth in the existing restrictive declaration, or any modification thereof, is still in full force and effect and is not being violated and that the bond required pursuant to Section 27 44 for #residential plazas# or Section 37 04 for #urban plazas# is in full force and in the amount specified in such Sections.~~

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

~~amenities such as kiosks or open air cafes as described in Section 37-023 for #residential plazas# or in Section 37-04, paragraph (g)(3), for #urban plazas# or #plazas#. In no event shall any public open area be reduced in size.~~

~~All applications for nighttime closings of public open areas filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section, and the hours of the public open area's accessibility to the public. All such plans for public open areas, once authorized, 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 authorization pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the nighttime closing of any public open area. 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.~~

~~The land use application for an authorization under this Section shall be sent to the applicable Community Board, local Council Member and Borough President. If the Community Board, local Council Member or Borough President elects to comment on such application, it must be done within 45 days of receipt of such application.~~

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

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

~~**37-07 37-50**~~

~~**Requirements for Pedestrian Circulation Space**~~ **REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE**

~~* * *~~

~~**37-071 37-51**~~

~~**Amount of p Pedestrian e Circulation s Space**~~

~~* * *~~

~~**37-072 37-52**~~

~~**Types of p Pedestrian e Circulation s 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 public 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	
Through #block# connection	x	x	
#Urban Public 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 toward meeting the requirements of Section ~~37-074~~ 37-51 (Amount of pedestrian circulation space) are set forth in Section ~~37-073~~ 37-53 (Design standards for pedestrian circulation spaces).

* * *

~~37-073~~ 37-53

Design s Standards for p Pedestrian e Circulation s Space

- (a) Arcade

Arcades shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and ~~27-60~~ 37-80 (ARCADES). In lieu thereof, the provisions of this Section shall apply.

* * *

(1) Dimensions

* * *

(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# #publicly accessible open area#, 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:

* * *

(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# #publicly accessible open area#, 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#~~ #publicly accessible open area# 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.

* * *

(c) Corner arcade

A corner arcade shall not be subject to the provisions of Sections 12-10 (DEFINITIONS) and ~~27-60~~ 37-80 (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.

* * *

(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~~ 37-40 (~~Off-Street Relocation or Renovation of a Subway Stair~~ 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

* * *

(2) Permitted interruptions

* * *

- (iii) if overlapped by a ~~n~~ #urban public plaza#, provided that the overlapping portion of such #urban public plaza# conforms to the design standard of a sidewalk widening;

* * *

- (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 public~~ 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 toward meeting the pedestrian circulation space requirement, provided that there shall be no change of grade within the area of the sidewalk widening.

* * *

(h) Through #block# connection

* * *

(1) Location

* * *

- (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 public~~ plaza# or any through #block# circulation area with a minimum width of 12 feet, which is located within a #building#.

* * *

(i) ~~Urban Public~~ plaza

A maximum of 30 percent of the area of a ~~n #urban public~~ 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 public~~ plaza# may be counted toward meeting the pedestrian circulation space requirement.

For all other #~~urban public~~ 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 public~~ plaza# conforms to the design standards of a sidewalk widening as set forth in paragraph (f) of this Section.

All #~~urban public~~ plazas# shall comply with Section ~~37-04 (Requirements for Urban Plazas)~~ 37-70 (PUBLIC 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~~ **37-54**
Modification of d Design s Standards of p Pedestrian e Circulation s Space within e Existing b Buildings

* * *

37-60
PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO (EFFECTIVE DATE)

37-61
Design Standards

Design standards for #plazas#, #residential plazas# and #urban plazas developed# prior to (the applicable date of the amendment) are located in Appendix E.

37-62
Changes to Existing Publicly Accessible Open Areas

37-621
Elimination or reduction in size of non-bonused open area

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza#, #residential plaza# or #urban plaza#, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

37-622
Elimination or reduction in size of bonused open area

No existing #plaza#, #residential plaza# or #urban plaza# shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

37-623
Nighttime Closings

The City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #plaza#, #residential plaza# or #urban plaza# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of Access).

37-624
Kiosks and Open Air Cafes

Kiosks and open air cafes may be placed within an existing #plaza#, #residential plaza# or #urban plaza# upon certification by the Chairperson of the City Planning Commission pursuant to Section 37-73 (Kiosks and Open Air Cafes).

37-625

Design Changes

Design changes to existing #plazas#, #residential plazas# or #urban plazas# may be made only upon certification by the Chairperson of the City Planning Commission that such changes would result in a #plaza#, #residential plaza# or #urban plaza# that is in greater accordance with the standards set forth in Section 37-70 (PUBLIC PLAZAS).

37-70

PUBLIC PLAZAS

#Public plazas# are open areas on a #zoning lot# intended for public use and enjoyment. The standards contained within Sections 37-70 through 37-78, inclusive, are intended to serve the following specific purposes:

- (a) to serve a variety of users of the #public plaza# area;
- (b) to provide spaces for solitary users while at the same time providing opportunities for social interaction for small groups;
- (c) to provide safe spaces, with maximum visibility from the street and adjacent buildings and with multiple avenues for ingress and egress.

All #public plazas# shall comply with the provisions of Section 37-70 through 37-78, inclusive. These provisions may be modified pursuant to Section 74-91 (Modification of Public Plazas).

37-71

Basic Design Criteria

37-711

Definitions

Corner #public plaza#

A #public plaza# that is located on an intersection of two or more #streets#.

Through #block public plaza#

A #public plaza# or portion of a #public plaza# that is not a corner #public plaza# and that connects two #streets# that are parallel or within 45 degrees of being parallel to each other.

37-712**Area dimensions**

A #public plaza# shall contain an area of not less than 2,000 square feet. In no case shall spaces between existing #buildings# remaining on the #zoning lot# qualify as #public plazas#. In addition, in order to preserve the provisions relating to the boundaries, proportions and obstructions of #public plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #public plazas#, or between a #public plaza# and a #building# wall or #arcade# of the #development#.

Any non-bonused open area located adjacent to a #public plaza# must either:

- (a) be separated from the #public plaza# by a buffer, such as a wall, decorative fence, or opaque plantings at least 6 feet in height; or
- (b) meet all requirements for minor portions of #public plazas# related to size, configuration, orientation, as specified in Section 37-716.

37-713**Locational restrictions**

No #public plaza#, or portion thereof, shall be located within 175 feet of an existing #publicly accessible open area# or #public park#. The distance of 175 feet shall be measured along the #street# on which the existing amenity fronts. However, such location restriction may be waived if the #public plaza# is located directly across the #street# from the existing #publicly accessible open area# or #public park# and if the Chair finds that the location of the #public plaza# at such location would create or contribute to a pedestrian circulation network connecting the two or more open areas.

37-714**Restrictions on orientation**

For purposes of the orientation requirements, a "north-facing," "south-facing," "east-facing" or "west-facing" #street line# means a #street line# facing within 45 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 a #public 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 a #public 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) A corner #public plaza# must have its major portion, as defined in Section 37-715(b), 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#.

However, the orientation restrictions may be modified if the Chair finds that the orientation regulations would conflict with mandatory #streetwall# regulations or that the modifications would result in better access to light and air for the #public plaza#.

37-715

Requirements for major portions of public plazas

The major portion of a #public plaza# is the largest area of the #public plaza# and the area of primary use. Major portions shall be generally regular in shape, easily and directly accessible from adjoining #buildings# and public spaces, and continuously visible from within all portions of the #public plaza# and from adjoining public spaces. Major portions shall occupy no less than 75% of the total #public plaza# area.

- (a) All contiguous #public plaza# areas on a #zoning lot# shall be considered as one #public plaza#.
- (b) The shape and dimensions of a #public plaza# shall be such that all points within the major portion shall be visible when viewed perpendicular from each adjacent #street#. Corner #public plazas# that front on two #streets# that do not meet at a 90 degree angle must be fully visible when viewed perpendicular from one adjoining #street# and at least 50% of the #public plaza# must be visible when viewed perpendicular to the other adjoining #street#. 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. Points within #public plazas# that front on three intersecting streets shall be treated as two corner #public plazas#.

The major portion of a #public plaza# shall be at least 75 percent of the #public plaza's# total area, except that in the case of a through #block public plaza# as defined in Section 37-717, a line drawn within 25 feet of the midblock line shall divide the through #block public plaza# into two areas that must separately meet all requirements of the #public plaza# regulations. The major portion of the #public plaza# shall be subject to the proportional requirements set forth in paragraphs (c) and (d) of this Section.

- (c) The major portion of a #public plaza# shall have a minimum average width and depth of 40 feet. For #public plazas# that front on only one #street#, no more than 20% of the #public plaza# area may have a width of less than 40 feet.

Dimensions shall be measured parallel and perpendicular to the #street line# on which the #public plaza# fronts.

- (d) For major portions of #public plazas#, the maximum width measured parallel to any one #street# shall not be greater than three times the average depth of the #public plaza# measured perpendicular to the #street line# or the average width measured parallel to any one #street# shall not be greater than three times the maximum depth of the #public plaza# measured perpendicular to the #street line#.

37-716

Requirements for minor portions of public plazas

Minor portions of #public plazas# are secondary areas that allow for additional flexibility in the shape and configuration of a #public plaza#. Minor portions shall not occupy more than 25% of the total area of the #public plaza#. The width of a minor portion shall be measured parallel to the line separating the major and minor portions. The depth of a minor portion shall be measured perpendicular to the line separating the major and minor portions. The provisions of Sections 37-715 shall not apply to such minor portions and the following regulations shall apply:

- (a) The minor portion shall have a minimum average width and depth of 15 feet.
- (b) The minor portion must be directly adjacent to the major portion.
- (c) All points within the minor portion must be visible from within the major portion when viewed perpendicular to the line separating the major and minor portions
- (d) The minor portion must front directly on the same #street# as the major portion unless _____ the _____ minor _____ portion _____ has:
- (1) a width to depth ratio of at least 3:1; and
- (2) its longest dimension contiguous with the major portion.

37-717

Regulations for through block public plazas

Through block #public plazas# shall be treated as two #public plazas# separated at a line drawn within 25 feet of the midblock line.

Where any #building# wall or walls adjoin a through #block public plaza# or through #block# portion of a #public plaza# and where such wall or walls exceed 120 feet aggregate length, a minimum 10 foot setback at a height between 60 and 90 feet is required for the full length of the building wall.

Through #block public plazas# shall contain a circulation path at least 10 feet in width, connecting the two #streets# on which the #public plaza# fronts, as specified in Section 37-723.

37-718
Paving

The paving of the #public plaza# shall be of non-skid durable materials that are decorative and compatible in color and pattern with other design features of the #public plaza#.

37-720
Access and Circulation

37-721
Sidewalk frontage

To facilitate access to an #public plaza#, the area within 15 feet of a #street line# or sidewalk widening, along at least 50 percent of each aggregate #street# frontage of the major and minor portions shall be free of obstructions to public access to the #public plaza# from the adjacent sidewalk or sidewalk widening, except for those listed below. For corner #public plazas#, the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions, except for those listed below. Trees planted flush to grade, light stanchions, public space signage, trash receptacles, and railings for steps shall be considered permitted obstructions within the sidewalk frontage. Only areas with at least five feet of clear, unobstructed area when measured parallel to the street line shall be considered to be free of obstructions. For the remaining 50 percent of the frontage and within 15 feet of the #street line#, no walls or other obstructions, except for permitted obstructions described above and fixed and moveable seating and tables, shall be higher than 2 feet above the #curb level# of the #street line# in front of the #public plaza#.

37-722
Level of Plaza

The level of a #public plaza#, inclusive of major and minor portions, shall not at any point be less than the average elevation of #curb level# of the nearest adjoining #street# nor more than two feet above the average #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#. However, a #public plaza# with an area of 10,000 square feet or more may additionally have a maximum of 20 percent of its area at an elevation more than two feet above, but not more than four feet above #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#, provided that such higher portion may not be located within 25 feet of any #street line#. #Public plazas# that front on #streets# with slopes greater than 2.5% along the frontage of the #public plaza# may not at any point be more than one foot below the #curb level# of the adjoining #street#.

37-723**Circulation paths**

Circulation paths within #public plazas# shall provide for unobstructed pedestrian circulation throughout the minor and major portions of the #public plaza# and shall, at a minimum, connect all #streets# on which the #public plaza# fronts and all major elements of the #public plaza#, including seating areas, building entrances, approved open air cafes and kiosks, and significant design features of the #public plaza#. A minimum of one such circulation path shall be provided of at least 8 feet clear width. Circulation paths shall extend to at least 80 percent of the depth of the major portion of the #public plaza#, measured perpendicular from each #street line#. Through #block public plazas# shall provide at least one circulation path with a minimum width of 10 feet connecting each #street# on which the #public plaza# fronts. Trees planted flush to grade, light stanchions, trash receptacles, and public space signage shall be considered permitted obstructions within circulation paths, however all such trees located within circulation paths must comply with the regulations for flush-to-grade trees in Section 37-752.

37-724**Subway entrances**

Where an entry to a subway station exists in the sidewalk area of a #street# on which a #public plaza# fronts and such entry is not replaced within the #public plaza# itself, the #public 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 #public plaza# area around a subway entry shall be free of all obstructions and may count towards the required clear area requirements as specified in Section 37-721 (Sidewalk frontage).

37-725**Steps**

Any steps provided within the #public plaza# must have a minimum height of four inches and a maximum height of six inches. Steps must have a minimum tread of 17 inches, however steps with a height of five inches may have a minimum tread of 15 inches.

37-726**Permitted obstructions**

- (a) #Public plazas# shall be open to the sky and unobstructed except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: water features, including fountains, reflecting pools, and waterfalls sculptures and other works of art; seating, including benches, seats, and moveable chairs; trees, planters, planting beds, lawns, and other landscape features; arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights and lighting stanchions; public telephones; public restrooms; permitted temporary exhibitions; permitted awnings, canopies, or

marquees; permitted freestanding signs; play equipment; permitted kiosks and open-air cafes; stages; subway station entrances, which may include escalators; and drinking fountains.

However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (b) of this Section. In addition, certain of the obstructions listed above shall not be permitted within the sidewalk frontage of a #public plaza#, as described in Section 37-721 (Sidewalk frontage).

- (b) Permitted obstructions may occupy a maximum percentage of the area of a #public plaza#, as follows:

For #public plazas# less than 10,000 square feet in area: 40 percent

For #public plazas# less than 10,000 square feet in area with a permitted open-air cafe: 50 percent

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

For #public plazas# 10,000 square feet or more in area with a permitted open-air café: 60 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.

Trees planted flush-to-grade in accordance with the provisions of Section 37-752 (Planting and trees) and tree canopies 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, except that lawn, turf, or grass areas intended for public access and seating shall not count as obstructions provided such lawns do not differ in elevation from the adjoining #public plaza# elevation by more than 6 inches.

- (c) Canopies, awnings, and marquees

Entrances to #buildings# located within a #public plaza# may have a maximum of one canopy, awning or marquee provided that it has a maximum area of 250 square feet, does not project into the #public plaza# more than 15 feet when measured perpendicular to the building façade, is located a minimum of 15 feet above the level of the #public plaza# adjacent to the building entrance, and does not contain vertical supports. Such canopies, awnings, and marquees shall be designed to provide maximum visibility into the #public plaza# from adjoining streets and the adjacent building.

However, canopies, awnings, and marquees associated with entrances to #residential buildings# located within a #public plaza# may project more than 15 feet into the #public plaza# and contain vertical supports if they are located entirely within 10 feet of the edge of the #public plaza#.

- (d) Prohibition of garage entrances, driveways, parking spaces, loading berths, exhaust vents, mechanical equipment, and building trash storage facilities

No garage entrances, driveways, parking spaces, passenger drop offs or loading berths shall be permitted within a #public plaza#. No building trash storage facilities are permitted within an #public plaza#, nor shall any #building# trash storage facility be accessed or serviced through the #public plaza#. If garage entrances, parking spaces, passenger drop-offs, driveways, loading berths or #building# trash storage facilities are located near or adjoin a #public plaza#, they shall be separated from it by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #public plaza#.

No exhaust vents or mechanical equipment are permitted on any #public plaza# or on the building wall of the #development# fronting upon the #public plaza#, except that exhaust vents on the building wall that are more than 15 feet above the level of the adjacent #public plaza# shall be permitted. All exhaust vents and mechanical equipment located adjacent to a #public plaza# shall be separated from it by a barrier sufficient to substantially visually and audibly conceal their presence and operation. Air intake vents or shafts shall be permitted within a #public plaza# provided that such vents are concealed from public view by planting or other design features and that such vents do not impair visibility within the #public plaza# area.

37-727

Hours of Access

All #public plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing pursuant to the provisions of this section.

In all districts, the City Planning Commission may authorize the closing during certain nighttime hours of an existing or new #publicly accessible open area# if the Commission finds that:

- (a) such existing #publicly accessible open area# has been open to the public a minimum of one year or there are significant operational or safety issues documented, or for new #public plazas# significant safety issues have been documented and provided as part of the application for authorization of nighttime closing;

- (b) such closing is necessary for public safety within the #publicly accessible open area# and maintenance of the public open areas as documented by the applicant;
- (c) the layout and design of the #publicly accessible open area# will promote public use and free and easy pedestrian circulation throughout the space;
- (d) any approved design element that limits public access, as specified below, shall not impede public circulation, visual or physical access within the #publicly accessible open area# or between the #publicly accessible open area# and other public areas during hours of public operation;
- (e) the design element that limits public access shall:
 - (1) be of a design that is integrated with the design of the #publicly accessible open area# in a manner that would promote the attractiveness of the space for public use and enjoyment;
 - (2) not exceed 5 feet in height;
 - (3) be fully removed from the #publicly accessible open area# during the hours of public access, however barriers not to exceed 3 feet 6 inches in height may have posts or supports that remain during the hours of public access provided that such posts or supports do not exceed six inches in width;
 - (4) not involve stanchions or cabinets for barrier storage located with the #publicly accessible open area#, except for stanchions or cabinets located at the edges of the #publicly accessible open area#;
 - (5) not inhibit or diminish access to the #publicly accessible open area# nor impede pedestrian circulation into, through, or along the frontage of the #publicly accessible open area#, and not obstruct access during the hours of public access; and
 - (6) be substantially transparent;
- (f) public access to the #publicly accessible open area# between the hours of 7:00 a.m. and 10:00 p.m. from April 15 to October 31 and from 7:00 a.m. to 8:00 p.m. from November 1 to April 14, or a schedule specified by the Commission, is assured by appropriate legal documents and that an hours of access plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the #publicly accessible open area#, as specified in Section 37-751(c). However, if an open-air café or kiosk is located within the #publicly accessible open area#, such #publicly accessible open area# shall remain open to the public during the hours of operation of the open air café or kiosk;

- (g) plans have been submitted that demonstrate that, where appropriate, the #publicly accessible open area# will be improved, to the maximum extent feasible, in accordance with the standards set forth for #public plazas#;
- (h) a program for continuing maintenance of the #publicly accessible open area# has been established in accordance with Section 37-77;

In order to promote increased public use of the public open areas, the Commission may require, or the applicant may request, additional improvements to the existing #publicly accessible open area#, including, where appropriate, amenities such as kiosks or open air cafes as described in Section 37-73 (Kiosks and open air cafés). In no event shall any #publicly accessible open area# be reduced in size.

All applications for nighttime closings of #publicly accessible open area# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including but not limited to materials, dimensions, and configuration or any design element that limits public access, the storage location for the design element that limits public access during the hours of public operation of the #public plaza#, and the hours of the #publicly accessible open area's# accessibility to the public. All such plans for #publicly accessible open area#, once authorized, 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 authorization pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Commission, and the filing and recording of such instrument shall be a precondition for the nighttime closing of any #publicly accessible open area#. 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.

The land use application for an authorization under this Section shall be sent to the applicable Community Board, local Council Member and Borough President. If the Community Board, local Council Member or Borough President elects to comment on such application, it must be done within 45 days of receipt of such application.

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

37-728

Standards of accessibility for persons with disabilities

All #public plazas# shall conform with applicable laws pertaining to access for persons with disabilities regardless of whether the #building# associated with the #public plaza# is existing or is a new #development#.

37-73

Kiosks and Open Air Cafes

Kiosks and open air cafes may be placed within a #publicly accessible open area# upon certification, pursuant to this Section. Such features shall be treated as permitted obstructions. Only #uses# permitted by the applicable district regulations may occupy #publicly accessible open areas# or front on #publicly accessible open areas#.

(a) Kiosks

Where a kiosk is provided, it shall be a one-story temporary or permanent structure that is substantially open and transparent as approved by the Department of Buildings in conformance with the Building Code. Kiosks, including roofed areas, shall not occupy an area in excess of 100 square feet per kiosk. One kiosk is permitted for every 5,000 square feet of #publicly accessible open area#, exclusive of areas occupied by other approved kiosks or open air cafes. Kiosk placement shall not impede or be located within any pedestrian circulation path. Any area occupied by a kiosk shall be excluded from the definition of #floor area#. Kiosks may be occupied only by #uses# permitted by the applicable district regulations such as news, book, or magazine stands, food or drink service, flower stands, information booths, or other activities that promote the public use and enjoyment of the #publicly accessible open area#. Any kitchen equipment shall be stored entirely within the kiosk.

Kiosks must be in operation and provide service a minimum of 225 days per year. However, kiosks may operate for fewer days if they are completely removed from the #publicly accessible open area# when not in operation and if the area previously occupied by the kiosk is returned to public use and such area is in compliance with the #public plaza# design standards.

Notwithstanding the provisions of Section 32-41 (Enclosure Within Buildings), outdoor eating services or #uses# occupying kiosks may serve customers in a #publicly accessible open area# through open windows.

(b) Open air cafes

Where an open air café is provided, it shall be a permanently unenclosed restaurant or eating or drinking place, permitted by applicable district regulations, which may have waiter or table service, and shall be open to the sky except that it may have umbrellas, temporary fabric roofs with no vertical supports in conformance with the Building Code, and removable heating lamps. Open air cafes shall occupy an aggregate area not more than 20 percent of the

total area of the #publicly accessible open area#. #Publicly accessible open area# less than 10 feet in width that are located between separate sections of the same open air café or between sections of an open air café and a kiosk that provides service for such café must be included in the calculation of the maximum aggregate area of the open air café. Open air cafes shall be located along the edge of the #publicly accessible open area#, except for open air cafes located within #publicly accessible open areas# greater than 30,000 square feet in area. Open air cafes may not occupy more than 1/3 of any #street# frontage in a major portion of the #publicly accessible open area# and may not contain any required circulation paths. An open air café must be accessible from all sides where there is a boundary with the remainder of the #publicly accessible open area#. Fences, planters, fabric dividers or other barriers that separate open air café areas from the #public plaza# or sidewalk are prohibited. Open air cafes shall be located at the same elevation as the adjoining #public plaza# and sidewalk areas, except for platforms that shall not exceed six inches in height. All furnishings of an open air café, including tables, chairs, bussing stations, and heating lamps, shall be completely removed from the #publicly accessible open area# when the open air café is not in active use, except that tables and chairs may remain in the #publicly accessible open area# if they are unsecured and may used by the public without restriction. No kitchen equipment shall be installed within an open air café; however, kitchen equipment may be contained in a kiosk adjoining an open air café. An open air café qualifying as a permitted obstruction shall be excluded from the definition of #floor area#.

Open air cafes must be in operation and provide service a minimum of 225 days per year.

(c) Certification

Kiosks and open air cafes that comply with the provisions of this Section may be placed within the area of a #publicly accessible open area# upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings, that:

- (1) such #use# promotes public use and enjoyment of the #publicly accessible open area#;
- (2) such #use# complements desirable #uses# in the surrounding area;
- (3) such #use# is provided in accordance with the requirements set forth in this Section;
- (4) the owners of such #use# will maintain such #use# in accordance with the provisions of Section 37-77 (Maintenance);

- (5) such #use# does not adversely impact visual and physical access to and throughout the #publicly accessible open area#;
- (6) for kiosks and open air cafés located within an existing #publicly accessible open area#, such #use# is proposed as part of a general improvement of the #publicly accessible open area# where necessary, including as much landscaping and public seating as is feasible, in accordance with the standards for #public plazas#;
- (7) a #sign# shall be provided in public view within the café area indicating the days and hours of operation of such café.

(d) Process

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.

All applications for the placement of kiosks or open air cafes within a #publicly accessible open area# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section including the layout and number of tables chairs, restaurant equipment, and heating lamps as well as the storage location for periods when the kiosk or open air café is closed. Where a kiosk or open air café is to be located within an existing #publicly accessible open area#, each kiosk or open air café certification application must be accompanied by a compliance report in accordance with the requirements of section 37-78(b), except that date of inspection shall be within 15 days of the date that the application is filed.

All such plans for kiosks or open air cafes, 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 or open air café pursuant to this Section. The form and contents of the legal instrument

shall be satisfactory to the Chairperson, and the filing and recording of such instrument shall be a precondition for the placement of the kiosk or open air café within the #publicly accessible open area#.

37-74
Amenities

All #public plazas# shall provide the following amenities. All required amenities shall be considered permitted obstructions within the #public plaza#.

37-741
Seating

Standards for seating within #public plazas# are intended to facilitate the provision of abundant, comfortable, and accessible seating throughout the #public plaza#, including, more specifically, as follows:

- (a) to provide a broad variety of seating types and configurations;
- (b) to accommodate individual users engaged in solitary activities as well as groups engaged in social activities;
- (c) to provide a comfortable and safe seating surface by providing smooth, even, and level surfaces with rounded edges;
- (d) to incorporate, to the maximum extent possible, a combination of fixed benches, moveable chairs, seating with backs, seat walls and ledges, and seating steps;
- (e) to provide ample opportunity for social seating as a basic seating type that consists of seats that are placed in close proximity and at angles to one another or in facing configurations that facilitate social interaction.

There shall be a minimum of one linear foot of seating for each 30 square feet of #public plaza# area.

A minimum of one linear foot of the required seating for every two linear feet of #street# frontage must be located within 15 feet of the #street line#. At least 50 percent of this seating shall have backs and at least 50 percent of the seats with backs shall face the #street#.

Seating requirements may be satisfied by the following seating types: moveable seating, fixed individual seats, fixed benches with and without backs, and design-feature seating such as seat walls, planter ledges, or seating steps. All #public plazas# shall provide at least two different types of seating. #Public plazas# greater than 5,000 square feet in area shall provide at least three different types of seating. #Public plazas# greater than 10,000 square feet in area must provide moveable seating as one of the required seating types.

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, where the City Planning Commission has authorized a limitation on the hours of access pursuant to Section 37-727.

Devices or forms affixed or incorporated into planter ledges, steps, sills, or other horizontal surfaces that would otherwise be suitable for seating that are intended to prevent or inhibit seating (such as spikes, metal bars, or pointed, excessively rough, or deliberately uncomfortable materials or forms) shall be prohibited.

Deterrents to skateboards, rollerblades, and other wheeled devices are permitted on seating surfaces if they do not inhibit seating, maintain a minimum distance of five feet between deterrents, and are integrated into the seating surface at the time of manufacture or construction or should be constructed of materials that are consistent with the materials and finish quality of the seating surface.

The following standards shall be met for all required seating:

- (1) Seating shall have a minimum depth of 18 inches. Seating with 36 inches or more in depth may count towards two seats, provided there is access to both sides. When required seating is provided on a planter ledge, such ledge must have a minimum depth of 22 inches.
- (2) Seating shall have a height not less than 16 inches nor greater than 20 inches above the level of the adjacent walking surface. However, as described in paragraph (5) below, seating steps may have a height not to exceed 30 inches and seating walls may have a height not to exceed 24 inches.
- (3) At least 50 percent of the linear feet of fixed seating shall have backs at least 14 inches high. Walls located adjacent to a seating surface shall not count as seat backs. All seat backs must either be contoured in form for comfort or shall be reclined from vertical between 10 to 15 degrees.
- (4) Movable seating or chairs, excluding seating for open air cafes, may be credited as 24 inches of linear seating per chair. Moveable seating provided as a required amenity shall be provided in the amount of one chair per 200 square feet of #public plaza# area. One table shall be provided for every four such moveable chairs.

All moveable seats must have backs. Moveable chairs shall not be chained, fixed, or otherwise secured while the #public plaza# is open to the public, however moveable chairs may be removed during the nighttime hours of 9:00 pm to 7:00 am.

- (5) Seating steps and seating walls may be used for required seating if such seating does not, in aggregate, represent more than 15 percent of the linear feet of required seating in the #public plaza#. Seating steps shall not include any steps

intended for circulation and must have a height not less than 6 inches nor greater than 30 inches and a depth not less than 18 inches. Seating walls shall have a height not greater than 18 inches, however such seating walls may have a height not to exceed 24 inches if they are located within 10 feet of an edge of the #public plaza#.

- (6) Seating in open air cafes shall not count towards meeting the seating requirement of _____ this _____ Section.
- (7) Seats that face walls must be a minimum of 6 feet from such wall.

37-742

Planting and trees

All #public plazas# shall provide a minimum of four trees. For a #public plaza# greater than 6,000 square feet in area, an additional four caliper inches in additional trees or multi-stemmed equivalents must be provided for each additional 1,000 square feet of #public plaza# area, rounded to the nearest 1,000 square feet.

All #public plazas# shall also provide one of the following additional planting types: additional trees, planters, planting beds, or accessible lawns. Trees provided to satisfy this requirement shall be provided at the rate of one tree for every 2,000 square feet of #public plaza# area. Planters, planting beds, and accessible lawns provided to satisfy this requirement shall be provided at the rate of 150 square feet for every 1,000 square feet of #public plaza# area. Plantings contained in hanging containers shall not satisfy this planting requirement.

For all #public plazas#, at least 50 percent of the required #public plaza# trees shall be planted flush to grade. Trees planted flush to grade shall be surrounded by a porous surface (such as grating or open-joint paving) that allows water to penetrate into the soil for a minimum radius of two feet six inches. Such porous surface shall be of sufficient strength and density to accommodate pedestrian circulation, including all requirements related to accessibility for the disabled, and shall be of a design that allows for tree growth. Installed fixtures such as lighting stanchions, electrical outlets or conduits shall not be located within the required porous area of any tree planted flush to grade.

Where trees are planted within a #public plaza#, they shall measure at least four inches in caliper at the time of planting, unless alternative, multi-stemmed equivalents are specified in the approved planting plans. 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.

When planting beds are provided, they shall have a soil depth of at least eighteen inches for grass or other ground cover, three feet for shrubs and 3 feet, 6 inches for trees. No planters or planting beds shall have bounding walls that exceed 18 inches in height above any adjacent walking surfaces. Any planting bed containing required trees shall have a

continuous area of at least 75 square feet for each tree exclusive of bounding walls. Furthermore, each tree located within a planting bed shall be surrounded by a continuous permeable surface measuring at least 5 feet square. Any lawns or turf grass planting beds shall not exceed six inches above any adjacent walking surfaces.

All planted areas shall either be automatically irrigated or shall consist of species that do not require regular watering.

All planted areas located above subsurface structures such as cellars or garages shall have drainage systems to prevent collection and pooling of water within planted areas.

#Street# trees are required to be planted in the public sidewalk area adjacent to a #zoning lot# that contains bonus #floor area# for #public 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#. Species shall be selected, located, planted and maintained in accordance with the specifications established by the Department of Parks and Recreation. 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 #public plaza#.

37-743

Lighting and electrical power

#Public plazas# shall be illuminated to provide for safe use and enjoyment of all areas of the #public plaza#. Special attention should be provided in lighting steps and other changes in elevation and areas under tree canopies and permitted canopies within the #public plaza#.

#Public 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, including sidewalks directly adjacent to the #public plaza#, and a minimum level of illumination of not less than 0.5 horizontal foot candles (lumens per foot) throughout all other areas. All lighting sources used to satisfy this illumination requirement shall be located outdoors on the subject #zoning lot#. Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise, including #public plazas# that are authorized to close at night. A lighting schedule, including fixtures, wattage and their locations and designs together with a diagram of light level distribution, with light levels indicated at intervals of no more than every 20 square feet, shall be part of the required detailed design plans. 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 a #public plaza#.

All lighting sources that illuminate the #public plaza# and are mounted on or located within #buildings# adjacent to the #public plaza# shall be shielded from direct view.

37-744

Litter receptacles

One litter receptacle shall be provided for every 1,500 square feet of #public plaza# area, up to a maximum of 6,000 square feet. Plazas greater than 6,000 square feet in area must provide an additional litter receptacle for every additional 2,000 square feet of #public plaza# area. #Public plazas# that contain open air cafes or kiosks providing food service shall provide one additional litter receptacle for each 1,500 square feet of #public plaza# area occupied by such outdoor eating area. All litter receptacles must have a volume capacity of at least 25 gallons and shall be located in visible and convenient locations. All top or side openings must have a minimum dimension of 12 inches. Litter receptacles shall be provided within 50 feet of required seating areas in the #public plaza#.

37-745

Bicycle parking

All #public plazas# shall provide parking for at least two bicycles. #Public plazas# greater than 10,000 square feet in size must provide parking for at least four bicycles. Bike racks must be provided on the sidewalk directly adjacent to the #public plaza# in accordance with Department of Transportation standards, unless the Department of Transportation has determined that the sidewalk area adjacent to the #public plaza# cannot accommodate the required bicycle parking.

37-746

Drinking fountains

A minimum of one drinking fountain shall be provided in all #public plazas#.

37-747

Public space signage

Entry and information plaques shall be provided, as described in Section 37-751 (Public space signage systems)

37-748

Additional Amenities

#Public plazas# between 5,000 and 10,000 square feet in area must provide one of the following additional amenities and #public plazas# greater than 10,000 square feet in area must provide at least three of the following additional amenities. All additional amenities shall be considered permitted obstructions within the #public plaza#.

- (a) Artwork

Artwork that is provided as an additional amenity must integrate with the design of the #public plaza#. Artwork shall not interfere with public access, circulation, or visual openness within the #public plaza# or between the #public plaza# and adjoining public areas. Artwork may not incorporate addresses, text, or logos related to the adjacent #building# or tenants of such #building#.

- (b) Moveable tables and chairs, as described in Section 37-741(4)
- (c) Water feature (such as fountains, reflecting pools, waterfalls)
- (d) Children's _____ play _____ area
Equipment provided as part of a children's play areas must be designed and constructed in accordance with applicable United States Consumer Products Safety Commission standards and best-practices, including installation of protective surfaces and barriers. All barriers surrounding play areas shall be designed to allow for the adequate supervision of children at play and shall in all cases be substantially transparent and no more than three feet six inches in height.
- (e) Game _____ tables _____ and _____ associated _____ seating
- (f) Food service, including:
 - (1) Food service in a retail space directly accessible from the major portion of the public plaza
 - (2) Open air café or kiosk, as described in Section 37-73.

#Public plazas# greater than 10,000 square feet in area and associated with a #commercial building# must include a food service as one of the three additional required amenities.

37-75 **Signs**

37-751 **Public space signage systems**

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

(a) Entry plaque

The entry plaque shall be located at each #street# frontage or point of pedestrian entry to the #public plaza#. On each street frontage occupied by the public plaza, a minimum of one entry plaque shall be provided for every 40 feet of linear street frontage occupied by the public plaza. The entry plaque shall contain:

- (1) a public space symbol which is 12 inches square in dimension and dark green or black in color with a highly contrasting background; has a grid and tree-shaped symbol as shown; the symbol shall match exactly the symbol

provided in the digital file at the Department of City Planning website (<http://www.nyc.gov/pops>)



- (2) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located immediately adjacent to the public space symbol; and
- (3) Lettering at least one inch in height stating the words "Open 24 hours" or, if a nighttime closing has been authorized pursuant to Section 37-727, shall contain the words "Open to the public;" followed by the approved hours of operation; and
- (4) 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 within five feet of the sidewalk 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 #public 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 #public plaza#.

(b) Information plaque

An information plaque, constructed from the same permanent materials as the entry plaque or combined with one or more of the required entry plaques shall be provided. Information plaques shall be located within five feet of a sidewalk and shall have all required lettering located above a height of three feet. The information plaque shall consist of:

- (1) if provided on a separate plaque from a required entry plaque, a public space symbol which is at least 6 inches square in dimension and dark green or black in color; has a highly contrasting background; has a grid and tree-shaped symbol as shown; the symbol shall match exactly the symbol provided in the digital file at the Department of City Planning website (<http://www.nyc.gov/pops>)



- (2) if provided on a separate plaque from a required entry plaque, contain the words, in lettering one-half inch in height, "Open 24 hours" or, if a nighttime closing has been authorized pursuant to Section 37-727, shall contain the words, in lettering one-half inch in height, "Open to the public:" followed by the approved hours of operation;
- (3) in lettering three-eighths of an inch in height, the words "This public plaza contains:" followed by the total linear feet of seating, the type and quantity of trees, the number of bike racks, the number of drinking fountains, and the number of any additional required amenities such as movable seating;
- (4) in lettering three-eighths of an inch in height, the name of the current owner of the building and the name, address, phone number, and email address of the person designated to maintain the #public plaza#;
- (5) the statement, in lettering three-eighths of an inch in height, "Complaints or Questions: Call 311 and reference the #public plaza# at [insert building address]; and
- (6) the statement, "This public plaza is accessible to persons with disabilities."

(c) Hours of access plaque

On each #street# frontage occupied by the #public plaza# and where the City Planning Commission has authorized a limitation on the hours of access for a #public plaza#, pursuant to the provisions of Section 37-727, a minimum of one hours of access plaque shall be provided for every 40 linear feet of approved barrier that limits public access. The hours of access plaque shall be located on the barrier that limits public access to the #public plaza# and shall consist of:

- (1) a public space symbol which is 2 inches square in dimension and dark green or black in color with a highly contrasting background; has a grid and tree-shaped symbol as shown below; the symbol shall match exactly the symbol provided in the digital file at the Department of City Planning website (<http://www.nyc.gov/pops>)



(2) the statement: “Open to the Public:” followed by the approved hours of operation.

All required public space signage shall be fully opaque, non reflective and constructed of permanent, highly durable materials such as steel or stone.

All lettering provided on required public space signage shall be in a clear, bold, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color with a minimum height of ¾”, unless otherwise specified above, and shall highly contrast with the background color of the #sign#.

37-752

Prohibition signs

To ensure a safe and comfortable environment for all #public plaza# users, a maximum of one prohibition or “Rule of Conduct” sign may be located within the #public plaza#. Such #sign# shall not exceed one foot square in dimension, may not be freestanding, and shall contain no lettering greater than ¾ inch in height.

Such #sign# shall not prohibit behaviors that are consistent with the normal public use of the #public plaza# such as lingering, eating, drinking of non-alcoholic beverages, or gathering in small groups. No behaviors, actions, or items may be listed on such sign that are otherwise illegal or prohibited by municipal, state, or federal laws.

37-753

Accessory signs

A #public plaza# shall be treated as a #street# for the purposes of the applicable #sign# regulations. #Signs#, except for the plaque required by Section 37-751, are permitted only as #accessory# to #uses# permitted within the #public plaza# and #uses# adjoining the #public plaza#, and are otherwise regulated by the applicable district regulations set forth in Section 32-60 (SIGN REGULATIONS).

#Signs accessory# to the #building# or tenants of retail spaces fronting on the #public plaza# are permitted within the #public plaza# area provided that:

- (a) no more than three such #signs# are provided within the #public plaza#, but in no event shall more than one of these #signs# be freestanding, as described below; _____ and
- (b) all such #signs# shall be non-illuminated; _____ and
- (c) such #signs# shall contain only the #building# or establishment name and address; _____ and
- (d) any #signs# affixed to the #building# walls may not exceed two feet square in size; _____ and
- (e) any freestanding #signs# shall not exceed two feet in horizontal dimension and, if associated with a #building# used for office uses, may contain the names of principal #building# tenants in addition to the content permitted, as described above, and shall also contain the public space symbol as described in Section 37-751 and the words "Open to Public" in lettering at least two inches in height; and
- (f) any #sign# located on permitted canopies or awnings within the #public plaza# shall contain only the #building# or establishment name and must not exceed a height of one foot.

37-76

Mandatory allocation of frontages for permitted #uses#

At least 50 percent of the total frontage of building walls of the #development# fronting on an #public plaza#, or fronting on an #arcade# adjoining a #public plaza#, exclusive of such frontage occupied by building lobbies and frontage used for subway access, shall be allocated for occupancy by retail or service establishments permitted by the applicable district regulations but not including uses in Use Groups 6B, 6E, 7C, 8C, 9B, 10B, 11, and 12D or banks, automobile showrooms or plumbing, heating or ventilating equipment showrooms. In addition, libraries, museums and art galleries shall be permitted. All such #uses# shall be directly accessible from the major portion of the #public plaza#, an adjoining #arcade#, or a #street# frontage shared by the retail establishment and #public plaza#. Such retail spaces shall have a minimum depth of 15 feet, measured perpendicular to the wall adjoining the #public plaza#.

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

Principal entrances to #buildings# associated with the #public plaza# shall be located within 10 feet of the major portion of the #public plaza#. Frontage on the #public plaza# that is occupied by a #building# entrance or lobby shall not exceed 60 feet or 40 percent of the total aggregate frontage of the #development's building# walls on the major and minor portions of the #public plaza#, whichever is less, but in no case shall #building# entrances or lobbies occupy less than 20 feet of frontage on the #public plaza#.

The building frontage on the major and minor portions of the #public plaza# shall be treated with clear, untinted transparent material for 50 percent of its surface area below 14 feet above the #public plaza# level, or the ceiling level of the ground floor of the #building#, whichever is lower. Any non-transparent area fronting on the major or minor portion of a #public plaza# shall be treated with a decorative element or material or shall be planted to a minimum height of 15 feet above the #public plaza#.

37-77

Maintenance

(a) The building owner shall be responsible for the maintenance of the #public plaza# including, but not limited to, the confinement of permitted obstructions, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#.

(b) Kiosks and open air cafes #developed# in accordance with the provisions of Section 37-73 shall be confined within areas designated on building plans as available for occupancy by such #uses# and no encroachment by a kiosk or open air cafe outside an area so designated shall be permitted.

(c) 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 #public 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 (c), 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, 1998, shall be at a rate of \$750 per required tree, \$100 per movable chair and \$200 per 1,000 square feet of #urban 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 #public plaza#.

37-78 **Compliance**

(a) Building permits

No foundation permit shall be issued by the Department of Buildings for any #development# that includes a #public plaza# without certification by the Chairperson of the City Planning Commission of compliance with the provisions of Section 37-70. 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 #public 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 prepared by a registered landscape architect, including but not limited to a furnishing plan, a planting plan, a signage plan, a lighting/photometric plan and sections and elevations, as necessary to demonstrate compliance with the provisions of Section 37-70.

All plans for #public plazas# 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, in a form satisfactory to the Chairperson, providing notice of the certification of the #public plaza# pursuant to this Section. Such filing and recording of such instrument shall be a precondition to certification. 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. No temporary or final certificate of occupancy shall be issued for any bonus #floor area# generated by a #public plaza# unless and until the #public plaza# has been substantially completed in accordance with the approved plans, as verified by the Department of City Planning and certified to the Department of Buildings.

Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective

Date of Amendment) to the contrary, any #residential plaza# or #urban plaza# for which a certification was granted between June 4, 2005 and June 4, 2007 may be #developed# in accordance with the regulations in effect on the date of such certification.

(b) Periodic Compliance Reporting

No later than June 30 of each year, beginning in the third calendar year following the calendar year in which certification was made, the Director of the Department of City Planning shall be provided with a report regarding compliance of the #public plaza# with the regulations of Section 37-70, as of a date of inspection which shall be no earlier than May 15 of the year in which the report is filed. Such report shall be provided by a registered architect, landscape architect, or professional engineer, in a format acceptable to the Chairperson and shall include, without limitation:

- (1) a copy of the original #public plaza# certification letter, and if applicable, any approval letter pertaining to any other authorization or certification pursuant to this chapter;
- (2) a statement that the #public plaza# has been inspected by such registered architect, landscape architect or professional engineer and that the #public plaza# is in full compliance with the regulations under which the #public plaza# was approved as well as the approved plans pertaining to such #public plaza# and, if applicable, the requirements of any other authorization or certification pursuant to this chapter, or non-compliance with such regulations and plans;
- (3) an inventory list of amenities required under the regulations under which the #public plaza# was approved and the approved plans pertaining to such #public plaza#, and, if applicable, the requirements of any other authorization or certification pursuant to Section 37-70, together with an identification of any amenity on such inventory list for which inspection did not show compliance, including whether such amenities are in working order, and a description of the non-compliance;
- (4) photographs documenting the condition of the #public plaza# at the time of inspection, sufficient to indicate the presence or absence, either full or partial, of the amenities on the inventory list of amenities.

Compliance reporting pursuant to this paragraph (b) shall be a condition of all certifications granted pursuant to Section 37-70.

(c) Compliance Reports at Time of Application

In any application for a new certification or authorization for a #public plaza#, where such #public plaza# was the subject of a previously granted certification or authorization granted pursuant to Section 37-70, the applicant shall provide a compliance report in the format required under paragraph (b) of this Section, based upon an inspection of the #public plaza# by a registered architect, landscape architect or professional engineer conducted no more than 45 days prior to the filing of such application.

The following conditions may constitute grounds to disapprove the application for certification or authorization:

- (1) such report shows non-compliance with the regulations under which the #public plaza# was approved, conditions or restrictions of a previously granted certification or authorization, or with the approved plans pertaining to such #public plaza#; or
- (2) the #public plaza# has been the subject of one or more enforcement proceedings for which there have been final adjudications of a violation with respect to any of the foregoing.

In the case of a certification, the Chairperson, or in the case of an authorization, the Commission, may, in lieu of disapproval, accept a compliance plan for the #public plaza#, which plan shall set forth the means by which future compliance will be ensured.

(d) Failure to Comply

Failure to comply with a condition or restriction in an authorization or certification granted pursuant to Section 37-70 or with approved plans related thereto shall constitute a violation of this Resolution and may constitute the basis for denial or revocation of a building permit or certificate of occupancy, or for a revocation or such authorization or certification, and for all other applicable remedies.

37-80
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 33-14.

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

- (a) have a depth not less than 10 feet nor more than 30 feet measured perpendicular to the #street line# or boundary of the or #publicly accessible open area# on which it fronts, and extend for at least 50 feet, or the full length of the #street line# or boundary of the #publicly accessible open area# on which it fronts, whichever is the lesser distance; or
- (b) on a #corner lot#, is bounded on two sides by the two intersecting #street lines#, and has an area of not less than 500 square feet and a minimum dimension of 10 feet.

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

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

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

* * *

Article IV
Chapter 3: Bulk Regulations
 * * *

43-12
Maximum Floor Area Ratio

M1 M2 M3

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

Section 43-121	(Expansion of existing manufacturing buildings)
Section 43-122	(Maximum floor area ratio for community facility buildings)
Section 43-13	(Floor Area Bonus for Urban <u>Public Plazas</u>)

* * *

**43-13
Floor Area Bonus for ~~Urban~~ Public Plazas**

M1-6

In the district indicated, for each square foot of ~~urban public plaza~~ provided on a zoning lot#, in accordance with the provisions of Section 37-70 (PUBLIC PLAZAS), the total floor area# permitted on that zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by six square feet.

* * *

**43-15
Existing Public Amenities for which Floor Area Bonuses Have Been Received**

- (a) Elimination or reduction in size of non-bonused open area on a zoning lot containing a bonused amenity

In all districts, any existing open area for which a floor area# bonus has not been utilized that occupies the same zoning lot# as an existing plaza# publicly accessible open area# or other public amenity, open or enclosed, for which a floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such floor area# bonus was granted.

- (b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing plaza# or plaza#-connected open area publicly accessible open area# for which a floor area# bonus has been received, by certification of the City Planning Commission pursuant to Section 37-05 37-73 (~~Improvement of Existing Plazas or Plaza-Connected Open Areas~~ Kiosks and Open Air Cafes).

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

The Commission may, upon application, authorize the closing of an existing plaza#, plaza#-connected open area or urban plaza#, publicly accessible open area# for which a floor area# bonus has been received, during certain nighttime hours pursuant to Section 37-06 37-727 (Hours of Access).

- (d) Elimination or reduction of existing public amenities

No existing #plaza#, #plaza# connected open area, #arcade#, #urban plaza# #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

* * *

**43-44
Alternate Front Setbacks**

M1 M2 M3

In all districts, as indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in this Section or in Sections 43-42 (Permitted Obstructions) or 43-45 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the following table. The #sky exposure plane# shall be measured from a point above the #street line#.

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

* * *

**Article VII
Chapter 4: Special Permits by the City Planning Commission**

* * *

**74-721
Height and setback and yard regulations**

* * *

- (c) (3) In lieu of condition (c)(2), the #development# or #enlargement# may provide, in the same or an adjoining #block# of such #development# or #enlargement#, compensatory "off-site public open space." For the purposes of this paragraph, (c)(3), the term "adjoining block" shall mean a #block# that is contiguous to the development #block# but for its separation by a #street# or #street# intersection. The area of such off-site public open space shall be at least 4,000 square feet, or 15 percent of the #lot area# of a #zoning lot# containing the

#development#, whichever is more, and a width of at least 40 feet at any point.

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~~ 37-70 (~~Requirements for Urban Plazas~~ PUBLIC PLAZAS). A plan for the development and maintenance of such off-site public space shall be approved by the Commission. The off-site public area shall be kept open to the general public in accordance with a time schedule specified by the Commission. In no event shall such off-site public open space be eligible for #floor area# or bonus computation in connection with this or any other #development# or #enlargement#.

For such #developments#, the Commission may also modify the applicable regulations of Sections 32-51 (Limitations on Business Entrances, Show Windows or Signs) and 36-683 (Restrictions on location of berths near Residence Districts) where adjoining frontage within a distance of 75 feet on the same side of the #street# is occupied by a #community facility# or ground floor #commercial use#, provided that such modification is part of an overall design for #show windows#, signage and entrances or off-street loading berths developed in conjunction with a public amenity such as a ~~n~~ #urban public plaza#, #through block arcade# or #covered pedestrian space#, and will not alter the essential character of the immediate neighborhood.

* * *

74-747

Previously granted special permits

Any #development# or #enlargement# granted a special permit by the City Planning Commission under previous Section 74-74 (Commercial Development Extending into More than One Block) prior to February 22, 1990, may be started or continued pursuant to that special permit.

The Commission may administratively, upon application, allow modifications of the special permit granted under previous Section 74-74 (Commercial Development Extending into More than One Block) before February 22, 1990.

In no event may the Commission grant a modification of a special permit approved prior to February 22, 1990, that would require additional #bulk# distribution among #zoning lots# or modification of the height and #lot coverage# limitations previously established. Any modifications exceeding the limitations set forth herein shall be subject to the provisions of the new Section 74-74 (General Large-Scale Development).

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

Any #sign# shown on a site plan incorporated as part of a special permit of the City Planning Commission under the provisions of Section 74-74 (General Large-Scale Development) prior to February 27, 2001, may be erected and maintained in accordance with such special permit.

* * *

74-761

~~Elevated plazas~~

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

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

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

~~The Commission shall require, when appropriate, that the design of the #building# and its open areas are suitably related to #developments# existing or planned in adjacent areas.~~

74-762

~~Sunken plazas~~

~~In C6-1A Districts, the City Planning Commission may permit a portion of the #urban plaza# area to be depressed more than 10 feet below the #curb level# of the nearest adjoining #street# to provide access of light and air and direct pedestrian access by stairs~~

~~or escalators from an adjoining #street#, #arcade#, #plaza#, #through block arcade#, #plaza# connected open space, #court# or $\frac{1}{2}$ #yard# to a subway station, mezzanine or concourse. The #urban plaza# bonus may be increased from 6 square feet to 10 square feet of #floor area# for every one square foot of such depressed #urban plaza# area. Such stairs or escalators above the depressed level of the #urban plaza# are permissible obstructions, provided that they:~~

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

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

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

~~The Commission shall require, when appropriate, that the design of the #building# and its open areas are suitably related to #developments# existing or planned in adjacent areas.~~

74-763

Elimination or reduction in size of bonused public amenities

In all districts, the City Planning Commission may, by special permit, allow the elimination or reduction in size of any existing #plaza#, ~~#plaza# connected open area, #residential plaza#, #urban plaza#, #publicly accessible open area#, #arcade#~~ or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, provided that such reduction or elimination shall not create a #floor area# non-compliance on the #zoning lot#.

In granting such special permit, the Commission shall find that:

- (a) such elimination or reduction is adequately compensated by the substitution of another public amenity or improvement on the #zoning lot# that shall provide equal or increased public benefit; and
- (b) for #publicly accessible open areas#, any remaining bonused open area will comply to the maximum extent feasible with the standards of #urban public plazas# as set forth in Section 37-04 37-70 (Requirements for Urban Plazas PUBLIC PLAZAS).

However, the Commission may waive the provisions of paragraph (b) if it finds that such standards for #public plazas# would compromise the design integrity of the #publicly

accessible open area# or would result in the loss of significant design elements or character that are integral components of the #publicly accessible open area's# design.

The Commission may prescribe additional conditions to enhance the relationship of public open areas or other amenities and the #development# to the surrounding areas.

* * *

74-79

Transfer of Development Rights from Landmark Sites

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

Where a #zoning lot# occupied by a landmark #building or other structure# is located in a #Residence District#, the Commission may modify the applicable regulation of primary business entrances, #show windows#, #signs# and entrances and exits to #accessory# off-street loading berths on the "adjacent lot" in a #Commercial District# provided that such modifications will not adversely affect the harmonious relationship between the #building# on the "adjacent lot" and landmark #building or other structure#.

For the purposes of this Section, the term "adjacent lot" shall mean a lot that is contiguous to the lot occupied by the landmark #building or other structure# or one that is across a #street# and opposite to the lot occupied by the landmark #building or other structure#, or, in the case of a #corner lot#, one that fronts on the same #street# intersection as the lot occupied by the landmark #building or other structure#. It shall also mean, in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, a lot contiguous or one that is across a #street# and opposite to another lot or lots that except for the intervention of #streets# or #street# intersections, form a series extending to the lot occupied by the landmark #building or other structure#. All such lots shall be in the same ownership (fee ownership or ownership as defined under #zoning lot# in Section 12-10 (DEFINITIONS)).

A "landmark #building or other structure#" shall include any structure designated as a landmark by the Landmarks Preservation Commission and the Board of Estimate pursuant to Chapter 8-A of the New York City Charter and Chapter 8-A of the New York City Administrative Code, but shall not include those portions of #zoning lots# used for cemetery purposes, statues, monuments, and bridges. No transfer of development rights is

permitted pursuant to this Section from those portions of #zoning lots# used for cemetery purposes, any structures within historic districts, statues, monuments or bridges.

The grant of any special permit authorizing the transfer and use of such development rights shall be in accordance with all the regulations set forth in Sections 74-791 (Requirements for application), 74-792 (Conditions and limitations), and 74-793 (Transfer instruments and notice of restrictions).

* * *

**74-792
Conditions and limitations**

- (a) For the purposes of this Section, except in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts, the basic maximum allowable #floor area# for a #zoning lot# occupied by a landmark shall be the maximum #floor area# allowed by the applicable district regulations on maximum #floor area ratio# or minimum required #open space ratio# and shall not include any additional #floor area# allowed for ~~#residential plazas# or #urban public~~ plazas#, #arcades# or any other form of bonus whether by right or special permit.
- (b) The maximum amount of #floor area# that may be transferred from any #zoning lot# occupied by a landmark building shall be computed in the following manner:
 - (1) the maximum allowable #floor area# that could be built for #buildings# other than #community facility buildings# under existing district regulations on the same #zoning lot# if it were undeveloped;
 - (2) less the total #floor area# of all #buildings# on the landmark lot;
 - (3) the figure computed from paragraphs (a) and (b) of this Section, inclusive, shall be the maximum amount that may be transferred to any one or number of adjacent lots; and
 - (4) development rights to unbuilt but allowable #floor area# may be transferred from one or any number of #zoning lots# occupied by a landmark building to one or any number of #zoning lots# adjacent to the landmark lot so as to increase the basic maximum allowable #floor area# that may be #developed# on such adjacent #zoning lots#. For each such adjacent #zoning lot#, the increase in #floor area# allowed under the provisions of this Section shall in no event exceed the basic maximum #floor area# allowable on such adjacent #zoning lot# by more than 20 percent.

- (c) When adjacent lots are located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts and are to be #developed# with #commercial buildings#, the following conditions and limitations shall apply:
- (1) the maximum amount of #floor area# that may be transferred from any #zoning lot# occupied by a landmark building shall be the maximum #floor area# allowed by Section 33-12 for #commercial buildings# on said landmark #zoning lot#, as if it were undeveloped, less the total #floor area# of all existing #buildings# on the landmark #zoning lot#;
 - (2) for each such adjacent #zoning lot#, the increase in #floor area# allowed by the transfer of development rights under this Section shall be over and above the maximum #floor area# allowed by the applicable district regulations; and
 - (3) the City Planning Commission may require, where appropriate, that the design of the #development# include provisions for public amenities such as, but not limited to, open public spaces, subsurface pedestrian passageways leading to public transportation facilities, ~~#urban~~ public plazas and #arcades#.

* * *

**74-82
Through Block Arcades**

In C4-7, C5-2, C5-3, C5-4, C5-5 and C6 Districts, the City Planning Commission may permit #through block arcades# to be located in #commercial buildings# or #mixed buildings#. For each square foot of #through block arcade# located in C4-7, C5-2, C5-4, C6-1, C6-2, C6-3, C6-4, C6-5 and C6-8 Districts, a bonus of three feet of #floor area# may be permitted and for each square foot of #through block arcade# located in C5-3, C5-5, C6-1A, C6-6, C6-7 and C6-9 Districts, a bonus of six feet of #floor area# may be permitted. #Through block arcades# may be located on a #zoning lot# in conjunction with a #plaza# #publicly accessible open area# or an #arcade# but in no event shall the total #floor area# permitted on that #zoning lot# exceed the amount set forth in Section 33-12 (Maximum Floor Area Ratio) by more than 20 percent.

* * *

**74-844
Preservation of community facility uses within certain developments containing public open areas**

- (d) the #development# provides a minimum of 25 percent of the #lot area# of the #zoning lot# as public open area at #curb level#. Where site conditions preclude open area at #curb level#, such open area shall at no point be more than 3 feet

below #curb level# or 6 feet above #curb level# of the #street# providing primary access to such area. The public open area shall be unobstructed from its lowest level to the sky except as set forth in this Section, directly accessible to the public from an adjoining #street# and, if feasible, be located on the southerly side of the #zoning lot#. Entrance to such public open area shall be clearly visible from the #street#. The said area shall be developed with lighting, landscaping including planting of shrubs and trees, pedestrian ways and seating areas in accordance with plans approved by the Commission and shall be maintained in accordance with a maintenance program approved by the Commission. Building columns or similar elements may be permitted, but the aggregate area of such elements may not exceed two percent of the total public area. Driveways, off-street parking spaces and loading berths are not permitted within the public open area.

A portion of the open area shall be developed as a park area concentrated in one location and having a minimum dimension of 45 feet and a minimum area of 4,500 square feet. The park area shall be accessible to the public from 9:00 a.m. to 9:00 p.m. each day from May 1 to September 30 and from 9:00 a.m. to 6:00 p.m. each day from October 1 to April 30, and such hours shall be posted on a sign that is plainly visible from the sidewalk adjoining the principal entrance to the park. In addition to the 4,500 square feet of park area, in meeting the 25 percent public open area requirements of this Section, the #development# may provide a non-bonusable ~~#residential~~ public plaza#, #arcade# or sidewalk continuation area; and

- (e) that any #bulk# modifications granted will result in satisfactory site planning and satisfactory urban design relationships of #buildings# within the #development# to adjacent #streets# and surrounding #developments#.

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

* * *

74-871

Floor area bonus for covered pedestrian space

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

PERMITTED ADDITIONAL FLOOR AREA
PER SQUARE FOOT OF COVERED PEDESTRIAN SPACE

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

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

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

* * *

74-872

Design requirements for covered pedestrian spaces

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

- (a) have an area of at least 3,000 square feet and a minimum width, at any point, of 20 feet. For spaces between 100 feet and 150 feet in length, the minimum width shall be 25 feet. For spaces longer than 150 feet, the average width shall be at least 30 feet;
- (b) have a height of at least 30 feet;
- (c) have appropriate #uses# permitted in the district, such as, but not limited to, small stores and cafes, occupying the maximum feasible frontage along those bounding walls of the #covered pedestrian space# which do not abut #lot lines#

or #street lines#. At least 50 percent of such frontage shall be developed with individual #uses# each of which has a frontage not exceeding 25 feet and the frontage of any other single #use# may not exceed 40 feet. In no event may banks, loan offices, insurance offices or similar office type #uses# occupy any portion of the frontage of the #covered pedestrian space#. Access to other #uses# within a #building# may be provided from the #covered pedestrian space# if such #uses# are not located at the same #story# as the pedestrian space;

- (d) be adequately illuminated, utilizing natural daylight wherever possible; and
- (e) be suitably maintained and kept open to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

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

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

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

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

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

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

* * *

**74-91
Modification of Urban Public Plazas**

In ~~C5-3, C5-5, C6-6, C6-7 and C6-9~~ all ~~D~~ districts and in ~~C5-4~~ Districts on #zoning lots# of more than 200,000 square feet, the City Planning Commission may permit modification of the provisions of Section ~~37-04~~ 37-70 (~~Requirements for Urban Plazas~~ PUBLIC PLAZAS) affecting the eligibility of #urban public plazas# for bonus #floor area#, provided that such modification shall not include any modification of Sections 23-15 (Maximum Floor Area Ratio in R10 Districts), 24-14 or ~~33-14~~ 33-13 (Floor Area Bonus for a ~~n~~ Urban Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #urban public plaza# will be assured by the proposed layout and design and that the #development# as a whole will produce a ~~good~~ superior urban design relationship with surrounding #buildings# and #open spaces#.

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

* * *

**74-96
Special Urban Design Guidelines – Residential Plaza Modifications**

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

In ~~R10, C1-8, C1-9, C2-7 or C2-8~~ Districts, or in ~~C1 or C2~~ Districts mapped within ~~R9 or R10~~ Districts, no existing #plaza#, #plaza# connected open area, #residential plaza#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations antedating February 9, 1994, shall be eliminated or reduced in size without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#.

* * *

Article VII
Chapter 7: Special Provisions for Zoning Lots Divided by District Boundaries

* * *

77-22
Floor Area Ratio

The maximum #floor area ratio# permitted on each portion of such #zoning lot# for the applicable type of #building# or #buildings# on such #zoning lot# shall be determined under the applicable regulations of the Chapters indicated:

District	Type of #Use#	Article	Chapter
#Residence#	#Residential#	II	3
#Residence#	#Community Facility#	II	4
#Commercial#	#Commercial#	III	3
#Commercial#	#Community Facility#	III	3
#Commercial#	#Residential#	III	4
#Commercial#	Mixed (#Residential# with #Commercial# or with #Community Facility#)	III	5
#Manufacturing#	#Manufacturing#	IV	3
#Manufacturing#	#Commercial#	IV	3
#Manufacturing#	#Community Facility#	IV	3

Each such #floor area ratio# shall be multiplied by the percentage of the #zoning lot# to which such #floor area ratio# applies. The sum of the products thus obtained shall be the adjusted maximum #floor area ratio# applicable to such #zoning lot#.

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

* * *

77-23**Open Space Ratio**

The #open space# required for the #building# or #buildings# on such #zoning lot# shall be computed separately for each portion of the #zoning lot# under the applicable regulations of the Chapters indicated below. The total #open space# provided on the #zoning lot# shall not be less than the sum of such required #open space# so computed.

For portions of the #zoning lot# located in districts that have required #open space ratios#, the required #open space# for each such portion is computed by multiplying the #lot area# of that portion, by the maximum #floor area ratio# permitted for the applicable type of #building# or #buildings#, by the minimum #open space ratio# required at that #floor area ratio#, divided by 100.

For portions of the #zoning lot# located in districts that do not have a required #open space ratio#, no #open space# shall be required but any required #yards#, or #plaza# #publicly accessible open area# provided, for which a #floor area# or #lot area# bonus is taken, shall be in addition to the amount of #open space# required on the remaining portion of the #zoning lot#. No open area may be counted twice in fulfilling these requirements.

* * *

Article VII**Chapter 8: Special Regulations Applying to Large-Scale Residential Developments**

* * *

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

* * *

- (e) In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, #floor area# bonuses for ~~#residential~~ public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a #development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

* * *

Article VII**Chapter 9: Special Regulations Applying to Large-Scale Community Facility Developments**

* * *

79-21 General Provisions

When a #large-scale community facility development# includes two or more #zoning lots# which are contiguous or would be contiguous but for their separation by a #street#, the City Planning Commission may, in appropriate cases, upon application, authorize the permitted #floor area#, #lot coverage#, #dwelling units# or #rooming units#, or the required #open space# for all #zoning lots# within the #development#, to be distributed without regard for #zoning lot lines#, may modify the minimum required distance between #residential buildings# as set forth in Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT), provided such reduction does not exceed 15 percent of that required by Section 23-71, may authorize the location of #buildings# without regard for #front yard# or height and setback regulation which would otherwise apply along portions of #streets# wholly within the #development#, and, further, may authorize the location of #community facility buildings# without regard to #side# or #rear yard# regulations which would otherwise apply along portions of #lot lines# abutting other #zoning lots# within the #development#.

As a condition of granting such authorizations, in each case the Commission shall make the following special findings:

- (a) that such distribution or location will permit better site planning and will thus benefit both the residents, occupants, or users of the #development# and the City as a whole;
- (b) that such distribution or location will not unduly increase the #bulk# of #buildings# in any #block#, to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks#; and
- (c) that such distribution or location will not affect adversely any other #zoning lots# outside the #development# by restricting access to light and air or by creating traffic congestion.

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, #floor area# bonuses for ~~#residential~~ public plazas# or #arcades# permitted in accordance with the applicable district regulations shall apply only to a development# or #enlargement# with 25 percent or less of its total #floor area# in #residential use#.

In R9, R10, C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, no existing ~~#plaza#, #plaza# connected open area, #residential plaza#~~ #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been received pursuant to regulations ~~antedating~~ antedating prior to February 9, 1994, shall be eliminated or reduced in size except by special permit, pursuant to Section 74-763 (Elimination or reduction in size of bonused public amenities).

* * *

Article VIII - Special Purpose Districts

**Chapter 1
Special Midtown District**

10/31/01

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* * *

**81-211
Maximum floor area ratio for non-residential or mixed buildings**

- (a) For non-#residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.
- (b) In the #Special Midtown District#, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only

in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

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)						
	Outside the Grand Central Subdistrict					Grand Subdistrict	Central
	C5P	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-6.5	C6-5.5 C6-7T	C5-3 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:(District-wide Incentives), #Urban Public plaza# (Section 81-23)	---	1.0 ^{1,2}	1.0 ^{1,3}	---	1.0 ²	---	---
C. Maximum Total FAR with As-of-Right Incentives	8.0	11.0 ^{1,2,8}	13.0 ^{1,3}	14.0	16.0	12.0	15.0
D. Maximum Special Permit #Floor Area# Allowances:(District-wide Incentives), Subway station improvement (Section 74-634)	---	2.0 ^{1,7}	2.4 ¹	---	3.0	2.4	3.0
E. Maximum Total FAR with District-wide and As-of-Right Incentives	8.0	12.0	14.4	14.0	18.0	14.4	18.0
F. Maximum Special Permit #Floor Area# Allowances in Penn Center Subdistrict: Mass Transit Facility Improvement (Section 74-634)	---	2.0	---	---	3.0	---	---
G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:	---	12.0	---	---	18.0	---	---

H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:

Development rights (FAR) of a "granting site" (Section 81-744)

---	10.0	12.0	14.0	15.0	---	---
-----	------	------	------	------	-----	-----

Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" (Section 81-744(a))

---	2.0	2.4	2.8	3.0	---	---
-----	-----	-----	-----	-----	-----	-----

Inclusionary Housing (Sections 23-90 and 81-22)

---	2.0 ⁴	---	---	---	---	---
-----	------------------	-----	-----	-----	-----	-----

I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict

---	12.0	14.4	16.8	18.0	---	---
-----	------	------	------	------	-----	-----

J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor (Section 81-744(b))

---	2.4	---	---	---	---	---
-----	-----	-----	-----	-----	-----	-----

K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations

---	14.4	14.4	16.8	18.0	---	---
-----	------	------	------	------	-----	-----

L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict:

Rehabilitation of "listed theaters" (Section 81-745)

---	4.4	2.4	2.8	3.0	---	---
-----	-----	-----	-----	-----	-----	-----

M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives

8.0	14.4	14.4	16.8	18.0	---	---
-----	------	------	------	------	-----	-----

N. Maximum FAR of Lots Involving Landmarks:

Maximum FAR of a lot containing non-bonusable landmark (Section 74-711 or as-of-right)

8.0	10.0	12.0	14.0	15.0	12.0	15.0
-----	------	------	------	------	------	------

Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)

8.0	10.0	13.0 ⁵	14.0	16.0	12.0	15.0
-----	------	-------------------	------	------	------	------

Maximum amount of transferable development rights (FAR) from landmark #zoning

lot# that may be utilized on:

(a) an "adjacent lot" (Section 74-79)

1.6	2.0	2.4	No Limit	No Limit	2.4	No Limit
-----	-----	-----	----------	----------	-----	----------

(b) a "receiving lot" (Section 81-634)

---	---	---	---	---	1.0	1.0
-----	-----	-----	-----	-----	-----	-----

(c) a "receiving lot" (Section 81-635)

---	---	---	---	---	9.6	6.6
-----	-----	-----	-----	-----	-----	-----

O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of-Right Incentives

9.6	14.4	14.4	No Limit	No Limit	21.6	No ⁶ Limit
-----	------	------	----------	----------	------	-----------------------

- ¹ Not available for #zoning lots# located wholly within Theater Subdistrict Core
- ² Not available within the Eighth Avenue Corridor
- ³ Not available within 100 feet of a #wide street# in C5-2.5 Districts
- ⁴ Applicable only within that portion of the Theater Subdistrict also located within the Special Clinton District
- ⁵ 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
- ⁶ Limited to 21.6 FAR on a "receiving lot" pursuant to Section 81-635 in the Grand Central Subdistrict
- ⁷ Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
- ⁸ 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public amenities)

81-22

As-of-Right Floor Area Bonuses

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

Section 81-23 (Floor Area Bonus for ~~Urban~~ Public Plazas).

In addition, the provisions of Section 23-90 (INCLUSIONARY HOUSING) shall be applicable in that portion of the #Special Midtown District# which is also within the #Special Clinton District#, pursuant to Section 81-023 (Applicability of the Special Clinton District regulations).

Any floor area bonus granted by certification for through #block# gallerias prior to August 6, 1998, shall remain in effect, provided however that such certification shall automatically lapse if substantial construction, in accordance with the plans for which such certification was granted, has not been completed within four years from the effective date of such certification.

81-23

Floor Area Bonus for ~~Urban~~ Public Plazas

Within the #Special Midtown District#, for each square foot of #~~urban~~ public plaza# provided on a #zoning lot#, the basic maximum #floor area# permitted on that #zoning lot# under the provisions of Section 81-211 (Maximum floor area ratio for non-residential or mixed buildings) may be increased by six square feet, provided that in no case shall such bonus #floor area# exceed a #floor area ratio# of 1.0.

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

- (a) there shall be no #floor area# bonus for a ~~n~~ #~~urban~~ public plaza# on #zoning lots# in the C5P District within the Preservation Subdistrict;
- (b) no #development# or #enlargement# on a #zoning lot# shall receive a bonus for a ~~n~~ #~~urban~~ public plaza# that is within 50 feet of a #street line# of a designated #street# on which retail or #street wall# continuity is required, pursuant to Sections 81-42 (Retail Continuity Along Designated Streets) or 81-43 (Street Wall Continuity Along Designated Streets);
- (c) no #development# or #enlargement# on a #zoning lot#, any portion of which is within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), shall receive a bonus for a ~~n~~ #~~urban~~ public plaza#; and
- (d) there shall be no #floor area# bonus for a ~~n~~ #~~urban~~ public plaza# on #zoning lots# in the Grand Central Subdistrict.

All ~~#urban public plaza#~~ provided within the ~~#Special Midtown District#~~ shall comply with the requirements for ~~#urban public plazas#~~ set forth in Section ~~37-04~~ 37-70 (~~Requirements for Urban Plazas~~ PUBLIC PLAZAS).

A major portion of a ~~#urban public 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 (Pedestrian Circulation Space), provided that the overlapping portion of the ~~#urban public plaza#~~ also conforms to the design standards of Section ~~37-07~~ 37-50 (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) for a sidewalk widening. Such sidewalk widening may be included in the major portion of a ~~#urban public plaza#~~ for purposes of calculating the proportional restrictions set forth in Section ~~37-04, paragraph (d)~~ 37-715.

81-231

Existing plazas or other public amenities

- (a) Elimination or reduction in size of existing ~~#plazas#~~ #publicly accessible open area# or other public amenities

No existing ~~#plaza#~~ #publicly accessible open area# or other public amenity, open or enclosed, for which a ~~#floor area#~~ bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of existing bonused public amenities).

- (b) Kiosks and open air cafes

Kiosks and open air cafes may be placed within an existing #plaza# or #plaza#-connected open area #publicly accessible open area# for which a ~~#floor area#~~ bonus has been received, by certification of the City Planning Commission, pursuant to Section ~~37-05~~ 37-73 (~~Improvement of Existing Plazas or Plaza-Connected Open Areas~~ Kiosks and Open Air Cafes).

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

The City Planning Commission may, upon application, authorize the closing of an existing ~~#plaza#, #plaza#-connected open area, or #residential plaza#~~ #publicly accessible open area#, for which a ~~#floor area#~~ bonus has been received, during certain nighttime hours, pursuant to Section ~~37-06~~ 37-727 (Hours of Access).

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

Where a portion of an existing ~~#covered pedestrian space#~~ was designated by a special authorization of the City Planning Commission prior to May 13, 1982, to

be used for off-street loading after business hours, the Commission may, by special permit, after public notice and hearing, and subject to City Council action, allow relocation of the loading facilities and modifications relating to the loading berth requirements, provided that such modifications will result in substantial improvement of the pedestrian circulation system and amenities within the existing #covered pedestrian space# without adversely affecting the operation of off-street loading facilities.

- (e) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza# #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

**81-232
Special provisions for zoning lots divided by district boundaries**

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

* * *

**81-413
Provisions for persons with disabilities**

All mandatory district plan elements required by the provisions of Section 81-45 (Pedestrian Circulation Space) shall conform with applicable laws pertaining to access for persons with disabilities. ~~be accessible to persons with disabilities, meeting the standards set forth in Section 37-728 37-04 (Requirements for Urban Plazas), paragraph (m).~~

* * *

**81-42
Retail Continuity along Designated Streets**

* * *

- (c) one or more of the following pedestrian circulation spaces subject to the #street wall# continuity requirements of Section 81-43 (Street Wall Continuity Along Designated Streets):
 - (1) relocated subway stairs provided in accordance with Sections ~~37-03~~ 37-40 (OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR) and 81-46 (Off-Street Relocation or Renovation of a Subway Stair);
 - (2) through #block# connections provided in accordance with paragraph (h) of Section ~~37-073~~ 37-53 (Design standards for pedestrian circulation spaces); and

* * *

**81-43
Street Wall Continuity Along Designated Streets**

* * *

No arcades, sidewalk widenings or #urban public plazas# shall be permitted on Fifth Avenue, 34th Street, 42nd Street or 57th Street frontages. Between 42nd and 56th Street, no arcades or #urban public plazas# shall be permitted on Eighth Avenue. Between 43rd and 50th Streets, no arcades or #urban public plazas# shall be permitted on Seventh Avenue or Broadway and, with the exception of marquees and #signs#, any area between the Seventh Avenue or Broadway #street line# and any required #street wall# below the height of the first required setback, including permitted recesses, shall be open from #curb level# to the sky in its entirety. Any such area shall be at the same elevation as the adjoining sidewalk, directly accessible to the public at all times and free of all obstructions at ground level, including #street# trees. On the remaining #streets# designated for #street wall# continuity, arcades, if provided, shall be not less than 10 feet in depth and not more than 30 feet high. Arcades shall not be counted toward the recess allowances.

* * *

**81-45
Pedestrian Circulation Space**

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~~ 37-50 (Requirements for Pedestrian Circulation Space 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~~ public plaza#.

In addition to the types of pedestrian circulation spaces listed in Section ~~37-07~~ 37-50, the following may be counted toward meeting the minimum pedestrian circulation space requirement:

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

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~~ public 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, 34th Street, 42nd 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~~ 37-50.

* * *

**81-46
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 37-40~~ (~~Off Street Relocation or Renovation of a Subway Stair~~ 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 37-50~~ (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE).

**81-47
Major Building Entrances**

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

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

* * *

**81-48
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 an arcade, a building entrance recess area, a corner arcade, a corner circulation space, a public sidewalk, a sidewalk widening or a ~~n~~ #urban public plaza#, each of which shall have a minimum horizontal dimension equal to the width of the rail mass transit access improvement. The

rail mass transit access improvement may be provided within a #building# but shall not be enclosed by any doors. The area it occupies within a #building# shall not be counted toward the #floor area# of the #development# or #enlargement#.

The Chairperson of the City Planning Commission may certify that an off-street rail mass transit access improvement satisfies the requirements of Section 81-45 (Pedestrian Circulation Space), provided that such improvement is approved by the entity which operates the mass transit station or facility and meets the following standards:

(a) Dimensions

An off-street mass transit access improvement shall have a minimum clear, unobstructed width of not less than 15 feet and a minimum clear, unobstructed height from finished floor to finished ceiling of not less than eight feet.

(b) Obstructions

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

* * *

81-542

Retention of floor area bonus for plazas or other public spaces

For the #zoning lot# bounded by West 34th Street, Seventh Avenue, West 33rd Street and Eighth Avenue, which contains at least 7,000 square feet of existing #plaza# #publicly accessible open area# or other bonused public amenity in the Penn Center Subdistrict, the maximum allowed #floor area# bonus for all existing #plaza# #publicly accessible open area# or other public amenities on the #zoning lot# may be retained at the amount allowed prior to October 31, 2001, subject to all other provisions of this Resolution, notwithstanding inclusion of such #zoning lot# within the #Special Midtown District#.

* * *

81-61

General Provisions

In order to preserve and protect the character of the Grand Central Subdistrict, as well as to expand and enhance the Subdistrict's extensive pedestrian network, special regulations are set forth governing urban design and streetscape relationships, the transfer of development rights from landmarks, and the improvement of the surface and subsurface pedestrian circulation network.

The regulations of Sections 81-60 (SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT) are applicable only in the Grand Central Subdistrict, the boundaries of which are shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A. These regulations supplement or modify the provisions of this Chapter applying generally to the #Special Midtown District#, of which this Subdistrict is a part.

As stated in Section 81-212, transfer of development rights from landmark sites may be allowed pursuant to Section 81-63.

The provisions of Section 81-23 (Floor Area Bonus for ~~Urban~~ Public Plazas) are inapplicable to any #development# or #enlargement# located within the Grand Central Subdistrict.

* * *

81-623

Building lobby entrance requirements

Building lobby entrances for #developments# or #enlargements# shall be required on each #street# frontage of the #zoning lot# where such #street# frontage is greater than 75 feet in length, except that if a #zoning lot# has frontage on more than two #streets#, building entrances shall be required only on two #street# frontages. Each required building entrance shall lead directly to the building lobby.

Required building entrances on opposite #street# frontages shall be connected directly to the building lobby by providing a through #block# connection in accordance with paragraph (h) of Section ~~37-073~~ 37-53 (Design standards for pedestrian circulation spaces), except that such through #block# connection shall be located at least 50 feet from the nearest north/south #wide street#.

Each required building entrance shall include a building entrance recess area, as defined in paragraph (b) of Section ~~37-073~~ 37-53, except that for #developments# or #enlargements# with frontage on Madison or Lexington Avenues or 42nd Street, the length of a building entrance recess area 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.

* * *

81-731

Special regulations for signs, transparency, banners and canopies

Within that area of the Theater Subdistrict whose boundaries are described in Section 81-72 (Use Regulations Modified), the following provisions apply along #wide street# frontages. Within the Theater Subdistrict Core the following provisions also apply along #narrow street# frontages.

- (a) At least 50 percent of the #street wall# surface of a #development# shall be glazed at the ground floor level with clear, untinted, transparent material and not more than 50 percent of such transparent surface shall be painted or obstructed with #signs#.

For the purpose of the glazing requirements, the building's #street wall# surface at the ground floor level shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less, and shall exclude any area of #street wall# occupied by #accessory# off-street loading berths or #accessory# off-street parking required under provisions of Section 81-30 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS). 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 81-46 (Off-Street Relocation or Renovation of a Subway Stair) or a through #block# connection provided in accordance with the requirements of paragraph (h) of Section ~~37-073~~ 37-53 (Design standards for pedestrian circulation spaces) shall be treated as transparent glazed surfaces.

* * *

81-84 Mandatory Regulations and Prohibitions

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

- (a) Pedestrian access to #uses#

No access from the Fifth Avenue #street line# or within 50 feet of the Fifth Avenue #street line# shall be permitted to lobbies for office, #residential# or hotel #uses# or to any new #use# not listed in Use Group F, except when the #zoning lot# is inaccessible from any other #street#, in which case the total amount of frontage occupied by lobby space or entrance space for such #uses# shall not exceed 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less.

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

* * *

Article VIII - Special Purpose Districts

Chapter 2

Special Lincoln Square District

* * *

82-12

Mandatory Off-Street Relocation of a Subway Stair

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Sections ~~37-032~~ 37-42 (Standards for relocation, design and hours of public accessibility) and ~~37-033~~ 37-43 (Administrative procedure for a subway stair relocation).

* * *

82-70

EXISTING PLAZAS PUBLICLY ACCESSIBLE OPEN AREAS OR OTHER PUBLIC AMENITIES

No existing #plaza# #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section 74-763 (Elimination or reduction in size of existing bonused public amenities).

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #plaza# #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairman of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

* * *

Article IX - Special Purpose Districts

Chapter 1

Special Lower Manhattan District

* * *

91-212

Floor area increase in a C6-4 District

In a C6-4 District, the #residential floor area# of a #building# may exceed 10.0 in accordance with the provisions of Sections 23-90 (INCLUSIONARY HOUSING) or ~~91-244~~ 91-231 (Floor area bonus for ~~urban~~ public plazas), provided that the maximum #residential floor area ratio# shall not exceed 12.0.

* * *

**91-22
Floor Area Regulations for Non-Residential and Mixed Buildings**

* * *

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES
BY ZONING DISTRICT FOR NON-RESIDENTIAL AND MIXED BUILDINGS

BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict		District#	Historic & Comm Core	South Street Seaport Subdistrict and all waterfront #zoning lots#					
	R8	C6-4			C5-3 C5-5 C6-9	M1-4	C5-5	C2-8	C4-6	C6-2A
Basic maximum FAR	6.02 ¹ 6.5 ³	10 ^{2,3,4}	10 ⁴ 15 ^{2,3}	2.0 ² 6.5 ³	10 ⁴ 15 ^{2,3}	2.0 ² 3.4 ³ 10 ⁴	3.4 ^{2,3,4}	6.0 ² 6.02 ⁴ 6.5 ³	10 ⁴ 15 ^{2,3}	15
Maximum as-of-right #floor area# bonus for #urban public plazas#	NA	2	3	NA	NA	NA	NA	NA	NA	NA

* * *

91-231

Floor area bonus for ~~urban~~ public plazas

The maximum permitted #floor area# on a #zoning lot# may be increased in accordance with the following regulations, provided that a ~~n~~ #urban public plaza#, which shall meet the requirements of Section ~~37-04~~ 37-70 (~~Requirements for Urban Plazas~~ PUBLIC PLAZAS), is included in the #development# or #enlargement#.

- (a) A #floor area# bonus for a ~~n~~ #urban public 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 a ~~n~~ #urban public plaza#, the basic maximum #floor area# permitted by Section 91-22 (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 a ~~n~~ #urban public 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 public 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.

* * *

91-31 Street Wall Regulations

* * *

- (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#;
 - (2) the #outer court# regulations of Article II, Chapter 4, for all other portions of #buildings#; or
 - (3) the requirements of Section ~~37-07~~ 37-50 (~~Requirements for pedestrian circulation—space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) where such areas are pedestrian circulation spaces.

* * *

91-32

Setback Regulations

* * *

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~~ public plaza.

* * *

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~~ 37-50 (~~Requirements for Pedestrian Circulation—Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE).

* * *

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~~ 37-40 (~~Off Street Relocation or Renovation of a Subway Stair~~ 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~~ 37-50 (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE).

* * *

**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 public 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.

* * *

Article IX - Special Purpose Districts

**Chapter 3
Special Hudson Yards District**

* * *

93-054

Applicability of Chapter 4 of Article VII

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

- | | |
|----------------|--|
| Section 74-61 | (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-19 (Authorization for Electrical Utility Substations) |
| Section 74-68 | (Development Within or Over a Right-of-Way or Yards) |
| Section 74-72 | (Bulk Modification) |
| Section 74-74 | (General Large-Scale Development) shall be inapplicable in the Large-Scale Plan Subdistrict A |
| Section 74-83 | (Court Houses) |
| Section 74-841 | (Developments in certain Commercial Districts) |
| Section 74-852 | (Height and setback regulations for developments on lots divided by district boundaries) |
| Section 74-87 | (Covered Pedestrian Space) |
| Section 74-91 | (Modification of Urban <u>Public</u> Plazas) |

* * *

93-514

Eastern Rail Yards Subarea A1

(a) Location of buildings

#Buildings# shall be located only in the following areas:

- (1) east of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;

- (2) west of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street; and
- (3) for #buildings# containing only uses in Use Group 3 or 4, the footprint of such #buildings# at the level of the outdoor plaza required pursuant to paragraph (b) of Section 93-71 shall be west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 250 feet of West 30th Street.

(b) Height and setback

No setbacks shall be required for any building wall facing Eleventh Avenue, West 30th Street or West 33rd Street. Along Tenth Avenue, a #street wall# with a minimum height of 60 feet is required to extend along at least 70 percent of the Tenth Avenue frontage of the #zoning lot# not occupied by the ~~urban~~ public plaza required pursuant to Section 93-71. Such #street wall# shall align with any existing #street wall# facing Tenth Avenue. Existing #street walls# shall be treated in a manner that provides for visual articulation.

* * *

93-543

Authorization for the provision of public open areas

For #developments# or #enlargements# on #zoning lots# that are wholly or partially within Hell's Kitchen Subdistrict D and provide publicly accessible open areas adjacent to or over the Lincoln Tunnel Approaches or Dyer Avenue, the City Planning Commission may authorize height and setback modifications within C2-5 Districts mapped within R8A Districts and the distribution of #floor area# without regard to district boundaries, provided the Commission finds that:

- (a) such publicly accessible open area provides an appropriate amenity to the surrounding area;
- (b) such publicly accessible open area has appropriate access, circulation, landscaping, seating, paving and lighting;
- (c) modifications to the height and setback regulations of C2-5 Districts mapped within R8A Districts result in a #building# that does not exceed a height of 180 feet and is compatible with the scale and character of the surrounding area; and
- (d) all necessary approvals have been granted by the Port Authority, or adequate provision has been made for the receipt of such approvals prior to the issuance of any building permit.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Publicly accessible open areas authorized by this Section shall be accessible to the public at all times, except where the Commission has authorized a nighttime closing pursuant to Section ~~37-06~~ 37-727. Furthermore, such open areas shall comply with the requirements for ~~#urban public plazas#~~ set forth in ~~paragraphs (e) (Public space signage system), (p) (Signs), (q) (Maintenance) and (r) (Penalties for violations) of Section 37-04~~ Sections 37-744 (Litter receptacles), 37-75 (Signs), 37-78 (Maintenance) and paragraph (a) of Section 37-78 (Compliance).

* * *

93-63

Pedestrian Circulation Space

In C2-8 and C6-4 Districts, 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~~ 37-50 (Requirements for Pedestrian Circulation Space REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE). In addition, for ~~#developments#~~ or ~~#enlargements#~~ that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at ~~#street#~~ level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

* * *

93-66

Open Area Requirements in the Large-Scale Plan Subdistrict A

* * *

- (d) Open areas described in paragraphs (b) and (c) of this Section may be occupied by features, equipment and appurtenances normally found in ~~#public parks#~~ and playgrounds, as listed in ~~paragraph (g) of Section 37-04~~ 37-726 (Requirements for Urban Plazas Permitted Obstructions). In addition, gates or fences shall be permitted for open areas described in paragraph (c) of this Section, provided such gates are fully open during business hours, such gates or fences are not higher than five feet, and are a minimum of 65 percent open to permit visibility of the open area. No parking areas shall be permitted in any open area. Driveways in any open area shall lead directly to an enclosed parking or loading facility, except that portes-cocheres are allowed in any open area on ~~#zoning lots#~~ with at least 80,000 square feet of ~~#lot area#~~. Building trash storage facilities and mechanical equipment shall be screened by a wall or planted area sufficient to visually conceal these facilities from the ~~#street#~~ or any public access area. All paved areas shall be accessible to the public during business

hours and have lighting with a minimum level of two foot candles. Edges of planters in all landscaped areas shall not be higher than 2 feet, 6 inches above the level of any adjacent paved area.

* * *

93-71

Public Access Areas in the Eastern Rail Yards Subarea A1

* * *

(c) ~~Urban~~ Public plaza

A publicly accessible space, (hereinafter referred to as a ~~an~~ “urban public plaza”), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such ~~urban public~~ public plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 200 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street, and be ~~developed~~ to the standards of a ~~an~~ urban public plaza set forth in Section ~~37-04~~ 37-70 (~~Requirements for Urban Plazas~~ PUBLIC PLAZAS). Such ~~urban public~~ public plaza shall be open to the sky except that such space may be covered by the existing or reconstructed High Line structure.

* * *

(e) Connection to ~~urban~~ public plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the ~~urban~~ public plaza. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection. The minimum clear width of such public way shall be 20 feet. If enclosed, the minimum clear height shall be 30 feet.

* * *

93-72

Public Access Areas at 450 West 33rd Street

The provisions of this Section shall apply to any ~~development~~ or ~~enlargement~~ in the area bounded by Tenth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street. However, if a special permit has been granted for the ~~development~~ of an arena pursuant to Section 74-41 in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street, the provisions of this Section may be waived or modified in conjunction with such special permit.

(a) Through block connection

A publicly-accessible through block connection shall be provided within 10 feet of the prolonged center line of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section 93-71 with the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of this Section. Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk.

For #developments# or #enlargements# where 75 percent or less of the total #floor area# existing on the #zoning lot# on January 19, 2005, has been demolished, such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet.

For #developments# or #enlargements# where more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, such through block connection shall have a minimum width of 60 feet and a minimum clear path of 20 feet, and have retail uses fronting upon at least 50 percent of its northern and southern boundaries. At least 60 percent of such through block connection shall be enclosed, with an average clear height of 60 feet and a roof of transparent material that allows for natural daylight to enter. Direct access shall be provided to any #building# adjacent to such through block connection. The maximum height of a building wall along the southern boundary of the through block connection shall not exceed the average height of the enclosed portion, or the height at which an arched or angled ceiling of the enclosed through block connection begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the through block connection. Any portion of such through block connection that is open to the sky shall comply with the provisions for #urban public plazas# set forth in ~~paragraphs (g) through (q) of Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743, 37-744, 37-75, 37-76, and 37-77~~ 37-04.

* * *

93-731

Special requirements for zoning lots with floor area ratios greater than 10

* * *

(a) Covered Pedestrian Space

* * *

Notwithstanding the provisions of this paragraph, (a), up to 40 percent of the area required to be #developed# as a covered pedestrian space pursuant to this paragraph, (a), may be open, provided such open area fronts upon Ninth Avenue

and is directly accessible to the plaza required pursuant to paragraph (c) of this Section. Such open area shall be #developed# in accordance with the standards of a ~~n~~ urban public plaza set forth in Section ~~37-04~~ 37-70.

In the event that such covered pedestrian space is not provided pursuant to this paragraph, (a), concurrently with a #development# or #enlargement# north of such covered pedestrian space, both shall be designed to allow for compliance with the provisions of this Section upon completion.

* * *

(c) Plaza

A publicly accessible plaza, open to the sky, shall be provided at the intersection of Ninth Avenue and West 33rd Street. Such plaza shall have a minimum area of 11,280 square feet with a minimum frontage of 60 feet along West 33rd Street, and provide a direct connection to the covered pedestrian space or open area required pursuant to paragraph (a) of this Section. Such plaza shall be #developed# to the standards of a ~~n~~ urban public plaza set forth in Section ~~37-04~~ 37-70.

* * *

**93-74
Public Access Areas in Pennsylvania Station Subarea B4**

* * *

(c) Plaza

A publicly-accessible plaza, open to the sky, may be provided at the intersection of Eighth Avenue and West 31st Street. Such plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 60 feet along West 31st Street, and be #developed# to the standards of a ~~n~~ urban public plaza set forth in Section ~~37-04~~ 37-70.

(d) Corner Circulation Space

Corner circulation spaces shall be provided at the corners of Eighth Avenue and West 31st Street and Eighth Avenue and West 33rd Street. Such spaces shall comply with the requirements for corner circulation spaces of paragraph (d) of Section ~~37-073~~ 37-53. Such spaces shall count towards meeting the pedestrian circulation space requirements of Section 93-63. However, no corner circulation space shall be required at the corner of Eighth Avenue and West 31st Street if such corner is #developed# with a plaza in accordance with paragraph (c) of this Section.

* * *

Article IX - Special Purpose Districts

Chapter 5 Special Transit Land Use District

* * *

95-032 Location of transit easements

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

* * *

95-05 Terms and Conditions for Permitted Uses and Construction within Transit Easement Volume

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators or elevators.

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

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

95-051

Development of transit access facilities

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

The subway entrance within the transit easement volume and any adjoining ~~#residential plaza# or #urban public plaza#~~ shall be at the same elevation as the adjoining sidewalk and shall be directly accessible to the public at all times. When such entrance is not located at the #street line#, it shall be visually prominent and directly accessible from a #street# by a paved pedestrian walk at least 20 feet in width and at the same elevation as the adjoining sidewalk. Such privately-owned pedestrian walk shall be maintained by the owner. In order to provide natural light to the subway mezzanine level, at least 10 percent of the transit easement area at #curb level# shall be provided with light wells and skylights.

95-052

Special access facilities for persons with disabilities

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

Such special elevators shall be designed by the New York City Transit Authority in consultation with the owner of the #zoning lot# and shall be integrated architecturally, including color and material, with the #development# and adjoining ~~#residential plaza# or #urban public plaza#~~ area. Design concept for such elevators shall be submitted to the City Planning Commission for certification.

95-053

Weather protection

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

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

95-054

Permitted uses and other constructions

Areas within the easement volume not used for circulation purposes may be developed only with newsstands, cigar stands, flower stands or similar stands, in accordance with the New York City Transit Authority specifications, provided they do not interfere with pedestrian circulation and are made of removable structures. In no event shall such permitted #uses# be located within 10 feet of a pedestrian entrance to the subway at #curb level#.

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

* * *

95-06

Temporary Use of the Easement Area

Any easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes.

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

* * *

**95-11
Miscellaneous Provisions**

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

* * *

Article IX - Special Purpose Districts

**Chapter 6
Special Clinton District**

* * *

**96-21
Special Regulations for 42nd Street Perimeter Area**

* * *

(e) Pedestrian circulation space

Within Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, pedestrian circulation space shall be provided in accordance with the provisions of Section ~~37-07~~ 37-50 (~~Requirements for Pedestrian Circulation Space~~ REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE). In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

* * *

Article IX - Special Purpose Districts

**Chapter 8
Special West Chelsea District**

* * *

**98-18
Parking Regulations in Subarea H**

* * *

(b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public # plaza # but is in no case less than four feet below #curb level#; and

* * *

**98-53
Required Open Areas on the East Side of the High Line**

* * *

(b) Permitted obstruction

Only the following shall be permitted to obstruct a required open area:

- (1) any #High Line# access structure providing pedestrian access to the #High Line# by stairway or elevator;
- (2) those items listed in ~~paragraph (g)(1)~~ Section 37-726(a) (Permitted obstructions) ~~of Section 37-04 (Requirements for Urban Plazas);~~ and

* * *

**98-62
High Line Access Easement Regulations**

* * *

(d) Permitted #uses#

An access easement volume required on a #zoning lot# pursuant to the provisions of this Chapter may be temporarily used by the owner of such #zoning lot# for any permitted #use# until such time as required by the City of New York or its designee for access purposes. Such permitted #use# shall be limited to non-residential #uses# where such access easement volume is within a #building#. Where such access easement volume is within an open area, such area shall be landscaped, or may be improved in accordance with the provisions of ~~paragraphs (g)(1), (g)(2) and (g)(3) (Permitted obstructions) of Sections 37-726 (Permitted obstructions) and 37-73 (Kiosks and Open Air Cafes)~~ 37-04 (Requirements for Urban Plazas), except that in the case of open air cafes and kiosks, ~~the provisions of paragraph (g)(3) shall be modified as follows: a certification shall not be required pursuant to paragraphs (g)(5) and (g)(6).~~

* * *

**Appendix D
Special Regulations for Zoning Lots utilizing the High Line Improvement bonus in Subarea H**

* * *

(b) Requirements for Issuance of Certificates of Occupancy under paragraph (b) of Section 98-25:

* * *

(2) At-Grade Plaza Work under paragraph (b)(3) of Section 98-25:

* * *

(vi) In the event that construction documents for the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) are not delivered to Owner within the timeframe set forth in paragraph (3) of this subsection, Owner shall not be required to perform the At-Grade Plaza Work (inclusive of the Stairway and Elevator Access Work described in paragraph (b)(3) of this Section) consistent with such documents. Instead, Owner shall perform Alternate At-Grade Plaza Work which shall include all necessary remediation work, all necessary below-grade work (including related infrastructure work necessary to support the #High Line#), and at-grade improvements pursuant to the standards set forth in Sections ~~37-04, paragraphs (g) through (n)~~ 37-718, 37-726, 37-728, 37-741, 37-742, 37-743 and 37-76 of the Zoning Resolution, except that open-air cafes and kiosks shall not be permitted. Permitted obstructions, whether as described in the City's specifications for the At-Grade Plaza Work or as specified in Section ~~37-04, paragraph (g), 37-726~~ for the Alternate At-Grade Plaza Work, shall not count towards #lot coverage#.

* * *

**Article X
Special Purpose Districts**

**Chapter 1
Special Downtown Brooklyn District**

* * *

**101-30
SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS**

* * *

(b) Schermerhorn Street Height Limitation Area

Within the Schermerhorn Street Height Limitation Area, the provisions of this paragraph, (b), shall apply:

(1) ~~Urban~~ Public plaza prohibition

No ~~urban~~ public plazas# shall be permitted within Area B of Map 7.

* * *

**101-44
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~~ 37-40 (~~Off-Street Relocation or Renovation of a Subway Stair~~ OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR). 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 E of this 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 ~~33-16~~ 33-15 (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 7
Special Long Island City Mixed Use District**

* * *

**117-421
Special bulk regulations**

* * *

(b) The following provisions shall not apply within the Court Square Subdistrict:

Section ~~33-14~~ 33-13 (Floor Area Bonus for a ~~n-Urban~~ Public Plaza)

Section ~~33-15~~ 33-14 (Floor Area Bonus for Arcades)

Section 33-26 (Minimum Required Rear Yards)

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

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

Section ~~34-225~~ 34-224 (Floor area bonus for an arcade)

Section 34-23 (Modification of Yard Regulations).

* * *

**117-441
Standards and procedures for mandatory subway improvements**

* * *

(b) Procedure

* * *

(6) Where a #development# or #enlargement# is located on a #zoning lot# which fronts on a sidewalk containing a sidewalk entrance or entrances into a subway and such #zoning lot# contains 5,000 square feet or more of #lot area#, such #development# or #enlargement# shall relocate the stairway entrance or entrances to the subway onto the #zoning lot# in accordance with the provisions of Section ~~37-03~~ 37-40 (~~Off Street Relocation or Renovation of a Subway Stair~~ OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR), with the exception that, in addition to the waivers provided by Section ~~37-034~~ 37-44 (Waiver of requirements), the additional standards contained in Section ~~37-034~~ 37-41 (Standards for location, design and hours of public accessibility) may be waived upon a finding by the Metropolitan Transportation Authority that they are undesirable or unnecessary to ensure a good overall design.

* * *

117-524

Floor area bonus for a residential plaza, urban public plaza or arcade

Any #floor area# bonus for a #residential plaza#, #urban public plaza# or #arcade# permitted under the regulations of the designated #Residence# or M1 District shall not apply in the Queens Plaza Subdistrict.

* * *

117-555

Mandatory sidewalk widening design requirements

* * *

(d) Permitted obstructions

The provisions of paragraphs (g)(1), (g)(2), (g)(3), (g)(5) and (g)(6) of Section 37-04 (Requirements for Urban Plazas) Sections 37-726 and 37-73 shall apply, except that in the case of kiosks, the provisions of paragraph (g)(3) Section 37-73 shall be modified as follows: the aggregate area occupied by such kiosks shall not exceed 60 square feet or 1.5 percent of the area occupied by the sidewalk widening.

(e) Driveways, parking spaces, loading berths, exhaust vents and building trash storage facilities

The provisions of paragraph (h) of Section 37-04 37-726(d) shall apply.

* * *

(g) Paving

The provisions of paragraph (i) of Section 37-04 37-718 shall apply.

* * *

(i) Bicycle parking facilities

The provisions of Section 27-123 37-745 shall apply.

(j) Drinking fountains

The provisions of Section 27-124 37-746 shall apply.

* * *

(l) Lighting

The provisions of ~~paragraph (n)~~ of Section ~~37-04 37-743~~ shall apply, except that the minimum level of illumination shall be not less than two horizontal foot candles throughout the entire mandatory sidewalk widening.

(m) Sidewalk widening signs

The provisions of ~~paragraph (e)(2)~~ of Section ~~37-04 37-751(b)~~ shall apply.

(n) Maintenance

The provisions of ~~paragraph (e)~~ of Sections ~~37-04 37-744 and 37-77~~ shall apply.

* * *

117-56

Special Permit for Bulk Modifications on Blocks 86/72 and 403

For any #development# or #enlargement# on a #zoning lot# that has at least 50,000 square feet of #lot area# located on #Block# 86/72 or #Block# 403 in Area C as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) in Appendix C of this Chapter, the City Planning Commission may increase the #floor area ratio# up to a maximum of 8.0 and may modify the #street wall# regulations of paragraphs (a) and (b) of Section 117-531(Street wall location) and paragraph (a) of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), provided that:

- (a) a public open area of not less than 20,000 square feet and a #public parking garage# containing no fewer than 250 spaces shall be included on the #zoning lot#; and further provided the Commission finds that:
 - (1) the public open area is designed so that it provides recreational opportunities for the community;
 - (2) the portion of the #development# or #enlargement# adjacent to the public open area shall be either a retail #use#, other #use# or treatment that complements the open area;
 - (3) such modification of the #street wall# requirements is necessary to accommodate the public open area or the #public parking garage# and will result in a better site plan;

- (4) the #public parking garage# is located and designed in such a way so that it shall not adversely affect the quality of the design, access to, or use of the public open area; and
- (5) where the Commission permits parking on the roof of such #public parking garage#, such roof parking shall be so located as not to impair the essential character or future use or development of adjacent areas.

Design elements of the open area including lighting, paving, seating, #signs# and planting areas shall be specified in the application. The provisions of ~~paragraph (e) Sections 37-751 (Public space signage systems) and of paragraph (e) 37-77 (Maintenance) of Section 37-04 (Requirements for Urban Plazas)~~ shall apply.

* * *

Article XI - Special Purpose Districts

**Chapter 8
Special Union Square District**

* * *

**118-12
Sign Regulations**

On #street walls# fronting on 14th Street no #sign# may be located more than 25 feet above #curb level#.

#Signs# on #street walls# fronting on all other #streets# within the Special District shall be subject to the provisions of Section ~~37-016~~ 37-36 (Sign #Regulations).

#Flashing signs# are not permitted within the Special District.

* * *

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

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet which fronts on a portion of sidewalk containing a stairway entrance or entrances into the 14th Street/Union Square Station, the #development# or #enlargement# shall be subject to the regulations of Section ~~37-03~~ 37-40 (Off Street Relocation or Renovation of a Subway Stair OFF STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

* * *

Article XII - Special Purpose Districts

**Chapter 3
Special Mixed Use District**

* * *

123-641

Floor area bonus for a ~~residential plaza, urban~~ public plaza or arcade in connection with mixed use buildings

Any #floor area# bonus for a ~~#residential plaza#, #urban public plaza#~~ 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 public plaza#~~ or #arcade# shall be counted only once in determining a bonus.

* * *

Appendix E
Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to (effective date)

The following text has been relocated from Article II, Chapter 7 and Section 37-04 (Requirements for Urban Plazas). Appendix E is intended for reference purposes only and contains design requirements for #plazas#, #residential plazas# and #urban plazas# developed prior to (effective date).

RESIDENTIAL PLAZA STANDARDS

**Article II
Chapter 7
Special Urban Design Guidelines - Residential Plazas and Arcades**

4/21/77

**27-00
GENERAL PURPOSES**

The purpose of this Chapter is to promote the development of an improved quality of residential plaza for the public.

8/27/98

27-01

Applicability of this Chapter

The provisions of this Chapter shall apply to all #developments# constructed after April 21, 1977 containing a #residential plaza# or an #arcade# that qualifies for a #floor area# bonus under the following provisions:

Section 24-14	(Floor Area Bonus for a Residential Plaza)
Section 24-15	(Floor Area Bonus for an Arcade)
Section 34-223	(Floor area bonus for a residential plaza)
Section 35-35	(Floor Area Bonus for a Residential Plaza, Urban Plaza or Arcade in Connection with Mixed Buildings)

A #development# that contains a #residential plaza# and that has been granted a special permit by the City Planning Commission prior to February 9, 1994, may be started or continued pursuant to that special permit. However, this Chapter shall not apply within a Special Purpose District except where permitted within such Special Purpose District, nor shall it apply to any #development# pursuant to the Quality Housing Program, except as otherwise set forth therein.

After June 12, 1996, no foundation permit shall be issued by the Department of Buildings for any #development# that includes a #residential 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 #residential 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 #residential 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 #residential 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.

6/12/96

27-02 Definitions

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

Northern plaza

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

Primary space

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

Residual space

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

4/21/77

**27-10
PRIMARY SPACE**

A #primary space# shall consist of at least 60 percent of the total area of a #residential plaza# and shall be directly accessible to the public from the public sidewalk.

#Zoning lots# having a maximum #lot area# of 20,000 square feet shall aggregate such #primary space# in one location.

For #zoning lots# having a #lot area# in excess of 20,000 square feet, such #primary space# may be located in more than one location on the #zoning lot# provided that the area of at least one #primary space# is not less than 4,000 square feet.

4/21/77

**27-11
Mandatory Requirements**

4/21/77

**27-111
Size and proportions**

For #zoning lots# having a #lot area# of 20,000 square feet or more, the minimum dimension of any #primary space# shall be 40 feet measured perpendicular to the perimeter of the #primary space#, except that where a #primary space# has only one #street# frontage, the minimum dimension shall be 50 feet.

For #zoning lots# having a #lot area# less than 20,000 square feet but not less than 12,500 square feet, the minimum dimension of any #primary space# shall be 30 feet, except that where a #primary space# has only one #street# frontage or where the #primary space# links two #streets# which are parallel or within 45 degrees of being parallel to each other, the minimum dimensions shall be 40 feet.

For #zoning lots# having a #lot area# less than 12,500 square feet, the minimum dimension of any #primary space# shall be 30 feet, except that there shall be no minimum dimensional requirements for #primary space# on #corner lots# having a #lot area# less than 12,500 square feet.

For the purpose of dimensional calculations only, a driveway or a vehicular accessway may be counted towards the minimum dimensional requirements of a #primary space#. However, in no case may such driveway or a vehicular accessway be bonused as part of a #residential plaza#. Such driveway or vehicular accessway may be located only alongside a #side lot line# or adjacent to the wall of the #building# of the #development#, and shall not interrupt the continuous area of the #primary space#.

For #zoning lots# having a #lot area# of 12,500 square feet or more, the depth of any #primary space# having only one #street# frontage shall not be greater than twice the width of the #primary space street# frontage. For #zoning lots# having a #lot area# less than 12,500 square feet, the depth of any #primary space# having only one #street# frontage shall not be greater than two and a half times the width of the #primary space street# frontage.

A #primary space# having only one #narrow street# frontage, and a #primary space# that links two #streets# which are parallel or within 45 degrees of being parallel to each other, shall be permitted only when one of the adjacent #buildings# on the #zoning lot# of the #development# or on a #zoning lot# sharing a common #side lot line# with the #zoning lot# of the #development# abutting the #primary space# is not more than 65 feet in height or five floors, whichever is less, before a 10 foot setback is provided. Such restrictions shall be waived for a #primary space# of more than 80 feet in width measured with or without adjoining #residual space#.

4/21/77

27-112
Orientation

All #developments# shall provide southern exposure where possible to provide maximum sunlight in #primary space#. Other exposures are permitted only when southern exposure is not possible.

Following are the types of orientation of different #primary spaces# based upon the size and location of the #zoning lot#:

- (a) Southern exposure: A #street line# of the #zoning lot# which has exposure to sunlight in any direction from south to west;
- (b) Eastern exposure: A #street line#, 125 feet or more in length, of the #zoning lot# which has exposure to sunlight in any direction from east to south;
- (c) Western exposure: A #street line#, 125 feet or more in length, of the #zoning lot# which has exposure to sunlight in any direction from west to north;
- (d) Northern exposure: A #street line# of the #zoning lot# which has exposure to sunlight in any direction from north to east or a #street line# less than 125 feet in length, of the #zoning lot# which has exposure to sunlight in any direction from east to south or west to north.

In a #development# to which this Chapter applies:

The #primary space# of any #zoning lot# having a #street line# with southern exposure, as defined in this Section, shall abut that #street line#. The #primary space# of any #zoning lot# having a #street line# with eastern, and no southern, exposure, as defined, shall abut that #street line#.

The #primary space# of any #zoning lot# having a #street line# with western, and no southern or eastern, exposure, as defined in this Section, shall abut that #street line#.

The #primary space# of any #zoning lot# having a #street line# with northern, and no southern, eastern or western exposure, as defined in this Section, shall be #developed# as a #northern plaza# pursuant to Section 27-30 (NORTHERN PLAZA).

The orientation requirements may be waived or modified by the City Planning Commission provided the Commission certifies to the Commissioner of Buildings that due to the surrounding area and the site configuration, including the disposition of surrounding #buildings# which may cast a permanent shadow on the #plaza#, a modification will enhance the usability and design of the #primary space# and of the #building#.

4/21/77

27-113
Access

All #primary spaces# shall be accessible directly from an adjoining public sidewalk along at least 50 percent of the total #street# frontage. Driveways or vehicular accessways included as part of the minimum dimension calculated, may not be counted as providing access.

All #primary spaces# shall be accessible to the public at all times, except that for a #primary space# having only one #narrow street# frontage, or a #primary space# which links two #streets# that are parallel or are within 45 degrees of being parallel, access may be restricted between the hours of 8:00 p.m. or dark whichever is later and 8:00 a.m. Such access may be restricted by the use of horizontal railings and/or vertical bars of a maximum one and ½ inch thickness and lockable gates. The railings when placed along the perimeter of the #primary space# shall occupy not more than 50 percent of the #street# frontage of the #primary space#, and shall not be higher than 8 feet, 0 inches. Gates, when placed along the perimeter of the #primary space#, when open during hours of accessibility, shall allow access along at least 50 percent of the #street# frontage of the #primary space# or 40 feet, whichever is less, and shall not be higher than eight feet. Such gates shall remain unlocked between the hours of 8:00 a.m. and 8:00 p.m. or dark whichever is later. In order to allow maximum visibility from the public sidewalk, the bars of any horizontal railing and/or vertical bars and gate shall be at least five inches apart. Spikes, pointed railings or other sharp objects shall not be placed anywhere within the #primary space#, except that such railings as permitted above may be pointed. Enclosures designed without horizontal railings and/or vertical bars may be permitted provided the City Planning Commission certifies to the Commissioner of Buildings that such design will enhance the quality and visual access of the #primary space#.

4/21/77

27-114

Access for the physically disabled

The following standards shall apply to assure access for disabled persons into and within all #primary spaces#.

There shall be at least one path of travel to major portions of #primary space# which in area total at least 60 percent of the unobstructed #primary space# area, and a path to any building lobby accessible from the #primary space#. All paths shall have a minimum width of five feet, except where specific provisions require a greater width, free and clear of all obstructions.

Ramps shall be provided alongside any stairs or steps which provide access to or within #primary spaces#. Ramps shall have a minimum width of 3 feet, 0 inches, 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 public sidewalk, at least five feet long.

All stairs or ramps within such paths shall provide handrails. Handrails shall be 2 feet, 8 inches high, have a midrail not lower than 16 inches and not higher than 22 inches, and shall extend at least 18 inches beyond the stair or ramp ends.

Where stairs are used to affect changes of grade for such paths they shall have closed risers, no projecting nosings, a maximum riser height of seven and ½ inches, and a minimum tread width of 11 inches.

4/21/77

**27-115
Elevation**

All #primary spaces# shall be located at an elevation not more than three feet above or below the #curb level# of the nearest adjoining sidewalk.

A #primary space# fronting on one #street#, or a #primary space# which links two #streets# which are parallel or within 45 degrees of being parallel to each other, shall be at the same elevation as the adjoining public sidewalk along the #street# frontage providing access, pursuant to Section 27-113 (Access), for a minimum depth of 10 feet measured perpendicular to the #street line#.

When the size of a #primary space# is 8,000 square feet or more, a maximum of 25 percent of its area may be located at an elevation more than three feet above or below the nearest adjoining sidewalk, which area however may not be located within a depth of 10 feet from the sidewalk, measured perpendicular to the #street line#.

When there is a grade change of at least three feet in 100 along the portion of #street# upon which a #primary space# of 4,000 square feet or more fronts, for a distance of at least 100 feet, the level of such #primary space# may be located at an elevation greater than three feet above or below the #curb level#, provided the City Planning Commission certifies to the Commissioner of Buildings that such elevation will enhance the usability and design while maintaining safety and visibility of the #primary space#.

Where an existing subway station entry is located on the sidewalk area abutting a #primary space#, the #primary space# shall be developed at the same elevation as the adjoining sidewalk for a distance of at least 15 feet in all directions from the entry. No obstruction shall be permitted within such portion of the #primary space#.

4/21/77

**27-116
Treatment of adjoining walls**

Any exposed blank walls of a #building# which is located at the #lot line# of an adjacent #zoning lot# and which abuts a #primary space# shall be:

- (a) covered with vines or similar planting; or
- (b) contain artwork or be treated so as to enhance the visual quality of the #primary space#.

Plants shall be planted in soil having a depth of not less than two feet, six inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Art Commission shall be obtained prior to the Certificate of Occupancy being issued for the #development#.

Whenever an adjoining wall, which is required to be treated in accordance with the provisions of this Section, is in separate ownership the owner of such adjoining wall if it is a party wall shall grant to the party required to treat the wall adjoining the #primary space#, a license to perform such treatment of the wall, however, the owner may in granting such license reserve the right to perform any work necessary for safety or maintenance of the wall.

4/21/77

**27-117
Lighting**

All #primary spaces# shall be illuminated at an overall minimum average level of not less than two horizontal foot candles during the hours of darkness.

To minimize the adverse effect on the surrounding #residential buildings#, such lighting shall be shielded.

4/21/77

**27-118
Paving**

The #primary space# shall be paved with unit pavers, such as bricks or quarry tiles, and/or poured-in-place materials. If poured-in-place materials are selected, they shall be of decorative color and/or textures, through the use of dyes and/or exposed aggregates. All paving shall have non-skid surface when wet or dry.

4/21/77

27-12

Mandatory Amenities

All #primary spaces# shall provide amenities as set forth in this Section, which amenities shall be subject to the restrictions for total area occupied by amenities, as set forth in Section 27-14 (Optional Amenities).

4/21/77

27-121**Seating**

All #primary spaces# shall provide a minimum of one linear foot of seating for each 30 square feet of the #primary space#. Such seating shall have a minimum depth of one foot four inches. Seating with backs at least one foot high shall have a minimum depth of one foot two inches. Seating two feet six inches or more in depth shall count as double provided there is access on both sides.

For the benefit of handicapped persons, a minimum of ten percent of the required seating shall have backs.

Seating higher than three feet or lower than one foot above the level of the adjacent walking surface shall not count towards meeting the seating requirements. Movable seating or chairs may be credited as two feet six inches of linear seating per chair. Movable seating shall not exceed 50 percent of the total required. Steps shall not count towards the seating requirements. The top of walls, including but not limited to those which bound planting beds, fountains or pools, may be counted as seating when they conform to the dimensional standards set forth herein.

12/15/77

27-122**Tree planting**

All #primary spaces# shall provide a minimum of one tree per 1,000 square feet of #primary space# area.

Such trees shall be of four-inch caliper. Each tree shall be planted in at least 3.5 cubic yards of top soil per tree, with a depth of soil not less than three feet, six inches and be planted either with grating flush to grade or in a planting bed with a minimum continuous area of 75 square feet.

Where trees are planted pursuant to this Section prior to April 1, 1978, such planting may be undertaken in accordance with the tree caliper requirements existing prior to December 15, 1977.

4/21/77

27-123

Bicycle parking facilities

All #primary spaces# shall provide bicycle parking facilities. There shall be facilities for parking two bicycles for every 1,000 square feet of #primary space#.

4/21/77

27-124

Drinking fountains

All #primary spaces# shall provide at least one drinking fountain.

4/21/77

27-13

Additional Amenities

In addition to the mandatory amenities required above, all #primary spaces# shall provide at least two of the amenities listed in this Section. These amenities are to be provided in addition to, and not in place of, those amenities required by Section 27-12 (Mandatory Amenities), and shall be subject to the restrictions for total area occupied by amenities as set forth in Section 27-14 (Optional Amenities).

A #primary space# shall provide at least two of the following amenities as set forth in Sections 27-131 through 27-137, inclusive.

4/21/77

27-131

Tree planting

A minimum of one tree per 2,000 square feet of #primary space# area.

4/21/77

**27-132
Planting**

Planters, including hanging planters, or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy, or other plants occupying a total area not less than 150 square feet for each 1,000 square feet of #primary space#. The area occupied by an individual planter that is permanent in nature, or a planting bed, shall be at least 30 square feet with a depth of soil of at least two feet.

Hanging planters shall be exempt from these minimum size and location provisions.

4/21/77

**27-133
Grass and other ground cover**

A total of 150 square feet of grass or other ground cover for each 1,000 square feet of #primary space#. Such grass or other ground cover shall be planted in a soil depth of at least two feet six inches.

4/21/77

**27-134
Game tables**

Game tables and seating to accommodate 16 persons for the #primary space# for each #zoning lot#. The seating shall conform to the dimensional standards for seating as set forth in Section 27-121 (Seating).

4/21/77

**27-135
Artwork**

A work of art, such as sculpture, for the #primary space# for each #zoning lot#. Such artwork shall be subject to approval by the New York City Art Commission, which approval shall be obtained before a final certificate of occupancy is issued for the #development#.

4/21/77

27-136

Fountains and pools

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet for the #primary space# for each #zoning lot#.

4/21/77

27-137

Play equipment

One play apparatus or facility such as cross bars, climbers, swings, sandbox, paddle pool or similar play facility, for each 1,000 square feet of #primary space# area.

The play equipment or facilities shall not be located within 40 feet of any #wide street lot line#. All play equipment or facilities shall meet safety standards set forth by the Federal Consumer Products Safety Council.

When this amenity is chosen, the mandatory trees may be reduced to half the required amount as set forth for the #primary space# in Section 27-122 (Tree planting), for that #zoning lot#.

4/21/77

27-14

Optional Amenities

The #primary space# may also include additional numbers of the amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, subway station entrances, and drinking fountains which are operable by wheel chair users.

The total area occupied by all amenities, mandatory, additional and optional, shall not exceed 60 percent of the total #primary space# area of the #residential plaza#.

The area occupied by such amenities shall be measured by outside dimensions. Amenities that are non-permanent or movable, such as movable chairs, game tables, movable planters shall not be measured as individual pieces of furniture but rather be confined within a gross area designated on a site plan. Trees shall not count as amenities occupying an area for the purpose of calculating the total area occupied by amenities.

Planters or planting beds and their retaining walls for trees, seasonal flowers, shrubs, ivy or other plants shall count towards the total area occupied by amenities.

4/21/77

**27-20
RESIDUAL SPACE**

#Residual space# shall abut a public sidewalk or a #primary space# and shall be developed either as a landscaped visual amenity or as usable space for the general public in accordance with the provisions of this Section. Not more than 40 percent of the total area of #residential plaza# on a #zoning lot# shall be developed as #residual space#.

All #residual spaces# shall conform to the standards set forth in Sections 27-115 (Elevation), 27-116 (Treatment of adjoining walls), 27-117 (Lighting), and 27-118 (Paving).

4/21/77

**27-21
Visual Residual Space**

The total area of the visual #residual space# shall be landscaped, except for the entrance paths to the #building# which paths may not occupy more than 30 percent of such visual #residual space#.

The visual #residual space# shall be landscaped with trees, planters or planting beds with flowers and shrubs, ivy, grass or similar ground cover, ornamental fountains, reflecting pools, artwork or other plants, sculpture or unenclosed pavilions when such unenclosed pavilion is extended from an adjoining #northern plaza#.

The visual #residual space# may be enclosed with railings or fences for safety and maintenance. In order to allow maximum visibility from the public sidewalk the railings or fences shall not be higher than three feet above the visual #residual space# level or #curb level#, whichever is higher, and the bars of such railings and fences shall be at least five inches apart.

4/21/77

**27-22
Usable Residual Space**

The #residual space# when developed as usable #residual space# shall be accessible to the public and shall conform to the standards set forth in Section 27-113 (Access).

A usable #residual space# shall be located abutting a #street#. The total area occupied by amenities shall not exceed 50 percent of total usable #residual space# of the #residential plaza#.

All usable #residual space# shall provide seating in accordance with the provisions of Section 27-121 (Seating) or Section 27-321 (Seating) when the #zoning lot# provides a #northern plaza#. In addition, a usable #residual space# shall provide at least one of the amenities listed in Sections 27-221 through 27-225.

4/21/77

**27-221
Tree planting**

A minimum of one tree per 1,000 square feet of usable #residual space#. Such trees shall conform to the standards set forth for caliper and soil in Section 27-122 (Tree planting).

4/21/77

**27-222
Planting**

Planters or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy or other plants occupying a total area of not less than 150 square feet for 1,000 square feet of usable #residual space#. Such planter shall conform to the standards set forth for size and depth in Section 27-132 (Planting).

4/21/77

**27-223
Grass and other ground cover**

A total of 150 square feet of grass or other ground cover for each 1,000 square feet of usable #residual space#. Such grass or other ground cover shall be planted in a soil depth of at least one foot six inches.

4/21/77

**27-224
Artwork**

A work of art such as sculpture for the usable #residual space# for each #zoning lot#. Such artwork shall be subject to approval by the New York City Art Commission, which approval shall be obtained before a final Certificate of Occupancy is issued for the #development#.

4/21/77

27-225

Fountains and pools

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet, for the usable #residual space# for each #zoning lot#.

4/21/77

27-226

Optional amenities

The usable #residual space# may also include additional amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, drinking fountains which are operable by wheelchair users, and unenclosed pavilions when such unenclosed pavilion is extended from an adjoining #northern plaza#.

4/21/77

27-30

NORTHERN PLAZA

Any #primary space# which pursuant to Section 27-112 (Orientation) is a #northern plaza# shall comply with the requirements of this Section.

4/21/77

27-31

Mandatory Requirements

All #northern plazas# shall conform to the mandatory requirements set forth for #primary space# in Section 27-11 (Mandatory Requirements).

4/21/77

27-32

Mandatory Amenities

All provisions of Section 27-12 (Mandatory Amenities) shall be applicable to #northern plazas# except as modified by this Section.

4/21/77

**27-321
Seating**

All #northern plazas# shall provide a minimum of one linear foot of seating for each 80 square feet of #northern plaza# area and conform to the standards set forth for seating in Section 27-121 (Seating).

4/21/77

**27-322
Planting**

All #northern plazas# shall conform to the provisions for planting as set forth in Section 27-132 (Planting). Those species which have the ability to flourish in shade are recommended in #northern plazas#.

4/21/77

**27-33
Additional Amenities**

In addition to the mandatory amenities required above, all #northern plazas# shall provide at least two of the amenities listed in this Section.

These amenities are to be provided in addition to, and not in place of, those amenities required by Section 27-32 (Mandatory Amenities), and shall be subject to the restrictions for total area occupied by amenities as set forth in Section 27-34 (Optional Amenities).

A #northern plaza# shall provide at least two of the following amenities.

4/21/77

**27-331
Planting**

Planters or planting beds containing live plant materials such as seasonal flowers, shrubs, ivy, or other plants occupying an area not less than 150 square feet per 1,000 square feet of a #northern plaza#.

4/21/77

**27-332
Artwork**

A work of art such as sculpture, for each #northern plaza#. Such artwork or sculpture shall be subject to approval by the New York City Art Commission which approval shall be obtained before a final Certificate of Occupancy is issued for the #development#.

4/21/77

**27-333
Fountains and pools**

An ornamental fountain or a reflecting pool occupying an area not less than 300 square feet for each #northern plaza#.

4/21/77

**27-334
Pavilions**

A pavilion is a one #story# structure for the use of the public, constructed predominantly of transparent materials such as glass or plastic.

The clear height of the ceiling of the pavilion shall not be less than ten feet from the #northern plaza# level. However, when the pavilion occupies 60 percent or more of the #northern plaza# the clear height of the ceiling of the pavilion shall not be less than 12 feet from the #northern plaza# level. Not less than 50 percent of a pavilion roof shall be of transparent or translucent materials in conformance with the Building Code.

A pavilion shall be developed as an integral part of the #northern plaza# upon which it is located, in accordance with the standards set forth in Section 27-30 (NORTHERN PLAZA).

All amenities may be located inside or outside such pavilion.

A pavilion shall be either unenclosed along its sides and called "unenclosed pavilion" or be enclosed with walls and called "enclosed pavilion."

An unenclosed pavilion shall be accessible directly at all times from an adjoining public sidewalk or from the remaining portion of the #northern plaza# along at least 75 percent of the total linear frontage of its boundary with the public sidewalk and/or #northern plaza#. The perimeter of such pavilion shall have no walls. The interior of the pavilion shall be

totally visible from the adjacent public sidewalk. Such pavilion may occupy the entire #northern plaza# area. For the purpose of calculating the area occupied by an amenity, an unenclosed pavilion shall not be considered as an amenity occupying an area.

The aggregate area occupied by an enclosed pavilion shall not exceed 20 percent of the total area of the #northern plaza# measured by exterior dimensions.

An enclosed pavilion shall be directly accessible to the public from at least 8 a.m. to 8 p.m. or until dark, whichever is later, through doors and openings occupying not less than 25 percent of the linear frontage with its total boundary with the #northern plaza# and/or public sidewalk. The interior of the pavilion shall be visible from the adjoining public sidewalk. Not less than 80 percent of the total surface area of the pavilion walls and doors shall be of non-colored transparent material. For the purpose of measurement an enclosed pavilion shall be considered as an amenity occupying an area. At no time shall the dimensions of the remaining portion of the #northern plaza# be less than the minimum required dimension for a #zoning lot# as set forth in Section 27-111 (Size and proportion). In all cases the floor space of a pavilion shall be excluded from the definition of #floor area#.

4/21/77

27-34

Optional Amenities

A #northern plaza# may also include additional numbers of the amenities mentioned above and other amenities such as arbors, trellises, litter receptacles, outdoor furniture, light stands, flag poles, public telephones, awnings, canopies, bollards, subway station entrances, and drinking fountains which are operable by wheelchair users.

The total area occupied by all amenities, mandatory, additional and optional, shall not exceed 60 percent of the total #northern plaza# area of the #residential plaza#.

The area occupied by amenities shall be measured by outside dimensions. Amenities that are non-permanent or movable such as movable chairs, game tables or movable planters shall not be measured as individual pieces of furniture but rather be confined within a gross area designated on a site plan. Trees shall not count as amenities occupying an area for the purpose of calculating the total area occupied by amenities. Planters or planting beds and their retaining walls for trees, seasonal flowers, shrubs, ivy or other plants shall count towards the total area occupied by amenities.

4/21/77

27-40

MAINTENANCE

To ensure that convenience, safety and enjoyment of the general public, all #residential plazas# shall conform to the following standards of maintenance.

4/21/77

27-41

Maintenance Requirements

The building owner shall be responsible for the maintenance of the #residential plaza# including, but not limited to, the confinement of permitted amenities, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjoining the #zoning lot#.

Litter receptacles shall be provided with a minimum capacity of two cubic feet for each 1,000 square feet of #primary space# of the #residential plaza#.

4/21/77

27-42

Plaques

A plaque or other permanent sign shall be displayed on all #residential plazas# in a prominent location, visible from the adjacent public sidewalk.

Such plaque or permanent sign shall have a surface area of not less than three nor more than six square feet, and shall contain the following statement: "This Plaza is open to the Public." It shall also contain the International Symbol of Access, the statement: "This plaza is accessible to the physically disabled," and the following information:

- (a) the type and quantity of mandatory amenities and additional amenities;
- (b) the name of the owner;
- (c) the name and address of whomever the owner has designated to maintain the #residential plaza#; and
- (d) in addition it shall contain the following statement:

"Complaints regarding this plaza may be addressed to the Department of City Planning or the Department of Buildings, the City of New York."

For a #primary space# of a #residential plaza# that is enclosed with railings and is entered through a gate pursuant to Section 27-113 (Access), the plaque shall be displayed at the entrance to such #primary space# and shall contain the hours during which the #primary space# is open.

4/21/77

27-43

Vehicle, Refuse and Exhaust Prohibitions

No parking spaces, passenger drop off, driveways, or loading berths are permitted as part of a #residential plaza#.

No building trash storage facilities are permitted as part of a #residential plaza#.

No exhaust vents are permitted as part of a #residential plaza#, except within visual #residual spaces#, nor are exhaust vents permitted on a building wall or the #development# fronting on such #residential plaza# unless such intakes and vents are more than ten feet six inches above the level of the #residential plaza# or #curb level#, or above the roof of a pavilion, whichever is higher.

4/21/77

27-44

Performance Bonds

Prior to obtaining any certificate of occupancy from the Department of Buildings, the building owner shall post to the Comptroller of the City of New York, a performance bond, City securities or fixed income securities, at the Comptroller's discretion, to insure the mandatory tree planting, movable seating, bicycle parking facilities, drinking fountain, plaque, and the litter-free maintenance of the #residential plaza#, including the replacement of such trees, bicycle parking facilities and plaques and movable seating during the life of the #development#.

The value of the bond, City securities or fixed income securities, if rendered prior to January 1, 1980, shall be at a rate of \$400 per required tree, \$100 per movable chair, and \$100 per 1,000 square feet of #residential plaza# for litter removal as set forth in this Section.

In the event that the Department of City Planning receives a complaint, the Chairperson of the City Planning Commission shall investigate and make a determination whether there has been a failure in the required performance of the owner concerning the #residential plaza#, its amenities or maintenance. In the event of a failure in the required performance, the Chairperson shall notify the building owner in writing 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 of 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, City securities or fixed income securities that the building owner is required to post.

In the event that the City enforces the aforesaid obligation as provided for in this Section, the building owner shall, within 90 days of such enforcement, provide the City with an additional bond, City securities or fixed income securities in an amount not less than that which was expended to cure the default. In the event of a failure in furnishing additional bond or securities to replace the bond used up, the City may enforce the obligation by whatever means may be appropriate to the situation.

At five year intervals, after January 1, 1980, the City Planning Commission, with the approval of the City Council, shall establish new rates for the mandatory tree planting, movable seating and other amenities and litter-free maintenance of the #residential plaza#.

PLAZA STANDARDS

6/12/96

27-50

PLAZA STANDARDS OF 1961

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

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

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

A #plaza# shall not at any point be more than five feet above, nor more than 12 feet below, the #curb level# of the nearest adjoining #street#, and shall be unobstructed from its lowest level to the sky, except that arbors or trellises, awnings or canopies, railings not less than 50 percent open and not exceeding 3 feet, 8 inches in height, flag poles, open terraces or porches, steps, subway station entrances, ornamental fountains or statuary, or unenclosed balconies subject to the provisions of Section 23-13 or 24-165 (Balconies in R3 through R10 Districts), shall be considered permitted obstructions in #plazas#.

URBAN PLAZA STANDARDS

4/25/01

37-04

Requirements for Urban Plazas

All #urban plazas# shall comply with the provisions of this Section. These provisions may be modified pursuant to Sections 74-91 (Modification of Urban Plazas) and 81-23 (Floor Area Bonus for Urban Plazas).

(a) Area 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 provisions relating to the boundaries, proportions and obstructions of #urban plazas#, on any one #zoning lot#, an open area which does not qualify for bonus #floor area# may not be located between two #urban plazas#, or between an #urban plaza# and a building wall or #arcade# of the #development#.

(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.
- (7) All #urban plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing in accordance with Section 37-06 or, within C6-4X Districts, for a #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#, where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that:
- (i) the enclosure or barrier that limits public access shall not obstruct access to the #urban plaza# or impede pedestrian circulation into, through or along the frontage of the #urban plaza# during hours of public access, and shall allow visibility of the #urban plaza# when the enclosure or barrier is in closed position;
 - (ii) public access to the #urban plaza# will be provided, at a minimum, between the hours of 7:00 a.m. and 8:30 p.m. from May 1 to September 30 and from 7:00 a.m. to 7:00 p.m. from October 1 to April 30, and that the hours of public access to the #urban plaza# shall be prominently displayed on a plaque affixed to the enclosure or barrier at each #street# frontage of the #urban plaza#; and
 - (iii) the #urban plaza# shall be illuminated at night in accordance with paragraph (n) of this Section.

All applications for such certification shall include detailed plans demonstrating compliance with the provisions of this paragraph, (f)(7), inclusive. The plans shall include, but not necessarily be limited to, a site plan and elevation showing location and dimensions of the proposed gates, fences or other enclosure devices, and signage indicating hours of public access to the #urban plaza#. All such plans, 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 certification pursuant to this Section. Such filing and recording of the instrument shall be a precondition for the restricted hours of public access of an #urban 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.

- (g) Permitted obstructions

- (1) #Urban 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 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 #urban plaza#, as follows:
- 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.
- 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.
- (3) Kiosks and open air cafes may be placed within an #urban plaza# upon certification, pursuant to paragraphs (g)(5) and (g)(6) of this Section. Such features shall be treated as permitted obstructions for the purposes of paragraph (g).

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 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 plaza# larger than 5,000 square feet shall not exceed 150 square feet or 1.5 percent of the total area of the #urban 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 café is provided, it shall occupy an aggregate area not more than 20 percent of the total area of the #urban 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 café must be accessible from all sides where there is a boundary with the remainder of the #urban plaza#. No kitchen equipment shall be installed within an open air café; however, kitchen equipment may be contained in a kiosk adjoining an open air café. An open air café 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 plaza# through open windows. In all cases, only #uses# permitted by the applicable district regulations may occupy #urban plazas# or front on #urban plazas#.

- (4) Open air amphitheaters and open air ice skating rinks that charge admission may be placed within an #urban plaza# upon certification pursuant to paragraphs (g)(5) and (g)(6) of this Section. Such features shall be treated as permitted obstructions for the purposes of this paragraph (Permitted obstructions).
- (5) Kiosks and open air cafes that comply with the provisions of paragraph (g)(3) of this Section, and open air amphitheaters or open air ice skating rinks that charge admission may be placed within the area of an #urban

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 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 (q) (Maintenance) of this Section.

All applications for the placement of kiosks, open air cafes, open air amphitheaters or open air ice skating rinks that charge admission within an #urban 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 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 café, open air amphitheater or open air ice skating rink 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 café, open air amphitheater or open air ice skating rink that charges admission within the #urban 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.

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

No driveways, parking spaces, passenger drop offs or loading berths shall be permitted within an #urban plaza#. 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#.

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

- (i) 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.
- (n) Lighting and electrical power

#Urban 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 detailed 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 plaza#.

(o) Public space signage systems

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

(1) Entry plaque

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

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



- (ii) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located within nine 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 #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 #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 #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 #urban plaza# between the hours of 9:00 a.m. and 5:00 p.m.;
- (iii) the statement, "Complaints regarding this urban 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 plaza is accessible to persons with disabilities."

(p) #Signs#

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

(q) Maintenance

- (1) The building owner shall be responsible for the maintenance of the #urban plaza# including, but not limited to, the confinement of permitted obstructions, litter control, and the care and replacement of vegetation within the #zoning lot# and in the #street# sidewalk area adjacent to the #zoning lot#.
- (2) Litter receptacles shall be provided with a minimum capacity of one cubic foot for each 2,000 square feet of #urban plaza# area excluding the area of any sidewalk widening. An additional capacity of one cubic foot of litter receptacle shall be provided for each 2,000 square feet of

#urban plaza# area in connection with outdoor eating services or other #uses# permitted within #urban plazas# that generate litter.

- (3) 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 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 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 (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, 1998, shall be at a rate of \$750 per required tree, \$100 per movable chair and \$200 per 1,000 square feet of #urban 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 plaza#.

(r) Penalties for violations

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

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 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.

* * *

(On August 8, 2007, Cal. No. 11, the Commission scheduled August 22, 2007 for a public hearing which has been duly advertised.)

Close the hearing.

**IV. CITY PLANNING COMMISSION 2007 SCHEDULE OF MEETINGS
July 1 to December 31**

	SUN	MON	TUE	WED	THU	FRI	SAT
JULY	1	2	3	4 INDEPENDENCE DAY	5	6	7
	8 REVIEW SESSION	9	10	11 CPC PUBLIC MEETING	12	13	14
	15	16	17	18	19	20	21
	22 REVIEW SESSION	23	24	25 CPC PUBLIC MEETING	26	27	28
	29	30	31				
AUGUST				1	2	3	4
	5 REVIEW SESSION	6	7	8 CPC PUBLIC MEETING	9	10	11
	12	13	14	15	16	17	18
	19 REVIEW SESSION	20	21	22 CPC PUBLIC MEETING	23	24	25
	26	27	28	29	30	31	
SEPTEMBER							1
	2	3 LABOR DAY	4 REVIEW SESSION	5 CPC PUBLIC MEETING	6	7	8
	9	10	11	12	13 ROSH HASHANAH	14	15
	16 REVIEW SESSION	17	18	19 CPC PUBLIC MEETING	20	21	22
	23 30	24	25	26	27	28	29 YOM KIPPUR
OCTOBER		1 REVIEW SESSION	2	3 CPC PUBLIC MEETING	4	5	6
	7	8 COLUMBUS DAY OBSERVED	9	10	11	12	13
	14 REVIEW SESSION	15	16	17 CPC PUBLIC MEETING	18	19	20
	21	22	23	24	25	26	27
	28 REVIEW SESSION	29	30	31 CPC PUBLIC MEETING			
NOVEMBER					1	2	3
	4	5	6 ELECTION DAY	7	8	9	10
	11	12 VETERANS DAY OBSERVED	13 REVIEW SESSION	14 CPC PUBLIC MEETING	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29 THANKSGIVING	30	
DECEMBER							1
	2 REVIEW SESSION	3	4	5 CPC PUBLIC MEETING	6	7	8
	9	10	11	12	13	14	15
	16 REVIEW SESSION	17	18	19 CPC PUBLIC MEETING	20	21	22
	23 30	24 31	25 CHRISTMAS	26 1ST DAY KWANZAA	27	28	29

Review Sessions are held in Spector Hall at 22 Reade Street starting at 1:00 P.M.
Public Meetings are held in Spector Hall at 22 Reade Street starting at 10:00 A.M.